

# HOUSE JOURNAL

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

**of the State of Oklahoma**

**Fifty-eighth Legislative Day, Wednesday, May 14, 2008**

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

The roll was called with 99 Members present.

The following Members were excused: Lindley, Winchester.—2.

The Speaker Pro Tempore declared a quorum present.

Prayer was offered by Mr. Jerl Joslin, Forest Hill Christian Church, Oklahoma City.

The Journal for the last legislative day was approved.

## **ENGROSSED AND ENROLLED MEASURE**

**HCR 1086** was reported correctly engrossed, properly signed, in open session, and ordered transmitted to the Honorable Senate.

## **RESOLUTION**

The following was introduced and read:

**HCR 1088** – By Ellis of the House and Coates of the Senate.

A Concurrent Resolution encouraging the Oklahoma Attorney General to defend the state and state laws in a certain federal lawsuit; expressing legislative intent concerning certain state law; urging the United States Congress to prohibit states from initiating certain lawsuits against other states; and directing distribution.

**CONFEREES NAMED**

The Speaker named the following conferees:

**HB 1519** – Dorman, Armes, DeWitt, Joyner, Renegar, Miller, Jones, Jackson

**HB 2703** – Steele, McAffrey, Pittman, Enns, Coody, Miller, Jones

**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 763** – Duncan, Sullivan, McCullough, Derby, Enns, Rousselot, Ellis

**SB 926** – Jones, Thomsen, Shumate, Kern, Hamilton, Sullivan

**SB 1168** – Hickman, Cox, Glenn, Sullivan, Walker, Winchester

**SB 1381** – Auffet, BigHorse, Luttrell, Jett, Brown, Cox, Armes, Blackwell

**SB 1599** – Morrissette, Kiesel, Lindley, BigHorse, Trebilcock, Joyner, Wesselhoft, Duncan, Shannon

**SB 1708** – Duncan, Cox, Billy, Shumate, Dorman, Jackson, Joyner

**SB 1763** – Peters, Winchester, Steele, Armes, Lamons, BigHorse

**SB 1822** – Blackwell, Duncan, Cooksey, Roan, Sherrer

**SB 1866** – Hickman, Armes, Blackwell, Denney, DeWitt, Hyman, Shoemake, Smithson

**SB 2082** – Duncan, Sullivan, Denney, Derby, Roan, Smithson, Liebmann

**FURTHER CONFERENCE GRANTED**

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

**SB 1423** – Adkins, Jackson, Johnson (Rob), Peterson (Ron), Schwartz, Watson, Hilliard, Lamons, Morgan

**PENDING CONSIDERATION OF CCR**

The **CCR** on **SB 1339** was called up for consideration.

Upon motion of Representative Duncan, the **CCR** on **SB 1339** was adopted.

**SB 1339**, 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, Billy, Blackwell, Braddock, Brannon, Brown, Cannaday, Carey, Cargill, Collins, Coody, Cooksey, Covey, Cox, Dank, Denney, Derby, DeWitt, Dorman, Duncan, Ellis, Enns, Faught, Gilbert, Glenn, Harrison, Hilliard, Hoskin, Hyman, Ingmire, Inman, Jackson, Johnson (Dennis), Jones, Jordan, Joyner, Kern, Kiesel, Lamons, Liebmann, Luttrell, Martin (Scott), Martin (Steve), McAffrey, McCarter, McCullough, McDaniel (Jeannie), McDaniel (Randy), McNiel, McPeak, Morgan, Morrisette, Murphey, Nations, Peters, Peterson (Pam), Peterson (Ron), Piatt, Pittman, Proctor, Pruett, Renegar, Reynolds, Richardson, Roan, Rousselot, Schwartz, Sears, Shelton, Sherrer, Shoemake, Shumate, Smithson, Sullivan, Thompson, Thomsen, Tibbs, Trebilcock, Turner, Walker, Watson, Wesselhoft, Wright, Mr. Speaker.--87.

Excused: BigHorse, Hamilton, Hickman, Jett, Johnson (Rob), Key, Lindley, McMullen, Miller, Shannon, Steele, Terrill, Winchester, Worthen.--14.

The measure and emergency passed.

**SB 1339**, together with the conference committee report, thereon, was ordered returned to the Honorable Senate.

#### **RESOLUTION FOR CONSIDERATION**

**SCR 78** was called up for consideration.

Coauthored by Representative(s) Banz

Upon motion of Representative Murphey, **SCR 78** was considered and adopted.

**SCR 78** was properly signed, in open session, by the Presiding Officer and ordered returned to the Honorable Senate.

#### **RESOLUTION FOR CONSIDERATION**

**SCR 79** was called up for consideration.

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

Upon motion of Representative Murphey, **SCR 79** was considered and adopted.

**SCR 79** was properly signed, in open session, by the Presiding Officer and ordered returned to the Honorable Senate.

**RESOLUTION FOR CONSIDERATION**

**SCR 42** was called up for consideration.

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

Upon motion of Representative Brannon, **SCR 42** was considered and adopted.

**SCR 42** was properly signed, in open session, by the Presiding Officer and ordered returned to the Honorable Senate.

**RESOLUTION FOR CONSIDERATION**

**SCR 63** was called up for consideration.

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

Upon motion of Representative McAffrey, **SCR 63** was considered and adopted.

**SCR 63** was properly signed, in open session, by the Presiding Officer and ordered returned to the Honorable Senate.

**RESOLUTION FOR CONSIDERATION**

**SCR 81** was called up for consideration.

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

Upon motion of Representative Johnson (Dennis), **SCR 81** was considered and adopted.

**SCR 81** was properly signed, in open session, by the Presiding Officer and ordered returned to the Honorable Senate.

## **RESOLUTION FOR CONSIDERATION**

**SCR 86** was called up for consideration.

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

Upon motion of Representative Pruett, **SCR 86** was considered and adopted.

**SCR 86** was properly signed, in open session, by the Presiding Officer and ordered returned to the Honorable Senate.

## **PENDING CONSIDERATION OF CCR**

The **CCR** on **SB 1319** was called up for consideration.

Upon motion of Representative Duncan, the **CCR** on **SB 1319** was adopted.

**SB 1319**, 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, Billy, Blackwell, Braddock, Brannon, Brown, Cannaday, Carey, Cargill, Collins, Coody, Cooksey, Covey, Cox, Denney, DeWitt, Dorman, Duncan, Ellis, Enns, Faught, Gilbert, Glenn, Harrison, Hickman, Hilliard, Hoskin, Hyman, Ingmire, Inman, Jackson, Jett, Johnson (Dennis), Johnson (Rob), Jones, Jordan, Joyner, Kern, Kiesel, Lamons, Liebmann, Luttrell, Martin (Scott), Martin (Steve), McAffrey, McCarter, McCullough, McDaniel (Jeannie), McDaniel (Randy), McMullen, McNiel, McPeak, Miller, Morrissette, Murphey, Nations, Peters, Peterson (Pam), Peterson (Ron), Piatt, Pittman, Proctor, Pruett, Renegar, Reynolds, Richardson, Roan, Rousselot, Schwartz, Sears, Shelton, Sherrer, Shoemake, Shumate, Smithson, Steele, Sullivan, Terrill, Thompson, Thomsen, Tibbs, Trebilcock, Turner, Walker, Watson, Wesselhoft, Wright, Mr. Speaker.--91.

Excused: BigHorse, Dank, Derby, Hamilton, Key, Lindley, Morgan, Shannon, Winchester, Worthen.--10.

The measure and emergency passed.

**SB 1319**, together with the conference committee report, thereon, was ordered returned to the Honorable Senate.

**PENDING CONSIDERATION OF CCR**

The **CCR** on **SB 1331** was called up for consideration.

Upon motion of Representative Duncan, the **CCR** on **SB 1331** was adopted.

**SB 1331**, 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, Billy, Blackwell, Braddock, Brannon, Brown, Cannaday, Carey, Cargill, Collins, Coody, Cooksey, Covey, Cox, Dank, Denney, Derby, DeWitt, Dorman, Duncan, Ellis, Enns, Faught, Gilbert, Glenn, Harrison, Hickman, Hilliard, Hoskin, Hyman, Ingmire, Inman, Jackson, Jett, Johnson (Dennis), Johnson (Rob), Jones, Jordan, Joyner, Kern, Kiesel, Lamons, Liebmann, Luttrell, Martin (Scott), Martin (Steve), McAffrey, McCarter, McCullough, McDaniel (Jeannie), McDaniel (Randy), McMullen, McNiel, McPeak, Miller, Morrissette, Murphey, Nations, Peters, Peterson (Pam), Peterson (Ron), Piatt, Pittman, Proctor, Pruett, Renegar, Reynolds, Roan, Rousselot, Schwartz, Sears, Shelton, Sherrer, Shoemake, Shumate, Smithson, Steele, Sullivan, Terrill, Thompson, Thomsen, Tibbs, Trebilcock, Turner, Walker, Watson, Wesselhoft, Wright, Mr. Speaker.--92.

Excused: BigHorse, Hamilton, Key, Lindley, Morgan, Richardson, Shannon, Winchester, Worthen.--9.

The measure and emergency passed.

**SB 1331**, together with the conference committee report, thereon, was ordered returned to the Honorable Senate.

**PENDING CONSIDERATION OF CCR**

The **CCR** on **SB 1343** was called up for consideration.

Upon motion of Representative Sullivan, the **CCR** on **SB 1343** was adopted.

**SB 1343**, 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, Billy, Blackwell, Braddock, Brannon, Brown, Cannaday, Carey, Cargill, 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, Luttrell, Martin (Scott), Martin (Steve), McAffrey, McCarter, McCullough, McDaniel (Randy), McMullen, McNiel, McPeak, Miller, Morgan, Morrissette, Murphey, Nations, Peters, Peterson (Pam), Peterson (Ron), Piatt, Pittman, Proctor, Pruett, Renegar, Reynolds, Roan, Rousselot, Schwartz, Sears,

Shannon, Sherrer, Shoemake, Smithson, Steele, Sullivan, Terrill, Thompson, Thomsen, Tibbs, Trebilcock, Walker, Watson, Wesselhoft, Wright, Mr. Speaker.--90.

Excused: BigHorse, Gilbert, Hamilton, Lindley, McDaniel (Jeannie), Richardson, Shelton, Shumate, Turner, Winchester, Worthen.--11.

The measure and emergency passed.

**SB 1343**, together with the conference committee report, thereon, was ordered returned to the Honorable Senate.

#### **PENDING CONSIDERATION OF CCR**

The **CCR** on **SB 1345** was called up for consideration.

Upon motion of Representative Duncan, the **CCR** on **SB 1345** was adopted.

**SB 1345**, 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, 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, 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, Murphey, Nations, Peters, Peterson (Pam), Peterson (Ron), Piatt, Pittman, Proctor, Pruett, Renegar, Reynolds, Roan, Rousselot, Schwartz, Sears, Shannon, Sherrer, Shoemake, Smithson, Steele, Sullivan, Terrill, Thompson, Thomsen, Tibbs, Trebilcock, Turner, Walker, Watson, Wesselhoft, Wright, Mr. Speaker.--89.

Excused: BigHorse, Cargill, Gilbert, Hamilton, Ingmire, Lindley, Morrissette, Richardson, Shelton, Shumate, Winchester, Worthen.--12.

The measure and emergency passed.

**SB 1345**, together with the conference committee report, thereon, was ordered returned to the Honorable Senate.

#### **PENDING CONSIDERATION OF CCR**

The **CCR** on **SB 1347** was called up for consideration.

Upon motion of Representative Duncan, the **CCR** on **SB 1347** was adopted.

**SB 1347**, 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, Billy, Blackwell, Brannon, Brown, Cannaday, Carey, Cargill, Collins, Coody, Covey, Cox, Dank, Denney, Derby, DeWitt, Dorman, Duncan, Ellis, Enns, Faught, Gilbert, Glenn, Hamilton, Harrison, Hickman, Hilliard, Hoskin, Hyman, 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), McNiel, McPeak, Miller, Morgan, Morrissette, Murphey, Nations, Peters, Peterson (Pam), Peterson (Ron), Piatt, Pittman, Proctor, Pruett, Renegar, Reynolds, Roan, Rousselot, Schwartz, Sears, Shannon, Sherrer, Shoemake, Smithson, Steele, Sullivan, Terrill, Thompson, Thomsen, Tibbs, Trebilcock, Turner, Walker, Watson, Wesselhoft, Wright, Mr. Speaker.-- 90.

Excused: BigHorse, Braddock, Cooksey, Ingmire, Lindley, McMullen, Richardson, Shelton, Shumate, Winchester, Worthen.-- 11.

The measure and emergency passed.

**SB 1347**, together with the conference committee report, thereon, was ordered returned to the Honorable Senate.

### **Representative Armes Presiding**

### **MESSAGES FROM THE SENATE**

Announcing the passage of **HCR 1083**.

The above-numbered measure was referred for enrollment.

### **Transmitting enrolled measures**

Advising fourth reading of and transmitting for signature Enrolled **SBs 1195, 1209, 1211, 1217, 1219, 1225, 1231, 1239, 1247, 1251, 1259, 1269, 1277, 1283, 1285, 1293, 1297, 1301, 1309, 1313** and **1505**.

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

Advising the signing of and transmitting for signature Enrolled **SCR 77**.

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

## **Transmitting engrossed measures**

Announcing the passage of **SCRs 92, 94 and 95**.

The measures were introduced and read.

**SCR 92** – By Paddack, 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, Mazzei, Morgan, Myers, Nichols, Rabon, Reynolds, Rice, Riley, Schulz, Sparks, Sweeden, Sykes, Wilcoxson, Williamson, Wilson and Wyrick of the Senate and Thomsen of the House.

A Concurrent Resolution congratulating the Ada Metal Mayhem Team for their selection as Rookie of the Year at the FIRST Robotics competition; thanking their sponsors and mentors; and directing distribution.

**SCR 94** – By Laster, 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, 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 Steele of the House.

A Concurrent Resolution honoring Trooper Joe Howard for his heroic action that saved the lives of two people threatened by flood waters; congratulating him as a recipient of the 2007 Oklahoma Highway Users Federation Trooper of the Year award for heroism; and directing distribution.

**SCR 95** – By Laster, 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, 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 Cargill of the House.

A Concurrent Resolution honoring Lieutenant Brian Sturgill for his heroic action that saved the lives of two people threatened by flood waters; congratulating him as a recipient of the 2007 Oklahoma Highway Users Federation Trooper of the Year award for heroism; and directing distribution.

## **Concurrence in HAs**

Announcing the concurrence of Senate in **HAs** to **SBs 512, 1043, 1452, 1926, 1927, 1928, 1941 and 1943** and the passage of said measures, as amended thereby.

## **Conference requested**

Advising rejection of **HAs** to **SB 824**, requesting conference and the Senate naming conferees later.

**Conference granted**

Advising conference granted on **HBs** and the Senate naming conferees as follows:

**HB 1379** – GCCA  
**HB 1387** – GCCA  
**HB 1392** – Justice, Laughlin, Schulz, Morgan, Laster, Crutchfield  
**HB 1418** – GCCA  
**HB 1453** – GCCA  
**HB 1519** – GCCA  
**HB 1546** – GCCA  
**HB 1830** – GCCA  
**HB 1897** – GCCA  
**HB 1903** – Leftwich, Rice, Lerblance, Laughlin, Coffee, Lamb  
**HB 2071** – GCCA  
**HB 2074** – Brown, Sykes, Laughlin, Sparks, Garrison, Paddack  
**HB 2607** – Nichols, Laughlin, Williamson, Laster, Lerblance, Burrage  
**HB 2643** – Anderson, Laughlin, Lamb, Rice, Wilson, Burrage  
**HJR 1014** – Wyrick, Wilson, Sweeden, Laughlin, Mazzei, Johnson (Mike)  
**HJR 1065** – GCCA

**Conferees named**

Advising naming Senate conferees as follows:

**SB 1189** – GCCA  
**SB 1406** – Bingman, Laughlin, Aldridge, Sweeden, Ballenger, Easley  
**SB 1420** – Sparks, Wilson, Adelson, Laughlin, Johnson (Mike), Mazzei  
**SB 1423** – GCCA  
**SB 1708** – Coffee, Laughlin, Mazzei, Laster, Ivester, Burrage  
**SB 1763** – Ballenger, Laster, Sweeden, Laughlin, Williamson, Lamb  
**SB 1795** – Johnson (Mike), Laughlin, Mazzei, Morgan, Crutchfield, Bass  
**SB 1822** – GCCA  
**SB 2100** – Ford, Jolley, Laughlin, Crutchfield, Rabon, Lerblance

**Conferees changed**

Advising the Senate changing conferees as follows:

**SB 746** – Remove Rabon, Ivester, Add Morgan, Wyrick  
**SB 2100** – Remove Crutchfield, Rabon, Lerblance, Add Morgan, Laster, Burrage

### **Returning CCRs**

Returning **HBs 2290, 2298, 2300, 2302, 2304, 2310, 2314, 2318, 2322, 2324, 2326, 2328, 2332, 2336, 2342, 2350, 2352, 2356, 2358, 2370, 2372, 2378, 2380, 2382, 2388, 2392, 2396, 2398, 2404, 2412, 2422, 2428, 2430, 2434** and **2438** together with conference committee reports thereon, advising adoption of conference committee reports and passage of measures as amended.

The above-numbered measures, as amended by the conference committee reports, were referred for enrollment.

### **Transmitting CCRs**

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

**SB 1199**  
**SB 1201**  
**SB 1265**  
**SB 1281**  
**SB 1507**

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

### **CCRs SUBMITTED**

The conference committee reports were read on the following measures:

**HB 2196**  
**HB 2231**  
**HB 2460**  
**HB 2564**  
**HB 2566**  
**HB 2642**  
**HB 2725**  
**HB 2791**  
**HB 2891**, Coauthored by Representative(s) Peters  
**HB 3132**  
**HB 3162**  
**HB 3275**  
**HB 3326**

**MESSAGE FROM THE GOVERNOR**

Advising of his veto of **HB 2547** on May 14, 2008. The veto message reads as follows:

To the Honorable Speaker of the House  
and Members of the House of Representatives  
Second Session of the  
Fifty-first Oklahoma Legislature

Enrolled House Bill No. **2547**

By: Richardson, et al of the House and Schulz of the Senate

This is to advise you that on this date, pursuant to the authority vested in me by Section 11 and 12 of Article VI of the Oklahoma Constitution to approve or object to legislation presented to me, I have VETOED House Bill **2547**. This bill conflicts with and, thus, renders void **SB 2111** signed into law earlier this session. Additionally, the bill is poorly drafted, providing no cap on the fine for the first offense of trespass and further creates a vague, ambiguous and confusing patchwork of trespass laws that could ensnare the unsuspecting, but honest, hunter, fisherman or outdoorsman.

By the Governor of the State of Oklahoma

/s/ Brad Henry

Representative Piatt moved that when the clerk's desk is clear, the House stand adjourned to reconvene at 9:30 a.m., Thursday, May 15, 2008, which was the order.

Pursuant to the motion of Representative Piatt, the House was adjourned at 11:30 a.m., to reconvene Thursday, May 15, 2008, at 9:30 a.m.