

HOUSE JOURNAL

First Regular Session of the Fiftieth Legislature

of the State of Oklahoma

Sixty-second Legislative Day, Wednesday, May 18, 2005

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

The roll was called with 101 Members present.

The Speaker Pro Tempore declared a quorum present.

Prayer was offered by Reverend Arnelious Crenshaw, Northeast Church of Christ, Oklahoma City.

The Journal for the last legislative day was approved.

ENGROSSED AND ENROLLED MEASURES

HB 1390 was reported correctly enrolled and, after fourth reading, properly signed, in open session, and ordered transmitted to the Honorable Senate.

HR 1044 was reported correctly enrolled, properly signed, in open session, and ordered transmitted to the Secretary of State.

HCR 1031 was reported correctly engrossed, properly signed, in open session, and ordered transmitted to the Honorable Senate.

MESSAGES FROM THE SENATE

Advising the Senate rescinded its signing and fourth reading of **SB 14**, and requests that the Honorable House rescind their signing and fourth reading. The Senate then rejects the House amendments to **SB 14**, requests conference and conferees to be named later.

Conference requested

Advising rejection of **HAs** to **SBs 25, 470, 548, 636, 740** and **819** and requesting conference thereon, the Senate naming conferees later.

Conferees named

Advising Senate naming GCCA as conferees as follows: **SBs 801, 816, 824, 978** and **1012**.

Advising naming Senate conferees as follows:

SB 516 - Branan, Garrison, Laster, Wyrick, Barrington, Hobson

SB 740 - Myers, Laster, Fisher, Morgan, Williamson

HB 1493 - Coffee, Laster, Lerblance, Taylor, Crain

Transmitting enrolled measures

Advising the signing of and transmitting for signature Enrolled **SCRs 23** and **24**.

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

Advising fourth reading of and transmitting for signature Enrolled **SBs 419, 430, 498, 586, 642, 738, 745** and **932**.

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

Returning enrolled measure

Announcing that Enrolled **HB 1390** 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.

Concurrence in HAs

Announcing the concurrence of Senate in **HAs** to **SBs 20, 430** and **431** and the passage of said measures, as amended thereby.

CONFEREES NAMED

The Speaker named the following conferees:

HB 1554 – DeWitt, Morgan (Fred), Sullivan, Trebilcock, Askins, Rousselot

CONFERENCE GRANTED

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

- SB 317** – DeWitt, Roggow, Duncan, Richardson, Denney, Covey, Sweeden, Walker
- SB 478** – Peters, Case, Liebmann, Trebilcock, Liotta, McDaniel, Rousselot
- SB 569** – Dank, Coody, Blackwell, Kern, Shelton, Staggs
- SB 618** – Sherrer, Dank, Coody, Hilliard, McDaniel, Denney, Blackwell
- SB 635** – Peters, Billy, Steele, Dorman, Braddock, Trebilcock
- SB 643** – Peters, Steele, Cox, Case, Peterson (Ron), Carey, Lamons
- SB 646** – Morgan (Fred), Blackwell, Turner, Trebilcock, Nance, Askins, Johnson, Wilt, Roan
- SB 648** – Harrison, Steele, Cox, Peterson (Pam), Brannon
- SB 663** – Balkman, Blackwell, Turner, Nance, Lamons, Banz, Brannon, McDaniel, Peterson (Pam), Roan, Sullivan
- SB 668** – Staggs, Dank, Coody, Denney, Wilt
- SB 673** – Miller (Doug), Wilt, Worthen, Peterson (Ron), Shumate, Nations, Trebilcock
- SB 720** – Peters, Adkins, Bingman, Eddins, Turner, Johnson
- SB 779** – Duncan, Morgan (Fred), Sullivan, Askins, Sherrer, Calvey
- SB 799** – Balkman, Nance, Lamons, Banz, Brannon, Duncan, McDaniel, Peterson (Pam), Roan, Smithson, Sullivan
- SB 824** – Roan, Trebilcock, Johnson, Blackwell, Turner, Thompson, Smithson
- SB 978** – Steele, Calvey, Rousselot, Nance, Perry, Dorman
- SB 982** – Cargill, Jones, Kern, Coody, Dank, Peters, Trebilcock, Liotta, Smaligo, Nations, Carey, Lamons, Walker

MOTION

Upon unanimous consent request of Representative Nance, the House granted the request of the Honorable Senate and rescinded the Signing and Fourth Reading of **SB 14**.

PENDING CONSIDERATION OF CCR

The **CCR** on **HB 1405** was called up for consideration.

Coauthored by Representative(s) Dank

Upon motion of Representative Young, the **CCR** on **HB 1405** was adopted.

HB 1405, as amended in conference, was read at length for the fourth time and the roll was called on the measure as follows:

Aye: Adkins, Armes, Askins, Auffet, Balkman, Banz, Bengel, Billy, Bingman, Blackburn, Blackwell, Braddock, Brannon, Brown, Calvey, Carey, Cargill, Case, Coody,

Cooksey, Covey, Cox, Dank, Denney, DePue, Deutschendorf, DeWitt, Dorman, Duncan, Eddins, Ellis, Gilbert, Glenn, Hastings, Hickman, Hilliard, Hyman, Ingmire, Jackson, Jett, Johnson, Jones, Kern, Lamons, Liebmann, Lindley, Liotta, Martin, Mass, McCarter, McDaniel, McPeak, Miller (Doug), Miller (Ken), Miller (Ray), Morgan (Danny), Morgan (Fred), Morrisette, Nance, Nations, Newport, Perry, Peters, Peterson (Pam), Peterson (Ron), Piatt, Plunk, Pruett, Reynolds, Richardson, Roan, Roggow, Shelton, Sherrer, Shoemake, Shumate, Smaligo, Smithson, Staggs, Steele, Sullivan, Sweeden, Terrill, Thompson, Tibbs, Toure, Trebilcock, Turner, Walker, Wesselhoft, Wilt, Winchester, Worthen, Wright, Young, Mr. Speaker.--96.

Excused: Hamilton, Harrison, Kiesel, McMullen, Rousselot.--5.

The measure passed.

HB 1405, together with the conference committee report, thereon, was ordered transmitted to the Honorable Senate.

PENDING CONSIDERATION OF CCR

The **CCR** on **HB 1379** was called up for consideration.

Coauthored by Representative(s) Wesselhoft

Upon motion of Representative Piatt, the **CCR** on **HB 1379** was adopted.

HB 1379, as amended in conference, was read at length for the fourth time and the roll was called on the measure as follows:

Aye: Armes, Askins, Auffet, Balkman, Banz, Benge, Billy, Bingman, Blackburn, Blackwell, Braddock, Brannon, Brown, Calvey, Carey, Cargill, Case, Coody, Cooksey, Covey, Cox, Dank, Denney, DePue, Deutschendorf, DeWitt, Dorman, Duncan, Eddins, Ellis, Gilbert, Glenn, Hamilton, Hastings, Hickman, Hilliard, Hyman, Ingmire, Jackson, Jett, Johnson, Jones, Kern, Lamons, Liebmann, Lindley, Liotta, Martin, Mass, McCarter, McDaniel, McPeak, Miller (Doug), Miller (Ken), Miller (Ray), Morgan (Danny), Morgan (Fred), Morrisette, Nance, Nations, Newport, Perry, Peters, Peterson (Pam), Peterson (Ron), Piatt, Plunk, Pruett, Reynolds, Richardson, Roan, Roggow, Shelton, Sherrer, Shoemake, Shumate, Smaligo, Smithson, Staggs, Steele, Sullivan, Sweeden, Terrill, Thompson, Tibbs, Toure, Trebilcock, Turner, Walker, Wesselhoft, Wilt, Winchester, Worthen, Wright, Young, Mr. Speaker.--96.

Excused: Adkins, Harrison, Kiesel, McMullen, Rousselot.--5.

The measure passed.

HB 1379, together with the conference committee report, thereon, was ordered transmitted to the Honorable Senate.

RESOLUTION FOR CONSIDERATION

HCR 1035 was called up for consideration.

Upon motion of Representative Miller (Doug), **HCR 1035** was considered and adopted.

HCR 1035 was referred for engrossment.

PENDING CONSIDERATION OF CCR

The **CCR** on **HB 1550** was called up for consideration.

Upon motion of Representative Wright, the **CCR** on **HB 1550** was adopted.

HB 1550, as amended in conference, was read at length for the fourth time and the roll was called on the measure as follows:

Aye: Adkins, Armes, Auffet, Balkman, Banz, Bengé, Billy, Bingman, Blackburn, Blackwell, Braddock, Brannon, Brown, Calvey, Carey, Cargill, Case, Coody, Cooksey, Covey, Cox, Dank, Denney, DePue, Deutschendorf, DeWitt, Dorman, Duncan, Eddins, Ellis, Gilbert, Glenn, Hamilton, Hastings, Hickman, Hyman, Ingmire, Jackson, Jett, Johnson, Jones, Kern, Kiesel, Lamons, Liebmann, Lindley, Liotta, Mass, McCarter, McDaniel, McPeak, Miller (Doug), Miller (Ken), Miller (Ray), Morgan (Danny), Morgan (Fred), Morrisette, Nance, Nations, Newport, Perry, Peters, Peterson (Pam), Peterson (Ron), Piatt, Plunk, Pruett, Reynolds, Richardson, Roan, Roggow, Shelton, Sherrer, Shoemake, Shumate, Smaligo, Smithson, Staggs, Steele, Sullivan, Sweeden, Terrill, Thompson, Tibbs, Toure, Trebilcock, Turner, Walker, Wesselhoft, Wilt, Winchester, Worthen, Wright, Young, Mr. Speaker.--95.

Excused: Askins, Harrison, Hilliard, Martin, McMullen, Rousselot.--6.

The measure passed.

HB 1550, together with the conference committee report, thereon, was ordered transmitted to the Honorable Senate.

PENDING CONSIDERATION OF CCR

The **CCR** on **HB 1606** was called up for consideration.

Representative Miller (Doug) moved adoption of the **CCR** on **HB 1606**, which motion prevailed upon a division of the question.

HB 1606, as amended in conference, was read at length for the fourth time and the roll was called on the measure as follows:

Aye: Adkins, Armes, Askins, Balkman, Banz, Benge, Billy, Bingman, Blackburn, Calvey, Cargill, Coody, Cooksey, Cox, Dank, Denney, DePue, DeWitt, Dorman, Ellis, Glenn, Hamilton, Hickman, Hyman, Ingmire, Jackson, Jett, Johnson, Jones, Kern, Kiesel, Lamons, Liotta, Martin, McCarter, McDaniel, McPeak, Miller (Doug), Miller (Ken), Morgan (Fred), Nance, Newport, Perry, Peters, Peterson (Pam), Peterson (Ron), Piatt, Roggow, Shelton, Sherrer, Smaligo, Staggs, Steele, Sullivan, Tibbs, Trebilcock, Turner, Walker, Wilt, Winchester, Worthen, Wright, Mr. Speaker.--63.

Nay: Blackwell, Braddock, Brannon, Brown, Carey, Case, Deutschendorf, Duncan, Gilbert, Hastings, Hilliard, Liebmann, Lindley, Mass, Miller (Ray), Morgan (Danny), Morrisette, Nations, Plunk, Pruett, Reynolds, Roan, Rousselot, Shoemake, Shumate, Smithson, Sweeden, Thompson, Toure, Wesselhoft, Young.--31.

Excused: Auffet, Covey, Eddins, Harrison, McMullen, Richardson, Terrill.--7.

The measure passed.

The roll was called on the emergency and resulted as follows:

Aye: Adkins, Armes, Askins, Balkman, Banz, Benge, Billy, Bingman, Blackburn, Blackwell, Calvey, Cargill, Coody, Cooksey, Covey, Dank, Denney, DePue, DeWitt, Dorman, Eddins, Ellis, Hamilton, Hickman, Ingmire, Jackson, Jett, Johnson, Jones, Kern, Kiesel, Lamons, Liebmann, Liotta, Martin, McDaniel, McPeak, Miller (Doug), Miller (Ken), Morgan (Danny), Morgan (Fred), Morrisette, Nance, Newport, Perry, Peters, Peterson (Pam), Peterson (Ron), Piatt, Pruett, Richardson, Roggow, Sherrer, Smaligo, Staggs, Steele, Sullivan, Thompson, Tibbs, Toure, Trebilcock, Turner, Walker, Wilt, Winchester, Worthen, Wright, Mr. Speaker.--68.

Nay: Auffet, Braddock, Brannon, Brown, Carey, Case, Duncan, Gilbert, Glenn, Hastings, Hilliard, Hyman, Lindley, Mass, McCarter, Miller (Ray), Nations, Plunk, Reynolds, Roan, Rousselot, Shelton, Shoemake, Shumate, Smithson, Sweeden, Wesselhoft, Young.--28.

Excused: Cox, Deutschendorf, Harrison, McMullen, Terrill.--5.

The emergency passed.

HB 1606, together with the conference committee report, thereon, was ordered transmitted to the Honorable Senate.

PENDING CONSIDERATION OF CCR

The **CCR** on **SB 556** was called up for consideration.

Representative Gilbert raised a point of order citing House Rule 7.16(c) that the **CCR** on **SB 556** had not lain over for thirty-six (36) hours prior to consideration.

The Presiding Officer ruled the point not well taken and House Rule 7.16(c) applies to the filing of House Conference Committee Reports.

Upon motion of Representative Armes, the **CCR** on **SB 556** was adopted.

SB 556, 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, Askins, Auffet, Balkman, Bengé, Billy, Bingman, Blackburn, Braddock, Brannon, Brown, Calvey, Carey, Cargill, Coody, Covey, Cox, Dank, Denney, DePue, Deutschendorf, DeWitt, Dorman, Duncan, Eddins, Ellis, Gilbert, Glenn, Hamilton, Hastings, Hickman, Hilliard, Hyman, Ingmire, Jackson, Johnson, Jones, Kiesel, Lamons, Liebmann, Lindley, Liotta, Martin, Mass, McCarter, McDaniel, McPeak, Miller (Doug), Miller (Ken), Miller (Ray), Morgan (Danny), Morgan (Fred), Morrisette, Nance, Nations, Newport, Perry, Peters, Peterson (Ron), Plunk, Pruett, Richardson, Roan, Roggow, Rousselot, Shelton, Sherrer, Shoemake, Shumate, Smaligo, Smithson, Staggs, Steele, Sweeden, Terrill, Thompson, Tibbs, Toure, Trebilcock, Turner, Walker, Wesselhoft, Wilt, Winchester, Worthen, Mr. Speaker.--87.

Nay: Banz, Blackwell, Cooksey, Jett, Kern, Peterson (Pam), Piatt, Reynolds, Sullivan, Wright, Young.--11.

Excused: Case, Harrison, McMullen.--3.

The measure and emergency passed.

SB 556, together with the conference committee report, thereon, was ordered returned to the Honorable Senate.

MESSAGES FROM THE SENATE

Announcing the passage of **HCR 1009** - Authored by Senator Lawler (principal Senate author.)

The above-numbered measure was 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 448 - Coauthored by Senators Branan, Jolley, Coffee, Coates, Pruitt, Laughlin, Mazzei, Brogdon, Anderson, Johnson, Reynolds, Barrington, Lamb, Justice, Wilcoxson, Williamson, Aldridge, Riley, Crain, Ford

SB 466

SB 777 - Coauthored by Senator Bass

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

Returning CCR

Returning **HB 1485** 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.

Conferees named

Advising naming Senate conferees as follows:

SB 14 - Wyrick, Shurden, Barrington

SB 470 - GCCA

SB 807 - Coffee, GCCA

HB 1751 - Monson, Capps, Garrison, Lerblance, Cain, Eason McIntyre, Coates, Anderson, Williamson

MESSAGES FROM THE GOVERNOR

Advising of his approval of **HBs 1395, 1502 and 1503** on May 18, 2005.

RESOLUTIONS

The following were introduced and read:

HCR 1036 – By Lindley of the House and Bass and Leftwich of the Senate.

A Concurrent Resolution recognizing the hardships created by current federal law on veteran benefits; memorializing the Oklahoma Congressional delegation to support legislation; and directing distribution.

HCR 1037 – By Deutschendorf of the House and Corn of the Senate.

A Concurrent Resolution directing Oklahoma Correctional Industries to design housing components for use by the councils of governments and community action agencies; and directing distribution.

HR 1047 – By Shumate.

A Resolution honoring the 2005 inductees into the Oklahoma Jazz Hall of Fame; and directing distribution.

CCRs SUBMITTED

The conference committee reports were read on the following measures:

HB 1042

HB 1044

HB 1046

HB 1048

HB 1050

HB 1052

HB 1054

HB 1056

HB 1058

HB 1060

HB 1082

HB 1084

HB 1086

HB 1227

HB 1240

HB 1308 (Conferees Unable to Agree)

HB 1362

HB 1426 (Conferees Unable to Agree)

HB 1432

HB 1461

HB 1467

HB 1698

HB 1911

HB 1913

HB 1993, Coauthored by Representative(s) Roan, and Coauthored by Senator(s) Corn

MESSAGE FROM THE SENATE

Advising changing Senate conferees as follows:

SB 729 – Add Morgan

HB 1588 – Remove GCCA and name Morgan, Lerblance, Bass, Paddack, Lamb, Riley

Representative Cargill moved that when the clerk's desk is clear, the House stand adjourned to reconvene at 9:00 a.m., Thursday, May 19, 2005, which was the order.

Pursuant to the motion of Representative Cargill, the House was adjourned at 11:05 a.m., to reconvene Thursday, May 19, 2005, at 9:00 a.m.