

# HOUSE JOURNAL

## First Regular Session of the Fiftieth Legislature of the State of Oklahoma

**Thirty-fifth Legislative Day, Monday, April 4, 2005**

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

The roll was called with 99 Members present.

The following Members were excused: Harrison, Young.—2.

The Speaker Pro Tempore declared a quorum present.

Prayer was offered by Reverend Tony Alvarez, Harrah First Assembly of God Church, Harrah. Reverend Alvarez is sponsored this week by Representative Cargill.

Upon motion of Representative Miller (Doug), Reverend Alvarez was confirmed as House Chaplain for this legislative week.

The Journal for the last legislative day was approved.

### ENGROSSED AND ENROLLED MEASURES

**HAs to SBs 213, 287, 335, 811, 877, 886, 926 and 927 and SJR 10** were reported correctly engrossed, properly signed, in open session, and the measures, as amended, were ordered returned to the Honorable Senate.

**HBs 1207, 1208, 1209, 1210, 1211 and 1212** were reported correctly enrolled and, after fourth reading, properly signed, in open session, and ordered transmitted to the Honorable Senate.

**HCR 1008** was reported correctly enrolled, properly signed, in open session, and ordered transmitted to the Honorable Senate.

**HR 1018** was reported correctly enrolled, properly signed, in open session, and ordered transmitted to the Secretary of State.

**MESSAGES FROM THE SENATE**

Announcing that Enrolled **HCR 1008** has been signed by the Presiding Officer of Senate, in open session.

The above measure was ordered filed with the Secretary of State.

Announcing that Enrolled **HBs 1207, 1208, 1209, 1210, 1211** and **1212** 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 fourth reading of and transmitting for signature Enrolled **SBs 312, 339** and **464**.

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

**Returning engrossed measure, as amended**

Announcing the passage of and returning engrossed measure as amended: **HB 1253** – Coauthored by Senator Williamson.

Senate amendments were read on the above numbered measure.

**SECOND READING**

The following was read for the second time and referred to committee:

**HJR 1030** – Rules

**RESOLUTION REFERRED**

The following was withdrawn from the Calendar and referred to committee:

**HR 1015** – Rules

**MEASURE REASSIGNED**

The following measure was reassigned:

**SB 573** –Withdrawn from Judiciary and referred to Banking and Finance.

## GENERAL ORDER

**SB 293** by Coffee of the Senate and Morgan (Fred) of the House was read and considered.

Representative Morgan (Fred) moved that **SB 293** be advanced from General Order, which motion was declared adopted.

Upon request of Representative Morgan (Fred), **SB 293** was placed on Third Reading and Final Passage.

## THIRD READING

**SB 293** was read at length for the third time. On passage of the measure and emergency, the roll call was as follows:

Aye: Adkins, Armes, Askins, 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, Ellis, Glenn, Hamilton, Hastings, Hickman, Hilliard, Hyman, Ingmire, Jackson, Jett, Johnson, Jones, Kern, Kiesel, Lamons, Liebmann, Lindley, Liotta, Martin, Mass, McCarter, McDaniel, McMullen, McPeak, Miller (Doug), Miller (Ken), Miller (Ray), Morgan (Danny), Morgan (Fred), Nance, Nations, Newport, Perry, Peters, Peterson (Pam), Peterson (Ron), Plunk, Pruett, Reynolds, Richardson, Roan, Roggow, Rousselot, Shelton, Sherrer, Shoemake, Shumate, Smaligo, Smithson, Staggs, Steele, Sullivan, Sweeden, Terrill, Thompson, Tibbs, Toure, Trebilcock, Turner, Walker, Wesselhoft, Wilt, Winchester, Worthen, Wright, Mr. Speaker.--95.

Nay: Gilbert.--1.

Excused: Eddins, Harrison, Morrissette, Piatt, Young.--5.

The measure and emergency passed.

The Presiding Officer signed, in open session, Engrossed **SB 293** and ordered same returned to the Honorable Senate.

## GENERAL ORDER

**SB 476** by Crain of the Senate and Sullivan of the House was read and considered.

Representative Sullivan moved that **SB 476** be advanced from General Order, which motion was declared adopted.

Upon request of Representative Sullivan, **SB 476** was placed on Third Reading and Final Passage.

**THIRD READING**

**SB 476** was read at length for the third time. On passage of the measure, the roll call was as follows:

Aye: Adkins, Armes, Askins, 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, Hilliard, Hyman, Ingmire, Jackson, Jett, Johnson, Jones, Kern, Kiesel, Lamons, Liebmann, Lindley, Liotta, Martin, Mass, McCarter, McDaniel, McMullen, McPeak, Miller (Doug), Miller (Ken), Miller (Ray), Morgan (Danny), Morgan (Fred), Morrissette, Nance, Nations, Newport, Perry, Peters, Peterson (Pam), Peterson (Ron), Piatt, Plunk, Pruett, Reynolds, Richardson, Roan, Roggow, Rousselot, Shelton, Sherrer, Shoemake, Shumate, Smaligo, Smithson, Staggs, Steele, Sullivan, Sweeden, Terrill, Thompson, Tibbs, Toure, Trebilcock, Turner, Walker, Wesselhoft, Wilt, Winchester, Worthen, Wright, Mr. Speaker.--99.

Excused: Harrison, Young.--2.

The measure passed.

The Presiding Officer signed, in open session, Engrossed **SB 476** and ordered same returned to the Honorable Senate.

**GENERAL ORDER**

**SB 477** by Crain of the Senate and Sullivan of the House was read and considered.

Representative Sullivan moved that **SB 477** be advanced from General Order, which motion was declared adopted.

Upon request of Representative Sullivan, **SB 477** was placed on Third Reading and Final Passage.

**THIRD READING**

**SB 477** was read at length for the third time. On passage of the measure, the roll call was as follows:

Aye: Adkins, Armes, Askins, 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, Hilliard, Hyman, Ingmire, Jackson, Jett, Johnson, Jones, Kern, Kiesel, Lamons, Liebmann, Lindley, Liotta, Martin, Mass, McCarter, McDaniel, McMullen, McPeak, Miller (Doug), Miller (Ken), Miller (Ray), Morgan (Danny), Morgan (Fred), Morrissette, Nance, Nations, Newport, Perry,

Peters, Peterson (Pam), Peterson (Ron), Piatt, Plunk, Pruett, Reynolds, Richardson, Roan, Roggow, Rousselot, Shelton, Sherrer, Shoemake, Shumate, Smaligo, Smithson, Staggs, Steele, Sullivan, Sweeden, Terrill, Thompson, Tibbs, Toure, Trebilcock, Turner, Walker, Wesselhoft, Wilt, Winchester, Worthen, Wright, Mr. Speaker.--99.

Excused: Harrison, Young.--2.

The measure passed.

The Presiding Officer signed, in open session, Engrossed **SB 477** and ordered same returned to the Honorable Senate.

## GENERAL ORDER

**SB 779** by Laster of the Senate and Duncan of the House was read and considered.

Representative Duncan asked unanimous consent to suspend House Rule 8.7 for the purpose of offering an amendment to restore the title, to which objection was heard.

Representative Duncan pressed his motion, which motion failed of adoption upon roll call as follows:

Aye: Adkins, Armes, Balkman, Banz, Bengé, Billy, Bingman, Blackwell, Calvey, Cargill, Case, Coody, Cooksey, Cox, Dank, Denney, DePue, DeWitt, Duncan, Hastings, Hickman, Hilliard, Ingmire, Jackson, Jett, Johnson, Jones, Kern, Lamons, Liebmann, Liotta, Martin, McDaniel, Miller (Doug), Miller (Ken), Morgan (Fred), Nance, Newport, Perry, Peters, Peterson (Pam), Peterson (Ron), Piatt, Pruett, Reynolds, Richardson, Roggow, Sherrer, Shumate, Smaligo, Steele, Sullivan, Terrill, Thompson, Tibbs, Trebilcock, Wesselhoft, Wilt, Winchester, Worthen, Wright, Mr. Speaker.--62.

Nay: Askins, Auffet, Blackburn, Braddock, Brannon, Brown, Carey, Covey, Deutschendorf, Dorman, Ellis, Gilbert, Glenn, Hamilton, Hyman, Kiesel, Lindley, Mass, McCarter, McMullen, McPeak, Miller (Ray), Morgan (Danny), Morrisette, Nations, Plunk, Roan, Rousselot, Shelton, Shoemake, Smithson, Staggs, Sweeden, Toure, Turner, Walker.--36.

Excused: Eddins, Harrison, Young.--3.

Representative Duncan asked unanimous consent to suspend House Rule 8.7 for the purpose of offering an amendment to strike the enacting clause, which was the order.

Representative Duncan moved to amend **SB 779** by striking the enacting clause, which amendment was declared adopted.

Representative Duncan moved that **SB 779** be advanced from General Order, which motion was declared adopted.

By unanimous consent, upon request of Representative Duncan, **SB 779** was considered engrossed and placed on Third Reading and Final Passage.

### THIRD READING

**SB 779** was read at length for the third time. On passage of the measure, the roll call was as follows:

Aye: Adkins, Armes, Askins, 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, Hilliard, Hyman, Ingmire, Jackson, Jett, Johnson, Jones, Kern, Kiesel, Lamons, Liebmann, Lindley, Liotta, Martin, Mass, McCarter, McDaniel, McMullen, McPeak, Miller (Doug), Miller (Ken), Miller (Ray), Morgan (Danny), Morgan (Fred), Morrissette, Nance, Nations, Newport, Perry, Peters, Peterson (Pam), Peterson (Ron), Piatt, Plunk, Pruett, Reynolds, Richardson, Roan, Roggow, Rousselot, Shelton, Sherrer, Shoemake, Shumate, Smaligo, Smithson, Staggs, Steele, Sullivan, Sweeden, Terrill, Thompson, Tibbs, Toure, Trebilcock, Turner, Walker, Wesselhoft, Wilt, Winchester, Worthen, Wright, Mr. Speaker.--99.

Excused: Harrison, Young.--2.

The measure passed.

**SB 779** was referred for engrossment.

### GENERAL ORDER

**SB 698** by Fisher of the Senate and Hiett et al of the House was read and considered.

Representative Nations moved to amend **SB 698** by inserting a new Section 3 to read as follows, and renumbering subsequent section, which amendment was declared adopted:

“SECTION 3. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 1676 of Title 69, unless there is created a duplication in numbering, reads as follows:

The portion of State Highway 9 between Interstate 35 and S.E. 36th Street in the City of Norman shall be designated as the ‘Oklahoma Technology Corridor’. The Department of Transportation shall cause suitable permanent markers to be placed upon the portion of highway bearing that designation.”

Representative Bingman moved that **SB 698** be advanced from General Order, which motion was declared adopted.

By unanimous consent, upon request of Representative Bingman, **SB 698** was considered engrossed and placed on Third Reading and Final Passage.

### THIRD READING

**SB 698** was read at length for the third time. On passage of the measure and emergency, the roll call was as follows:

Aye: Adkins, Armes, Askins, 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, Hilliard, Hyman, Ingmire, Jackson, Jett, Johnson, Jones, Kiesel, Lamons, Liebmann, Lindley, Liotta, Martin, Mass, McCarter, McDaniel, McMullen, McPeak, Miller (Doug), Miller (Ken), Miller (Ray), Morgan (Danny), Morgan (Fred), Morrissette, Nance, Nations, Newport, Perry, Peters, Peterson (Pam), Peterson (Ron), Piatt, Plunk, Pruett, Richardson, Roan, Roggow, Rousselot, Shelton, Sherrer, Shoemake, Shumate, Smaligo, Smithson, Staggs, Steele, Sullivan, Sweeden, Terrill, Thompson, Tibbs, Toure, Trebilcock, Turner, Walker, Wesselhoft, Wilt, Winchester, Worthen, Wright, Mr. Speaker.--97.

Nay: Kern, Reynolds.--2.

Excused: Harrison, Young.--2.

The measure and emergency passed.

**SB 698** was referred for engrossment.

### GENERAL ORDER

**SB 362** by Coates of the Senate and Miller (Ken) et al of the House was read and considered.

Representative Miller (Ken) moved that **SB 362** be advanced from General Order, which motion was declared adopted.

Upon request of Representative Miller (Ken), **SB 362** was placed on Third Reading and Final Passage.

### THIRD READING

**SB 362** was read at length for the third time. On passage of the measure, the roll call was as follows:

Aye: Adkins, Armes, Askins, 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, Glenn, Hamilton, Hastings, Hickman, Hilliard, Hyman, Ingmire, Jackson, Jett, Johnson, Jones, Kern, Kiesel, Lamons, Liebmann, Lindley, Liotta, Martin, Mass,

McCarter, McDaniel, McMullen, McPeak, Miller (Doug), Miller (Ken), Miller (Ray), Morgan (Danny), Morgan (Fred), Morrissette, Nance, Nations, Newport, Perry, Peters, Peterson (Pam), Peterson (Ron), Piatt, Plunk, Pruett, Reynolds, Richardson, Roan, Roggow, Rousselot, Shelton, Sherrer, Shoemake, Shumate, Smaligo, Smithson, Staggs, Steele, Sullivan, Sweeden, Terrill, Thompson, Tibbs, Toure, Trebilcock, Turner, Walker, Wesselhoft, Wilt, Winchester, Worthen, Wright, Mr. Speaker.--98.

Nay: Gilbert.--1.

Excused: Harrison, Young.--2.

The measure passed.

The Presiding Officer signed, in open session, Engrossed **SB 362** and ordered same returned to the Honorable Senate.

## **MOTION**

Representative Morrissette asked that the Journal reflect that had he been present in the Chamber, he would have voted aye on **SB 293**, which was the order.

## **RESOLUTIONS**

The following were introduced and read:

**HCR 1016** – By Morgan (Danny).

A Concurrent Resolution recognizing the contributions of Harry Hoots of Chandler, Oklahoma, in service to the United States and to Oklahoma in World War II; and directing distribution.

**HR 1019** – By Covey.

A Resolution memorializing Congress to reject the President's FY-06 Budget for the United States Department of Veterans Affairs; and directing distribution.

**HR 1020** – By Balkman.

A Resolution celebrating the union and commitment of Mark Newman and Nancy Chen and offering a prayer for God's blessing on their future; commending both Mark and Nancy on their dedication to each other and their joint families; and directing distribution.

## **MESSAGES FROM THE GOVERNOR**

Advising of his approval of **HBs 1178, 1179, 1181, 1185** and **1188** on April 1, 2005.

## **COMMITTEE REPORTS**

The following were reported by the committees named, ordered printed and placed on the Calendar unless otherwise indicated:

DO PASS:

- SB 260** – Rules
- SB 328** – Judiciary
- SB 556** – Rules
- SB 772** – Judiciary
- SB 830** – Judiciary
- SB 920** – Judiciary
- SB 967** – Judiciary
- SB 973** – Judiciary
- SB 1001** – Rules

DO PASS, As Amended:

- CS for SB 54** – Environment and Natural Resources
- CS for SB 418** – Environment and Natural Resources
- CS for SB 431** – Judiciary
- CS for SB 458** – Rules
- CS for SB 661** – Rules
- CS for SB 922** – Rules

Representative Cargill moved that when the clerk's desk is clear, the House stand adjourned to reconvene at 2:00 p.m., Tuesday, April 5, 2005, which was the order.

Pursuant to the motion of Representative Cargill, the House was adjourned at 2:30 p.m., to reconvene Tuesday, April 5, 2005, at 2:00 p.m.