

# HOUSE JOURNAL

**First Regular Session of the Fiftieth Legislature**

**of the State of Oklahoma**

**Thirty-seventh Legislative Day, Wednesday, April 6, 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 Tony Alvarez, Harrah First Assembly of God Church, Harrah.

The Journal for the last legislative day was approved.

## **ENGROSSED AND ENROLLED MEASURES**

**HAs to SBs 49, 440, 479, 539, 725 and 799** were reported correctly engrossed, properly signed, in open session, and the measures, as amended, were ordered returned to the Honorable Senate.

## **MESSAGES FROM THE SENATE**

Advising fourth reading of and transmitting for signature Enrolled **SBs 13, 24, 45, 259, 424, 546 and 708**.

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

**Transmitting engrossed measure**

Announcing the passage of the following engrossed measure.

The measure was introduced and read.

**SCR 18** – By Corn, Lawler and Rabon of the Senate and Kiesel of the House.

A Concurrent Resolution calling upon Oklahoma’s Congressional delegation to recognize the unique features of Social Security; further calling upon the Oklahoma Congressional delegation to oppose restructuring of the Social Security Trust Fund; and directing distribution.

**GENERAL ORDER**

**SB 432** by Pruitt et al of the Senate and Morgan (Fred) et al of the House was read and considered.

Representative Morgan (Fred) moved that **SB 432** be advanced from General Order, which motion was declared adopted.

By unanimous consent, upon request of Representative Morgan (Fred), **SB 432** was considered engrossed and placed on Third Reading and Final Passage.

**THIRD READING**

**SB 432** 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, Harrison, 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, Young, Mr. Speaker.--101.

The measure passed.

**SB 432** was referred for engrossment.

## GENERAL ORDER

**SB 646** by Nichols et al of the Senate and Nance et al of the House was read and considered.

Remove Representative Nance as principal House author and substitute with Representative Morgan (Fred)

Representative Morgan (Fred) 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 Morgan (Fred) moved to amend **SB 646** by striking the enacting clause, which amendment was declared adopted.

Representative Morgan (Fred) moved that **SB 646** be advanced from General Order, which motion was declared adopted.

By unanimous consent, upon request of Representative Morgan (Fred), **SB 646** was considered engrossed and placed on Third Reading and Final Passage.

## THIRD READING

**SB 646** 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, 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, Hamilton, Harrison, 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, Young, Mr. Speaker.--101.

The measure and emergency passed.

**SB 646** was referred for engrossment.

## RECONSIDERATION

Representative Smaligo moved to reconsider the vote whereby the emergency on **SB 653** failed, which motion prevailed upon roll call as follows:

Aye: Adkins, Armes, Balkman, Banz, Billy, Bingman, Blackburn, Blackwell, Braddock, Cargill, Case, Coody, Cooksey, Cox, Denney, Deutschendorf, DeWitt, Dorman, Duncan, Hastings, Hickman, Hilliard, Ingmire, Jackson, Jett, Johnson, Jones, Kiesel, Liebmann, Liotta, Martin, McCarter, McMullen, McPeak, Miller (Doug), Miller (Ken), Miller (Ray), Nations, Newport, Perry, Peters, Peterson (Pam), Peterson (Ron), Piatt, Pruett, Richardson, Roan, Roggow, Smaligo, Steele, Sullivan, Terrill, Thompson, Winchester, Worthen, Wright, Young, Mr. Speaker.--58.

Nay: Brown, Gilbert, Glenn, Hamilton, Mass, McDaniel, Shelton, Sweeden.--8.

Excused: Askins, Auffet, Bengé, Brannon, Calvey, Carey, Covey, Dank, DePue, Eddins, Ellis, Harrison, Hyman, Kern, Lamons, Lindley, Morgan (Danny), Morgan (Fred), Morrisette, Nance, Plunk, Reynolds, Rousselot, Sherrer, Shoemake, Shumate, Smithson, Staggs, Tibbs, Toure, Trebilcock, Turner, Walker, Wesselhoft, Wilt.--35.

On passage of the 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, Gilbert, Glenn, Hamilton, Harrison, Hastings, Hickman, Hilliard, Hyman, Ingmire, Jackson, Jett, Johnson, Jones, Kern, Kiesel, Lamons, Liebmann, Lindley, Liotta, Martin, Mass, McDaniel, McMullen, McPeak, Miller (Doug), Miller (Ken), Miller (Ray), Morgan (Danny), Morrisette, Nance, Nations, Newport, Perry, Peters, Peterson (Pam), Peterson (Ron), Piatt, Plunk, Pruett, Reynolds, 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, Young, Mr. Speaker.--97.

Excused: Ellis, McCarter, Morgan (Fred), Richardson.--4.

The emergency passed.

The Presiding Officer signed Engrossed **SB 653** and ordered same returned to the Honorable Senate.

## **GENERAL ORDER**

**SB 682** by Corn of the Senate and Lamons of the House was read and considered.

Coauthored by Representative(s) Nance, Sullivan

Representative Lamons moved to amend **SB 682** by restoring the title, which amendment was declared adopted.

Representative McPeak asked unanimous consent to suspend House Rule 8.7 for the purpose of offering a floor amendment, which was the order.

Representative McPeak moved to amend **SB 682**, Page 1, Section 1, Line 5 and Page 2, Section 2, Line 6 by removing the words “paintball gun”, which amendment was declared adopted.

Representative Lamons moved that **SB 682** be advanced from General Order, which motion was declared adopted.

By unanimous consent, upon request of Representative Lamons, **SB 682** was considered engrossed and placed on Third Reading and Final Passage.

### **THIRD READING**

**SB 682** 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, Dank, Denney, DePue, Deutschendorf, DeWitt, Dorman, Duncan, Eddins, Ellis, Gilbert, Glenn, Hamilton, Harrison, 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), 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, Young, Mr. Speaker.--99.

Excused: Cox, Morgan (Fred).--2.

The measure and emergency passed.

**SB 682** was referred for engrossment.

### **GENERAL ORDER**

**SB 685** by Laughlin of the Senate and Hickman of the House was read and considered.

Representative Hickman moved that **SB 685** be advanced from General Order, which motion was declared adopted.

Upon request of Representative Hickman, **SB 685** was placed on Third Reading and Final Passage.

**THIRD READING**

**SB 685** 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, Calvey, Carey, Cargill, Case, Coody, Cooksey, Covey, Dank, Denney, DePue, Deutschendorf, DeWitt, Dorman, Duncan, Eddins, Ellis, Harrison, Hastings, Hickman, Ingmire, Jackson, Jett, Johnson, Jones, Kern, Kiesel, Lamons, Liebmann, Lindley, Liotta, Martin, Mass, McCarter, McDaniel, McMullen, McPeak, Miller (Doug), Miller (Ken), Morgan (Danny), Nance, Nations, Newport, Perry, Peters, Peterson (Pam), Peterson (Ron), Piatt, Plunk, Pruett, Reynolds, Richardson, Roan, Roggow, Rousselot, Shumate, Smaligo, Smithson, Staggs, Steele, Sullivan, Sweeden, Terrill, Thompson, Tibbs, Toure, Trebilcock, Turner, Walker, Wesselhoft, Wilt, Winchester, Worthen, Wright, Young, Mr. Speaker.--88.

Nay: Brown, Gilbert, Glenn, Hamilton, Hilliard, Hyman, Miller (Ray), Morrissette, Sherrer, Shoemake.--10.

Excused: Cox, Morgan (Fred), Shelton.--3.

The measure and emergency passed.

The Presiding Officer signed, in open session, Engrossed **SB 685** and ordered same returned to the Honorable Senate.

**GENERAL ORDER**

**SB 816** by Eason McIntyre et al of the Senate and Shumate of the House was read and considered.

Coauthored by Representative(s) Lamons

Representative Shumate 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 Shumate moved to amend **SB 816** by striking the enacting clause, which amendment was declared adopted.

Representative Shumate moved that **SB 816** be advanced from General Order, which motion was declared adopted.

By unanimous consent, upon request of Representative Shumate, **SB 816** was considered engrossed and placed on Third Reading and Final Passage.

### THIRD READING

**SB 816** 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, Dank, Denney, DePue, Deutschendorf, DeWitt, Dorman, Duncan, Eddins, Ellis, Gilbert, Glenn, Hamilton, Harrison, 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), Morrissette, Nance, Nations, Newport, Perry, Peters, Peterson (Pam), Peterson (Ron), Piatt, Plunk, Pruett, Reynolds, Richardson, Roan, Roggow, Rousselot, Sherrer, Shoemake, Shumate, Smaligo, Smithson, Staggs, Steele, Sullivan, Sweeden, Terrill, Thompson, Tibbs, Toure, Trebilcock, Turner, Walker, Wesselhoft, Wilt, Winchester, Worthen, Wright, Young, Mr. Speaker.--98.

Excused: Cox, Morgan (Fred), Shelton.--3.

The measure passed.

**SB 816** was referred for engrossment.

### GENERAL ORDER

**SB 823** by Wilson of the Senate and Miller (Doug) of the House was read and considered.

Representative Miller (Doug) moved to amend **SB 823** by restoring the title, which amendment was declared adopted.

Representative Miller (Doug) moved to amend **SB 823**, Page 31, Section 34, Line 5 by adding after the word "owned" and before the word "or" the language ", local government-owned, tribally owned", which amendment was declared adopted.

Representative Staggs moved to suspend House Rule 8.7 for the purpose of offering a floor amendment, which motion was declared adopted upon roll call as follows:

Aye: Adkins, Armes, Askins, Auffet, Balkman, Banz, Billy, Bingman, Blackburn, Blackwell, Braddock, Brannon, Brown, Calvey, Carey, Cargill, Case, Coody, Cooksey, Covey, Dank, Denney, DePue, Deutschendorf, DeWitt, Dorman, Duncan, Eddins, Ellis, Gilbert, Glenn, Hamilton, Harrison, Hastings, Hickman, Hilliard, Hyman, Ingmire, Jackson, Jett, Johnson, Jones, Kern, Kiesel, Lamons, Liebmann, Liotta, Martin, Mass, McCarter, McDaniel, McMullen, McPeak, Miller (Doug), Miller (Ray), Morgan (Danny), 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, Young, Mr. Speaker.--96.

Excused: Bengé, Cox, Lindley, Miller (Ken), Morgan (Fred).--5.

Representative Staggs moved to amend **SB 823**, Page 40, Section 37, Lines 13 and 15 by adding the following language at the first of both lines "Along with the Oklahoma Music Hall of Fame", which amendment was declared adopted.

Representative Miller (Doug) moved that **SB 823** be advanced from General Order, which motion was declared adopted.

By unanimous consent, upon request of Representative Miller (Doug), **SB 823** was considered engrossed and placed on Third Reading and Final Passage.

### THIRD READING

**SB 823** 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, Dank, Denney, DePue, Deutschendorf, DeWitt, Dorman, Duncan, Eddins, Ellis, Gilbert, Glenn, Hamilton, Harrison, 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), 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, Young, Mr. Speaker.--99.

Excused: Cox, Morgan (Fred).--2.

The measure passed.

**SB 823** was referred for engrossment.

### RESOLUTION

The following was introduced and read:

**HR 1021** – By Sweeden.

A Resolution commemorating the life of Pope John Paul II and recognizing the significant role Pope John Paul II played in the fall of communism and the advancement of human rights.

## MESSAGES FROM THE GOVERNOR

Advising of his approval of **HBs 1207, 1208, 1209, 1210, 1211** and **1212** on April 6, 2005.

## COMMITTEE REPORTS

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

### DO PASS:

**SB 19** – Energy and Utility Regulation

**SB 238** – Energy and Utility Regulation, Coauthored by Representative(s) Kiesel, Blackwell

**SB 363** – Energy and Utility Regulation

**SB 448** – Appropriations and Budget, Coauthored by Representative(s) Carey

**SB 531** – Appropriations and Budget, Coauthored by Representative(s) Dank, Peterson (Pam), Braddock

**SB 538** – Appropriations and Budget

**SB 705** – Appropriations and Budget, Coauthored by Representative(s) Nance, Roan, Trebilcock, Blackburn, Braddock

**SB 801** – Revenue and Taxation, Coauthored by Representative(s) Dorman, Lindley, Nance

**SB 824** – Appropriations and Budget, Coauthored by Representative(s) Nance

**SB 909** – Appropriations and Budget, Coauthored by Representative(s) Dorman, Rousselot

**SB 978** – Revenue and Taxation, Coauthored by Representative(s) Nance

**SB 1012** – Appropriations and Budget

### DO PASS, As Amended:

**CS for SB 8** – Appropriations and Budget

**CS for SB 20** – Energy and Utility Regulation, Coauthored by Representative(s) Lamons

**CS for SB 271** – Appropriations and Budget, Remove Representative Askins as principal House author and substitute with Representative McCarter, and Coauthored by Representative(s) Askins

**CS for SB 317** – Appropriations and Budget

**CS for SB 561** – Appropriations and Budget

**CS for SB 586** – Appropriations and Budget, Coauthored by Representative(s) Bingman, Dorman, Plunk, Askins, McCarter, Carey, Miller (Ray), Pruett

**CS for SB 620** – Tourism and Recreation, Coauthored by Representative(s) Smithson

**CS for SB 628** – Revenue and Taxation, Coauthored by Representative(s) Dorman, Lindley, Morrissette, Nance

**CS for SB 720** – Energy and Utility Regulation, Coauthored by Representative(s) Kiesel, Lamons, Sherrer

**CS for SB 821** – Appropriations and Budget, Coauthored by Representative(s) Bingman, Dorman, Liotta, Rousselot, Braddock, Balkman, Bengé, Cargill, Jones, McCarter, Newport, Peters, Roggow, Smaligo, Winchester, Blackburn

**CS for SB 944** – Energy and Utility Regulation

Representative Cargill moved that when the clerk's desk is clear, the House stand adjourned to reconvene at 8:30 a.m., Thursday, April 7, 2005, which motion was declared adopted upon a division of the question.

Pursuant to the motion of Representative Cargill, the House was adjourned at 2:25 p.m., to reconvene Thursday, April 7, 2005, at 8:30 a.m.