

# HOUSE JOURNAL

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

**Forty-third Legislative Day, Monday, April 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 Pastor Wally Swenson, St. Paul's Lutheran Church, Oklahoma City. Pastor Swenson is sponsored by Representative Thompson.

The Journal for the last legislative day was approved.

### MESSAGES FROM THE SENATE

Announcing the passage of **HB 1229** and **HCR 1020** - Coauthored by all members of the Senate.

The above-numbered measures were referred for enrollment.

### Returning engrossed measures, as amended

Announcing the passage of and returning engrossed measures as amended: **HBs 1329, 1503, 1507, 1544** – Coauthored by Senator Rabon, **1622, 1725** and **1927**.

Senate amendments were read on the above numbered measures.

### Transmitting enrolled measures

Advising fourth reading of and transmitting for signature Enrolled **SBs 390, 531, 538** and **1001**.

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

**ENGROSSED AND ENROLLED MEASURES**

**HAs to SBs 317, 367, 448, 573, 586, 835, 908, 966 and 1012** were reported correctly engrossed, properly signed, in open session, and the measures, as amended, were ordered returned to the Honorable Senate.

**HBs 1001, 1608, 1668, 1695 and 1735** were reported correctly enrolled and, after fourth reading, properly signed, in open session, and ordered transmitted to the Honorable Senate.

**HCR 1017** was reported correctly enrolled, properly signed, in open session, and ordered transmitted to the Honorable Senate.

**HR 1025** 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 1017** 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 1001, 1608, 1668, 1695 and 1735** 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.

**GENERAL ORDER**

**SB 628** by Mazzei et al of the Senate and Young et al of the House was read and considered.

Coauthored by Representative(s) Calvey

Representative Calvey moved to amend **SB 628** by striking the enacting clause, which amendment was declared adopted.

Representative Young moved that **SB 628** be advanced from General Order, which motion was declared adopted.

By unanimous consent, upon request of Representative Young, **SB 628** was considered engrossed and placed on Third Reading and Final Passage.

### THIRD READING

**SB 628** was read at length for the third time. On passage of the measure, the roll call was as follows:

Aye: Adkins, Armes, Banz, Billy, Bingman, Blackburn, Blackwell, Braddock, Brannon, Brown, Calvey, Carey, Cargill, Case, Coody, Cooksey, Covey, Cox, Dank, Denney, DePue, DeWitt, Dorman, Duncan, Eddins, Ellis, Gilbert, Glenn, Hamilton, Harrison, Hastings, Hickman, Hilliard, Hyman, Ingmire, Jackson, Jett, Johnson, Jones, Kern, Lamons, Liebmann, Lindley, Liotta, Martin, Mass, McCarter, McDaniel, McMullen, 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, 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.--94.

Excused: Askins, Auffet, Balkman, Bengé, Deutschendorf, Kiesel, Shelton.--7.

The measure passed.

**SB 628** was referred for engrossment.

### GENERAL ORDER

**SB 246** by Capps et al of the Senate and Piatt of the House was read and considered.

Coauthored by Representative(s) Askins, Wesselhoft

Representative Piatt moved that **SB 246** be advanced from General Order, which motion was declared adopted.

Upon request of Representative Piatt, **SB 246** was placed on Third Reading and Final Passage.

### THIRD READING

**SB 246** was read at length for the third time. On passage of the measure and emergency, the roll call was as follows:

Aye: Adkins, Armes, Auffet, Balkman, Banz, Bengé, Billy, Bingman, Blackwell, Braddock, Brannon, Brown, Calvey, Carey, Cargill, Case, Coody, Cooksey, 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), Morrisette, 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.--98.

Excused: Askins, Blackburn.--2.

Constitutional Priv: Covey.--1.

The measure and emergency passed.

The Presiding Officer signed, in open session, Engrossed **SB 246** and ordered same returned to the Honorable Senate.

### **GENERAL ORDER**

**SB 271** by Lawler et al of the Senate and McCarter et al of the House was read and considered.

Coauthored by Representative(s) Roan, Hyman, Shoemake, Hilliard, Dorman, Sherrer, Staggs

Representative McCarter moved to amend **SB 271**, Page 1, Section 1, Line 8 by inserting after the period “.” the following language, which amendment was declared adopted:

“For purposes of this section, total compensation shall not include one-time stipends. Nothing in this section shall preclude a school district from reducing or eliminating health insurance benefits for a support employee if the hours of the employee are reduced below the number required to qualify for the health insurance benefit.”

Representative McCarter moved that **SB 271** be advanced from General Order, which motion was declared adopted.

By unanimous consent, upon request of Representative McCarter, **SB 271** was considered engrossed and placed on Third Reading and Final Passage.

### **THIRD READING**

**SB 271** 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, Eddins, Ellis,

Gilbert, Glenn, Hamilton, Harrison, Hastings, Hickman, Hilliard, Hyman, Ingmire, Jackson, Jett, Johnson, Jones, Kern, Kiesel, Lamons, 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, Wilt, Winchester, Worthen, Young, Mr. Speaker.--95.

Nay: Cox, Duncan, Liebmann, Reynolds, Wesselhoft, Wright.--6.

The measure and emergency passed.

**SB 271** was referred for engrossment.

### GENERAL ORDER

**SB 345** by Shurden of the Senate and Case et al of the House was read and considered.

Representative Calvey moved to amend **SB 345** by restoring the title, which amendment was declared adopted.

Representative Case moved that **SB 345** be advanced from General Order, which motion was declared adopted.

By unanimous consent, upon request of Representative Case, **SB 345** was considered engrossed and placed on Third Reading and Final Passage.

### THIRD READING

**SB 345** was read at length for the third time. On passage of the measure, the roll call was as follows:

Aye: Adkins, Armes, Auffet, Banz, Bengé, Bingman, Blackburn, Braddock, Brown, Calvey, Carey, Cargill, Case, Covey, Cox, Dank, Deutschendorf, DeWitt, Dorman, Ellis, Gilbert, Hastings, Hickman, Hilliard, Hyman, Ingmire, Jackson, Johnson, Jones, Kiesel, Liebmann, Liotta, Martin, Mass, McCarter, McDaniel, McMullen, Miller (Ken), Morrissette, Nance, Nations, Newport, Perry, Peters, Peterson (Ron), Piatt, Plunk, Pruett, Richardson, Roan, Roggow, Rousselot, Shelton, Sherrer, Shoemake, Shumate, Smaligo, Staggs, Steele, Sullivan, Sweeden, Terrill, Turner, Walker, Winchester, Worthen, Wright, Mr. Speaker.--68.

Nay: Askins, Balkman, Billy, Blackwell, Brannon, Coody, Cooksey, Denney, DePue, Duncan, Eddins, Glenn, Hamilton, Harrison, Jett, Kern, Lamons, McPeak, Miller (Doug), Miller (Ray), Morgan (Danny), Morgan (Fred), Peterson (Pam), Reynolds, Smithson, Thompson, Tibbs, Toure, Trebilcock, Wesselhoft, Wilt, Young.--32.

Excused: Lindley.--1.

The measure passed.

**SB 345** was referred for engrossment.

## GENERAL ORDER

**SB 561** by Cain of the Senate and Balkman of the House was read and considered.

Representative Balkman moved to amend **SB 561**, Page 16, Section 3, Line 22 by inserting after the semicolon “;” a new paragraph to read as follows, and renumbering subsequent paragraphs, which amendment was declared adopted:

“14. Mental health records may be disclosed to parties in a judicial or administrative proceeding in cases involving a claim for personal injury or death against any practitioner of the healing arts, a licensed hospital, or a nursing facility or nursing home licensed pursuant to Section 1-1903 of Title 63 of the Oklahoma Statutes arising out of patient care, where any person has placed the physical or mental condition of that person in issue by the commencement of any action, proceeding, or suit for damages, or where any person has placed in issue the physical or mental condition of any other person or deceased person by or through whom the person rightfully claims;”

Upon request of Representative Balkman, **SB 561** was laid over.

## PENDING CONSIDERATION OF SAs

**SAs to HB 1485** were rejected upon motion of Representative Tibbs. Conferees to be named later.

## MEASURE REREFERRED

Upon motion of Representative Calvey, **SB 958** was withdrawn from the Calendar and rereferred to the Revenue and Taxation Committee.

## PENDING CONSIDERATION OF SAs

**SAs to HB 1295** were rejected upon motion of Representative Peters. Conferees to be named later.

**PENDING CONSIDERATION OF SAs**

SAs to **HB 1308** were rejected upon motion of Representative Turner. Conferees to be named later.

**PENDING CONSIDERATION OF SAs**

SAs to **HB 1347** were rejected upon motion of Representative Terrill. Conferees to be named later.

**PENDING CONSIDERATION OF SAs**

SAs to **HB 1834** were rejected upon motion of Representative Jett. Conferees to be named later.

**PENDING CONSIDERATION OF SAs**

SAs to **HB 1754** were rejected upon motion of Representative Miller (Doug). Conferees to be named later.

**PENDING CONSIDERATION OF SAs**

SAs to **HB 1379** were rejected upon motion of Representative Piatt. Conferees to be named later.

**PENDING CONSIDERATION OF SAs**

SAs to **HB 1804** were rejected upon motion of Representative Cargill. Conferees to be named later.

**Representative Liotta Presiding**

**PENDING CONSIDERATION OF SAs**

SAs to **HB 1329** were rejected upon motion of Representative Reynolds. Conferees to be named later.

**MOTION**

Representative Deutschendorf asked that the Journal reflect that had he been present in the Chamber, he would have voted aye on **SB 628**, which was the order.

Representative Deutschendorf asked that the Journal reflect that had he been present in the Chamber on Thursday, April 14, 2005, he would have voted aye on the suspension of House Rule 7.13 for the purpose of withdrawing **HR 1019** from the Rules Committee , which was the order.

**MOTION**

Representative Askins asked that the Journal reflect that had she been present in the Chamber, she would have voted aye on **SB 246**, which was the order.

**RESOLUTION**

The following was introduced and read:

**HR 1026** – By Blackburn.

A Resolution designating the week of April 25th as Oklahoma Theatre Appreciation Week; distribution.

**MESSAGES FROM THE GOVERNOR**

Advising of his approval of **HBs 1001, 1012, 1234, 1245, 1246, 1262, 1272, 1277, 1278, 1323, 1402, 1416, 1471, 1510, 1645, 1650, 1658, 1762, 1815, 1816, 1889, 1903** and **1969** and **HJR 1001** on April 18, 2005.

**MESSAGES FROM THE SENATE**

Announcing the passage of the following engrossed measure.

The measure was introduced and read.

**SCR 25** – By Coates of the Senate and Thompson of the House.

A Concurrent Resolution recalling from the Office of the Governor Enrolled Senate Bill No. 260, passed by the 1st Session of the 50th Oklahoma Legislature.

**Conference granted**

Advising conference granted and the Senate naming conferees later as follows: **HBs 1295, 1308, 1329, 1347, 1379, 1485, 1606, 1754, 1804** and **1834**.

**Conference requested**

Advising rejection of **HAs** to **SB 926** and requesting conference thereon, the Senate naming conferees later.

**Returning engrossed measures**

Announcing the passage of **HBs 1363, 1536, 1618, 1634, 1647** - Coauthored by Senator Leftwich and **1649**.

The above-numbered measures were referred for enrollment.

**COMMITTEE REPORT**

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

DO PASS, As Amended:

**CS for SB 574** – Environment and Natural Resources

Representative Cargill moved that when the clerk's desk is clear, the House stand adjourned to reconvene at 1:30 p.m., Tuesday, April 19, 2005, which was the order.

Pursuant to the motion of Representative Cargill, the House was adjourned at 2:40 p.m., to reconvene Tuesday, April 19, 2005, at 1:30 p.m.