

HOUSE JOURNAL

Second Regular Session of the Fiftieth Legislature

of the State of Oklahoma

Thirty-fifth Legislative Day, Wednesday, April 5, 2006

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

The roll was called with 100 Members present.

The following Member was excused: Bengé.—1.

The Speaker Pro Tempore declared a quorum present.

Prayer was offered by Reverend Vep Ellis, Sheridan Christian Center, Tulsa.

The Journal for the last legislative day was approved.

ENGROSSED AND ENROLLED MEASURES

HAs to SBs 408, 1097, 1274, 1293, 1467, 1491, 1492, 1493, 1574, 1577 and 1850 were reported correctly engrossed, properly signed, in open session, and the measures, as amended, were ordered returned to the Honorable Senate.

HR 1096 was reported correctly enrolled, properly signed, in open session, and ordered transmitted to the Secretary of State.

MESSAGE FROM THE SENATE

Advising fourth reading of and transmitting for signature Enrolled **SBs 1308, 1970 and 1972**.

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

SECOND READING

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

SB 1815 – Government Reform, Agency Oversight and Administrative Rules

RESOLUTION FOR CONSIDERATION

HR 1093 was called up for consideration.

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

Upon motion of Representative DeWitt, **HR 1093** was considered and adopted.

HR 1093 was referred for enrollment.

GENERAL ORDER

HJR 1069 by Balkman of the House and Laughlin of the Senate was read and considered.

Coauthored by Representative(s) Wesselhoft, Shelton

Representative Balkman moved that **HJR 1069** be advanced from General Order, which motion was declared adopted.

By unanimous consent, upon request of Representative Balkman, **HJR 1069** was considered engrossed and placed on Third Reading and Final Passage.

THIRD READING

HJR 1069 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, 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, Harrison, Hastings, Hickman, Hilliard, Hyman, Jackson, Jett, Johnson, Jones, Kern, Kiesel, Lamons, Liebmann, Lindley, Liotta, Martin, Mass, McCarter, McDaniel, McMullen, McPeak, Miller (Doug), Miller (Ken), 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, Smaligo, Smithson, Staggs, Steele, Sullivan, Sweeden, Terrill,

Thompson, Tibbs, Toure, Trebilcock, Turner, Walker, Wesselhoft, Wilt, Winchester, Worthen, Wright, Mr. Speaker.--95.

Excused: Bengé, Gilbert, Ingmire, Miller (Ray), Shumate, Young.--6.

The measure and emergency passed.

HJR 1069 was referred for engrossment.

GENERAL ORDER

HJR 1070 by Balkman of the House and Laughlin of the Senate was read and considered.

Coauthored by Representative(s) Shelton, Wesselhoft

Representative Balkman moved that **HJR 1070** be advanced from General Order, which motion was declared adopted.

By unanimous consent, upon request of Representative Balkman, **HJR 1070** was considered engrossed and placed on Third Reading and Final Passage.

THIRD READING

HJR 1070 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, 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, Harrison, Hastings, Hickman, Hilliard, Hyman, Jackson, Jett, Johnson, Jones, Kern, Kiesel, Lamons, Liebmann, Lindley, Liotta, Martin, Mass, McCarter, McDaniel, McMullen, McPeak, Miller (Doug), Miller (Ken), 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, Smaligo, Smithson, Staggs, Steele, Sullivan, Sweeden, Terrill, Thompson, Tibbs, Trebilcock, Turner, Walker, Wesselhoft, Wilt, Winchester, Worthen, Wright, Mr. Speaker.--94.

Nay: Toure.--1.

Excused: Bengé, Gilbert, Ingmire, Miller (Ray), Shumate, Young.--6.

The measure and emergency passed.

HJR 1070 was referred for engrossment.

GENERAL ORDER

SB 1095 by Coates et al of the Senate and Liebmann of the House was read and considered.

Coauthored by Representative(s) Shelton

Representative Liebmann moved that **SB 1095** be advanced from General Order, which motion was declared adopted.

By unanimous consent, upon request of Representative Liebmann, **SB 1095** was considered engrossed and placed on Third Reading and Final Passage.

THIRD READING

SB 1095 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, 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, Harrison, Hastings, Hickman, 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, Smaligo, Smithson, Staggs, Steele, Sullivan, Sweeden, Terrill, Thompson, Tibbs, Toure, Trebilcock, Turner, Walker, Wesselhoft, Wilt, Winchester, Worthen, Wright, Mr. Speaker.--96.

Excused: Benge, Gilbert, Hilliard, Shumate, Young.--5.

The measure passed.

SB 1095 was referred for engrossment.

GENERAL ORDER

SB 1406 by Crutchfield et al of the Senate and Adkins of the House was read and considered.

Representative Adkins moved that **SB 1406** be advanced from General Order, which motion was declared adopted.

By unanimous consent, upon request of Representative Adkins, **SB 1406** was considered engrossed and placed on Third Reading and Final Passage.

THIRD READING

SB 1406 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, 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, 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, Smaligo, Smithson, Staggs, Steele, Sullivan, Sweeden, Terrill, Thompson, Tibbs, Toure, Trebilcock, Turner, Walker, Wesselhoft, Wilt, Winchester, Worthen, Wright, Mr. Speaker.--97.

Excused: Benge, Gilbert, Shumate, Young.--4.

The measure and emergency passed.

SB 1406 was referred for engrossment.

GENERAL ORDER

SB 1941 by Aldridge of the Senate and Case et al of the House was read and considered.

Coauthored by Representative(s) Banz

Representative Calvey moved to amend **SB 1941** by striking the enacting clause, which amendment was declared adopted.

Representative Case moved that **SB 1941** be advanced from General Order, which motion was declared adopted.

By unanimous consent, upon request of Representative Case, **SB 1941** was considered engrossed and placed on Third Reading and Final Passage.

THIRD READING

SB 1941 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, 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, 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, Smaligo, Smithson, Staggs, Steele, Sullivan, Sweeden, Terrill, Thompson, Tibbs, Toure, Trebilcock, Turner, Walker, Wesselhoft, Wilt, Winchester, Worthen, Wright, Mr. Speaker.--97.

Excused: Benge, Gilbert, Shumate, Young.--4.

The measure and emergency passed.

SB 1941 was referred for engrossment.

GENERAL ORDER

SB 1792 by Paddack et al of the Senate and Dank of the House was read and considered.

Representative Dank moved that **SB 1792** be advanced from General Order.

Representative Askins moved to table the advancement motion, which tabling motion failed of adoption upon roll call as follows:

Aye: Askins, Auffet, Blackburn, Braddock, Brannon, Brown, Carey, Covey, Deutschendorf, Dorman, Eddins, Ellis, Gilbert, Glenn, Hamilton, Hilliard, Hyman, Kiesel, Lamons, Lindley, Mass, McCarter, McDaniel, McMullen, McPeak, Miller (Ray), Morgan (Danny), Morrissette, Nations, Peters, Plunk, Pruett, Roan, Rousselot, Shelton, Sherrer, Shoemake, Smithson, Staggs, Sweeden, Toure, Turner, Walker.--43.

Nay: Adkins, Armes, Balkman, Banz, Billy, Bingman, Blackwell, Calvey, Cargill, Coody, Cooksey, Cox, Dank, Denney, DePue, DeWitt, Duncan, Hastings, Hickman, Jett, Johnson, Jones, Kern, Liebmann, Liotta, Martin, Miller (Doug), Miller (Ken), Morgan (Fred), Nance, Newport, Perry, Peterson (Pam), Peterson (Ron), Piatt, Richardson, Smaligo, Steele, Sullivan, Terrill, Thompson, Tibbs, Trebilcock, Wesselhoft, Winchester, Wright, Mr. Speaker.--47.

Excused: Benge, Case, Harrison, Ingmire, Jackson, Reynolds, Roggow, Shumate, Wilt, Worthen, Young.--11.

Representative Dank pressed her motion to advance **SB 1792** from General Order, which motion was declared adopted upon roll call as follows:

Aye: Adkins, Armes, Balkman, Banz, Billy, Bingman, Blackwell, Cargill, Coody, Cooksey, Dank, Denney, DePue, DeWitt, Duncan, Jackson, Jett, Johnson, Jones, Kern,

Liebmann, Liotta, Martin, Miller (Doug), Miller (Ken), Morgan (Fred), Nance, Newport, Perry, Peterson (Pam), Peterson (Ron), Roggow, Smaligo, Steele, Sullivan, Terrill, Thompson, Tibbs, Trebilcock, Wesselhoft, Wilt, Winchester, Worthen, Wright, Mr. Speaker.--45.

Nay: Askins, Auffet, Blackburn, Braddock, Brannon, Brown, Carey, Deutschendorf, Dorman, Eddins, Ellis, Gilbert, Glenn, Hamilton, Harrison, Hilliard, Hyman, Kiesel, Lamons, Lindley, Mass, McCarter, McDaniel, McMullen, McPeak, Morgan (Danny), Morrissette, Nations, Plunk, Pruett, Roan, Rousselot, Sherrer, Shoemake, Smithson, Staggs, Sweeden, Toure, Turner, Walker.--40.

Excused: Benge, Calvey, Case, Covey, Cox, Hastings, Hickman, Ingmire, Miller (Ray), Peters, Piatt, Reynolds, Richardson, Shelton, Shumate, Young.--16.

By unanimous consent, upon request of Representative Dank, **SB 1792** was considered engrossed and placed on Third Reading and Final Passage.

THIRD READING

SB 1792 was read at length for the third time. On passage of the measure, the roll call was as follows:

Aye: Adkins, Armes, Balkman, Banz, Billy, Bingman, Blackwell, Calvey, Cargill, Case, Coody, Cooksey, Cox, Dank, Denney, DePue, DeWitt, Duncan, Hastings, Hickman, Ingmire, Jackson, Jett, Johnson, Jones, Kern, Liebmann, Liotta, Martin, Miller (Doug), Miller (Ken), Morgan (Fred), Nance, Newport, Perry, Peterson (Pam), Peterson (Ron), Piatt, Reynolds, Richardson, Roggow, Smaligo, Steele, Sullivan, Terrill, Thompson, Tibbs, Trebilcock, Wesselhoft, Wilt, Winchester, Worthen, Wright, Mr. Speaker.--54.

Nay: Askins, Auffet, Blackburn, Braddock, Brannon, Brown, Carey, Covey, Deutschendorf, Dorman, Ellis, Gilbert, Hamilton, Harrison, Hilliard, Hyman, Kiesel, Lamons, Lindley, Mass, McCarter, McDaniel, McMullen, McPeak, Miller (Ray), Morgan (Danny), Morrissette, Nations, Peters, Plunk, Pruett, Roan, Rousselot, Shelton, Sherrer, Shoemake, Smithson, Staggs, Sweeden, Toure, Turner, Walker.--42.

Excused: Benge, Eddins, Glenn, Shumate, Young.--5.

The measure passed.

On passage of the emergency, the roll call was as follows:

Aye: Adkins, Armes, Balkman, Banz, Billy, Bingman, Blackwell, Calvey, Cargill, Case, Coody, Cooksey, Cox, Dank, Denney, DePue, DeWitt, Duncan, Hastings, Hickman, Ingmire, Jackson, Jett, Johnson, Jones, Kern, Liebmann, Liotta, Martin, Miller (Doug), Miller (Ken), Morgan (Fred), Nance, Newport, Perry, Peterson (Pam), Peterson (Ron), Piatt, Reynolds, Richardson, Roggow, Smaligo, Steele, Sullivan, Terrill, Thompson, Tibbs, Trebilcock, Wesselhoft, Wilt, Winchester, Worthen, Wright, Mr. Speaker.--54.

Nay: Askins, Auffet, Blackburn, Braddock, Brannon, Brown, Carey, Covey, Deutschendorf, Dorman, Ellis, Gilbert, Glenn, Hamilton, Harrison, Hilliard, Hyman, Kiesel, Lamons, Lindley, Mass, McCarter, McDaniel, McMullen, McPeak, Miller (Ray), Morgan (Danny), Morrissette, Nations, Peters, Plunk, Pruett, Roan, Rousselot, Shelton, Sherrer, Shoemake, Smithson, Staggs, Sweeden, Toure, Turner, Walker.--43.

Excused: Bengé, Eddins, Shumate, Young.--4.

The emergency failed.

Representative Dank served notice to reconsider the vote whereby **SB 1792** passed.

PENDING CONSIDERATION OF SAs

SAs to HB 2360 were rejected upon motion of Representative Banz. Conferees to be named later.

MOTION

Representative Glenn asked that the Journal reflect that had he been present in the Chamber, he would have voted nay on **SB 1792**, which was the order.

MESSAGES FROM THE SENATE

Announcing the passage of **HBs 2474, 2507, 2792, 2962** and **2966** and **HCR 1050**, Coauthored by all members of the Senate.

The above-numbered measures were referred for enrollment.

Transmitting engrossed measure

Announcing the passage of the following engrossed measure.

The measure was introduced and read.

SCR 47 – By Corn of the Senate and Deutschendorf of the House.

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.

RESOLUTION

The following was introduced and read:

HCR 1060 – By Miller (Doug) of the House and Lamb of the Senate.

A Concurrent Resolution relating to permanent rules of the State Department of Health; disapproving proposed OAC 310:210-7-15, which relates to general sanitation; and directing distribution.

COMMITTEE REPORTS

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

DO PASS:

SB 1301 – Government Reform, Agency Oversight and Administrative Rules

SB 1350 – Public Safety and Homeland Security

SB 1579 – Government Reform, Agency Oversight and Administrative Rules

SB 1759 – Corrections and Criminal Justice

SB 1860 – Corrections and Criminal Justice

SJR 32 – Government Reform, Agency Oversight and Administrative Rules

SJR 64 – Government Reform, Agency Oversight and Administrative Rules

DO PASS, As Amended:

CS for SB 806 – Health and Human Services, Coauthored by Representative(s) Shelton

CS for SB 1076 – Government Reform, Agency Oversight and Administrative Rules

CS for SB 1497 – Government Reform, Agency Oversight and Administrative Rules

CS for SB 1521 – Public Safety and Homeland Security

CS for SB 1735 – Insurance, Coauthored by Representative(s) Covey, McCarter, Lindley, Plunk, Mass

CS for SB 1765 – Corrections and Criminal Justice, Coauthored by Representative(s) Blackwell, Askins, Kiesel, Nance, Case, Roan

CS for SB 1807 – Corrections and Criminal Justice

SB 1824 – Public Safety and Homeland Security

SB 1842 – Corrections and Criminal Justice

CS for SB 1894 – Retirement Laws

SB 1919 – Tourism and Recreation, Coauthored by Representative(s) Shelton, Wesselhoft, Miller (Doug), Brown, Smithson, Hyman, Brannon, Cooksey, Shoemake, Martin, Jett, Cox

CS for SB 1925 – Public Safety and Homeland Security

SB 1934 – Corrections and Criminal Justice

SB 1956 – Higher Education

CS for SB 1965 – Public Safety and Homeland Security

Representative Sullivan moved that when the clerk's desk is clear, the House stand adjourned to reconvene at 9:00 a.m., Thursday, April 6, 2006, which was the order.

Pursuant to the motion of Representative Sullivan, the House was adjourned at 3:30 p.m., to reconvene Thursday, April 6, 2006, at 9:00 a.m.