

HOUSE JOURNAL

Second Regular Session of the Fiftieth Legislature

of the State of Oklahoma

Seventh Legislative Day, Wednesday, February 15, 2006

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

The roll was called with 99 Members present.

The following Members were excused: Billy, Turner.—2.

The Speaker Pro Tempore declared a quorum present.

Prayer was offered by Pastor David Treadaway, Pocasset First Baptist Church, Pocasset.

The Journal for the last legislative day was approved.

ENGROSSED AND ENROLLED MEASURE

HB 1619 was reported correctly enrolled and, after fourth reading, properly signed, in open session, and ordered transmitted to the Honorable Senate.

MESSAGES FROM THE SENATE

Announcing that Enrolled **HB 1619** 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.

Transmitting engrossed measures

Announcing the passage of the following engrossed measures.

The measures were introduced and read for the first time.

SB 1047 – By Lawler of the Senate and Hilliard of the House.

[motor vehicles – creating special license plate - American Quarter Horse in Oklahoma – codification – effective date]

SB 1065 – By Gumm of the Senate and Perry of the House.

An Act relating to Public Finance; amending 62 O.S. 2001, Section 275.1, as amended by Section 17, Chapter 224, O.S.L. 2003 (62 O.S. Supp. 2005, Section 275.1), which relates to records of certain warrants; clarifying language; deleting requirement to maintain certain warrants; and providing an effective date.

SB 1086 – By Gumm of the Senate and Carey of the House.

[revenue and taxation – modifying time period - income tax contributions - Oklahoma College Savings Plan effective date]

SB 1293 – By Crutchfield of the Senate and DeWitt of the House.

An Act relating to professions and occupations; amending 59 O.S. 2001, Section 1104, which relates to powers of the Environmental Quality Board; authorizing the Board to adopt rules relating to licensed public water supply or wastewater operators; authorizing certain public entities to hire or contract for the services of certain operators; authorizing operators to serve certain small systems; authorizing the Board to adopt certain rules; providing for codification; providing an effective date; and declaring an emergency.

SB 1306 – By Gumm of the Senate and Carey of the House.

[motor vehicles - creating 180th Infantry National Guard license plate – effective date]

SB 1431 – By Branan of the Senate and Calvey of the House.

[revenue and taxation – providing donation of income tax refund to Oklahoma Chapter Leukemia and Lymphoma Society Fund – providing for expenditure of funds for specified purpose – codification - effective date]

SB 1456 – By Bass of the Senate and Covey of the House.

[motor vehicles - providing for motorcycle license plates for police officers – effective date]

SB 1460 – By Wyrick of the Senate and DeWitt of the House.

An Act relating to environment and natural resources; amending 27A O.S. 2001, Section 2-5-118, which relates to the Oklahoma Clean Air Act; revising obsolete language; and declaring an emergency.

SB 1470 – By Cain of the Senate and Dank of the House.

An Act relating to cities and towns; amending 11 O.S. 2001, Sections 28-102, as last amended by Section 6, Chapter 173, O.S.L. 2004 and 28-113 (11 O.S. Supp. 2005, Section 28-102), which relate to courts of record; increasing certain amount; and providing an effective date.

SB 1509 – By Coffee of the Senate and Adkins of the House.

An Act relating to professions and occupations; amending 59 O.S. 2001, Section 328.3, as last amended by Section 1, Chapter 377, O.S.L. 2005 (59 O.S. Supp. 2005, Section 328.3), which relates to the State Dental Act; modifying a definition; and providing an effective date.

SB 1671 – By Branan of the Senate and Calvey of the House.

[motor vehicles - creating special license plate - Oklahoma City Zoo - effective date]

SB 1706 – By Shurden of the Senate and Miller (Ray) and Turner of the House.

An Act relating to the Muscogee (Creek) Nation Housing Authority; making legislative findings; authorizing the Muscogee (Creek) Nation to assume management and control of the state agency, Muscogee (Creek) Nation Housing Authority; requiring passage of certain resolution and filing in certain offices to transfer management and control; providing for noncodification; and declaring an emergency. (Affidavit of Publication filed with the Secretary of State on January 19, 2006, pursuant to Article 5, Section 32, Oklahoma Constitution)

SB 1716 – By Nichols of the Senate and Morgan (Fred) of the House.

[computer crimes - Oklahoma Computer Crimes Act - expanding jurisdictions – emergency]

Announcing the passage of the following engrossed measure.

The measure was introduced and read.

SCR 39 – By Myers, Cain and Fisher of the Senate and Newport of the House.

A Concurrent Resolution commending the Republic of China (Taiwan) for its close ties with the State of Oklahoma; calling for enactment of a free trade agreement between the United States and the Republic of China (Taiwan); and directing distribution.

SECOND READING

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

SB 1020 – Veterans and Military Affairs

RESOLUTION

The following was introduced and read:

HR 1065 – By Ingmire

A Resolution honoring Dr. Paul G. Risser, Chancellor for Higher Education for his many contributions to the State of Oklahoma; and directing distribution.

RESOLUTION FOR CONSIDERATION

HR 1065 was called up for consideration.

Upon unanimous consent request of Representatives Ingmire and Piatt, all Members of the House were added as coauthors.

Upon motion of Representative Ingmire, **HR 1065** was considered and adopted.

HR 1065 was referred for enrollment.

RESOLUTION FOR CONSIDERATION

HR 1064 was called up for consideration.

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

Upon motion of Representative Brannon, **HR 1064** was considered and adopted.

HR 1064 was referred for enrollment.

GENERAL ORDER

HB 2841 by Steele et al of the House and Coates of the Senate was read and considered.

Coauthored by Representative(s) Auffet, Balkman, Banz, Blackwell, Coody, Cox, Dank, Denney, DePue, DeWitt, Duncan, Ellis, Harrison, Johnson, Liotta, Martin, Morgan (Fred), Peters, Peterson (Ron), Richardson, Sullivan, Terrill, Trebilcock, Wesselhoft, Worthen

Representative Steele moved that **HB 2841** be advanced from General Order, which motion was declared adopted.

By unanimous consent, upon request of Representative Steele, **HB 2841** was considered engrossed and placed on Third Reading and Final Passage.

THIRD READING

HB 2841 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, 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, 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, Trebilcock, Walker, Wesselhoft, Wilt, Winchester, Worthen, Wright, Young, Mr. Speaker.--97.

Nay: Toure.--1.

Excused: Billy, Hastings, Turner.--3.

The measure passed.

HB 2841 was referred for engrossment.

GENERAL ORDER

HB 2077 by Ellis of the House and Shurden of the Senate was read and considered.

Coauthored by Representative(s) Brannon, Hilliard, Hyman, Liotta, Miller (Ray), Roan, Shoemake, Smithson, Walker, Wesselhoft

Representative Ellis moved that **HB 2077** be advanced from General Order, which motion was declared adopted.

By unanimous consent, upon request of Representative Ellis, **HB 2077** was considered engrossed and placed on Third Reading and Final Passage.

THIRD READING

HB 2077 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, 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, 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, Walker, Wesselhoft, Wilt, Winchester, Worthen, Wright, Young, Mr. Speaker.--98.

Excused: Billy, Hastings, Turner.--3.

The measure and emergency passed.

HB 2077 was referred for engrossment.

GENERAL ORDER

HB 2133 by Wright of the House and Easley of the Senate was read and considered.

Representative Wright moved that **HB 2133** be advanced from General Order, which motion was declared adopted.

By unanimous consent, upon request of Representative Wright, **HB 2133** was considered engrossed and placed on Third Reading and Final Passage.

THIRD READING

HB 2133 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, 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, 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, Walker, Wesselhoft, Wilt, Winchester, Worthen, Wright, Young, Mr. Speaker.--97.

Excused: Benge, Billy, Hastings, Turner.--4.

The measure passed.

HB 2133 was referred for engrossment.

GENERAL ORDER

HB 2136 by Wilt et al of the House and Ford of the Senate was read and considered.

Coauthored by Representative(s) Cooksey, DePue, Duncan, Martin, Terrill, Wesselhoft

Representative Wilt moved that **HB 2136** be advanced from General Order, which motion was declared adopted.

By unanimous consent, upon request of Representative Wilt, **HB 2136** was considered engrossed and placed on Third Reading and Final Passage.

THIRD READING

HB 2136 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, 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, 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, Walker, Wesselhoft, Wilt, Winchester, Worthen, Wright, Young, Mr. Speaker.--98.

Excused: Billy, Hastings, Turner.--3.

The measure passed.

HB 2136 was referred for engrossment.

GENERAL ORDER

HB 2396 by Cooksey of the House and Jolley of the Senate was read and considered.

Coauthored by Representative(s) DePue, Duncan, Liotta, Martin, Nance

Representative Cooksey moved that **HB 2396** be advanced from General Order, which motion was declared adopted.

By unanimous consent, upon request of Representative Cooksey, **HB 2396** was considered engrossed and placed on Third Reading and Final Passage.

THIRD READING

HB 2396 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, 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, 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, Walker, Wesselhoft, Wilt, Winchester, Worthen, Wright, Young, Mr. Speaker.--98.

Excused: Billy, Hastings, Turner.--3.

The measure passed.

HB 2396 was referred for engrossment.

GENERAL ORDER

HB 2905 by Peterson (Ron) et al of the House and Laster of the Senate was read and considered.

Representative Peterson (Ron) moved that **HB 2905** be advanced from General Order, which motion was declared adopted.

By unanimous consent, upon request of Representative Peterson (Ron), **HB 2905** was considered engrossed and placed on Third Reading and Final Passage.

THIRD READING

HB 2905 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, 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, 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, Walker, Wesselhoft, Wilt, Winchester, Worthen, Wright, Young, Mr. Speaker.--97.

Nay: Cox.--1.

Excused: Billy, Hastings, Turner.--3.

The measure and emergency passed.

HB 2905 was referred for engrossment.

PENDING CONSIDERATION OF SAs

SAs to HB 1558 were rejected upon motion of Representative Staggs. Conferees to be named later.

COMMITTEE REPORTS

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

DO PASS:

HB 1460 – Revenue and Taxation, Coauthored by Representative(s) Dorman, Adkins, and Authored by Senator Easley (principal Senate author)

HB 2121 – Revenue and Taxation, Coauthored by Representative(s) Adkins, Dorman, and Authored by Senator Paddack (principal Senate author)

HB 2123 – Government Reform, Agency Oversight and Administrative Rules, Authored by Senator Easley (principal Senate author)

HB 2124 – Government Reform, Agency Oversight and Administrative Rules, Authored by Senator Easley (principal Senate author)

HB 2125 – Government Reform, Agency Oversight and Administrative Rules, Authored by Senator Easley (principal Senate author)

HB 2128 – Government Reform, Agency Oversight and Administrative Rules, Authored by Senator Easley (principal Senate author)

HB 2149 – Government Reform, Agency Oversight and Administrative Rules, Authored by Senator Easley (principal Senate author)

HB 2389 – Revenue and Taxation, Coauthored by Representative(s) Adkins, Dorman, and Authored by Senator Crutchfield (principal Senate author)

HB 2393 – Revenue and Taxation, Coauthored by Representative(s) Adkins, Dorman, Lindley, and Authored by Senator Gumm (principal Senate author)

HB 2397 – Revenue and Taxation, Coauthored by Representative(s) Dorman, and Authored by Senator Easley (principal Senate author)

HB 2462 – Revenue and Taxation, Coauthored by Representative(s) Adkins, Dorman, and Authored by Senator Bass (principal Senate author)

HB 2463 – Revenue and Taxation, Coauthored by Representative(s) Adkins, Dorman, and Authored by Senator Barrington (principal Senate author)

HB 2512 – Revenue and Taxation, Coauthored by Representative(s) Rousselot, Morrisette, Miller (Doug), Lindley, Dorman, Covey, Adkins, Authored by Senator Hobson (principal Senate author), and Coauthored by Senator(s) Capps, Wilcoxson, Anderson, Wilson

HB 2528 – Corrections and Criminal Justice, Coauthored by Representative(s) Roan, Nance, Duncan, and Authored by Senator Lamb (principal Senate author)

HB 2558 – Revenue and Taxation, Authored by Senator Crain (principal Senate author)

HB 2597 – Commerce, Industry and Labor, Authored by Senator Leftwich (principal Senate author)

HB 2643 – Corrections and Criminal Justice, Coauthored by Representative(s) Duncan, Blackwell, Turner, Roan, Askins, Ingmire, Kiesel, Nance, and Authored by Senator Wilson (principal Senate author)

HB 2650 – Government Reform, Agency Oversight and Administrative Rules, Authored by Senator Reynolds (principal Senate author)

HB 2909 – Insurance, Coauthored by Representative(s) Rousselot, and Authored by Senator Aldridge (principal Senate author)

HB 2910 – Insurance

HB 2966 – Corrections and Criminal Justice, Coauthored by Representative(s) Nance, Duncan, Ingmire, Roan, and Authored by Senator Bass (principal Senate author)

HB 3043 – Commerce, Industry and Labor, Authored by Senator Crain (principal Senate author)

DO PASS, As Amended:

CS for HB 2062 – Revenue and Taxation, Coauthored by Representative(s) Winchester, Dorman

CS for HB 2114 – Corrections and Criminal Justice, Coauthored by Representative(s) Nance, Duncan, Kiesel, and Authored by Senator Wyrick (principal Senate author)

CS for HB 2118 – Corrections and Criminal Justice, Coauthored by Representative(s) Nance, Roan, and Authored by Senator Corn (principal Senate author)

CS for HB 2437 – Revenue and Taxation, Coauthored by Representative(s) Lindley, and Authored by Senator Corn (principal Senate author)

CS for HB 2476 – Corrections and Criminal Justice, Coauthored by Representative(s) Nance, Askins, and Authored by Senator Easley (principal Senate author)

CS for HB 2521 – Tourism and Recreation, Authored by Senator Crutchfield (principal Senate author)

CS for HB 2527 – Commerce, Industry and Labor, Authored by Senator Johnson (Constance) (principal Senate author)

CS for HB 2635 – Commerce, Industry and Labor, Authored by Senator Bass (principal Senate author)

CS for HB 2681 – Corrections and Criminal Justice, Coauthored by Representative(s) Carey, Nance, Duncan, Roan, and Authored by Senator Gumm (principal Senate author)

CS for HB 2713 – Corrections and Criminal Justice, Coauthored by Representative(s) Worthen, Perry, Blackwell, Nance, and Authored by Senator Eason McIntyre (principal Senate author)

CS for HB 2762 – Corrections and Criminal Justice, Coauthored by Representative(s) Nance, Blackwell, Kiesel, and Authored by Senator Pruitt (principal Senate author)

CS for HB 2792 – Tourism and Recreation, Authored by Senator Bass (principal Senate author)

CS for HB 2839 – Corrections and Criminal Justice, Coauthored by Representative(s) Hiatt, Nance, Blackwell, Case, Duncan, and Authored by Senator Lamb (principal Senate author)

CS for HB 2845 – Revenue and Taxation, Authored by Senator Gumm (principal Senate author)

CS for HB 3037 – Corrections and Criminal Justice, Coauthored by Representative(s) Nance, and Authored by Senator Fisher (principal Senate author)

CS for HB 3070 – Government Reform, Agency Oversight and Administrative Rules, Coauthored by Representative(s) Terrill, and Authored by Senator Adelson (principal Senate author)

CS for SB 1022 – Revenue and Taxation, Coauthored by Representative(s) Winchester, Adkins, Dorman

Representative Newport moved that when the clerk's desk is clear, the House stand adjourned to reconvene at 8:30 a.m., Thursday, February 16, 2006, which was the order.

Pursuant to the motion of Representative Newport, the House was adjourned at 2:45 p.m., to reconvene Thursday, February 16, 2006, at 8:30 a.m.