

HOUSE JOURNAL

Second Regular Session of the Fiftieth Legislature

of the State of Oklahoma

Thirty-sixth Legislative Day, Thursday, April 6, 2006

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

The roll was called with 95 Members present.

The following Members were excused: Billy, Cooksey, Jett, Mass, Plunk, Shumate.—
6.

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

HJRs 1069 and 1070 were reported correctly engrossed, properly signed, in open session, and ordered transmitted to the Honorable Senate.

HAs to **SB**s 1095, 1406 and 1941 were reported correctly engrossed, properly signed, in open session, and the measures, as amended, were ordered returned to the Honorable Senate.

HBs 2474, 2507, 2792, 2962 and 2966 were reported correctly enrolled and, after fourth reading, properly signed, in open session, and ordered transmitted to the Honorable Senate.

HCR 1050 was reported correctly enrolled, properly signed, in open session, and ordered transmitted to the Honorable Senate.

HR 1093 was reported correctly enrolled, properly signed, in open session, and ordered transmitted to the Secretary of State.

MESSAGE FROM THE SENATE

Announcing that Enrolled **HCR 1050** 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 2474, 2507, 2792, 2962** and **2966** 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.

RESOLUTION FOR CONSIDERATION

HR 1097 was called up for consideration.

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

Upon motion of Representative Balkman, **HR 1097** was considered and adopted.

HR 1097 was referred for enrollment.

RESOLUTION FOR CONSIDERATION

HCR 1059 was called up for consideration.

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

Upon motion of Representative Calvey, **HCR 1059** was considered and adopted.

HCR 1059 was referred for engrossment.

Mr. Ralph Bullard and his family were introduced by Representative Calvey pursuant to **HCR 1059** and Mr. Bullard addressed the Members. Upon unanimous consent request of Representative Reynolds, the remarks of Mr. Bullard were ordered printed in full as follows:

“Thank you,” is a deep expression of gratefulness to the people of Oklahoma, to the civil Government of Oklahoma, the Senate the Legislature, the Supreme Court. I teach those things in school and I have a great love for liberty. I have a great love for liberty that

is secure, affording people the opportunity to live their lives as they should and to have the free use of the fruits of their labor, have their property protected, have their lives protected. That's liberty. So, I thank you all for your job of securing those. Our forefathers said that those rights are life, liberty and pursuit of happiness in which they meant free use of their own property, the fruits of their labor. I thank you. I get to teach those things.

I'm so grateful for the opportunity to have taught students for forty-five years and trying to reinvent my own thoughts in them that they might go forth and be proclaimers of liberty, securing this great nation and making it fit for all those little ones like you saw up there that keep coming along the next generation. I have great appreciation for those who put this together. I was not aware of what was going on today. But, I am so blessed, Starley and I are so grateful. God has been good because God is good. Thank you very much."

RESOLUTION FOR CONSIDERATION

HCR 1058 was called up for consideration.

Upon motion of Representative Duncan, **HCR 1058** was considered and adopted.

HCR 1058 was referred for engrossment.

PENDING CONSIDERATION OF CCR

The **2nd CCR** on **SB 516** was called up for consideration.

Upon motion of Representative Nance, the **2nd CCR** on **SB 516** was adopted upon a division of the question.

SB 516, as amended in conference, was read at length for the fourth time and the roll was called on the measure as follows:

Aye: Adkins, Armes, Askins, Balkman, Banz, Benge, Bingman, Blackburn, Blackwell, Braddock, Brannon, Calvey, Cargill, Case, Coody, Covey, Cox, Dank, Denney, DePue, Deutschendorf, DeWitt, Dorman, Duncan, Glenn, Harrison, Hastings, Hickman, Ingmire, Jackson, Johnson, Jones, Kern, Lamons, Liebmann, Liotta, Martin, McCarter, McDaniel, Miller (Doug), Miller (Ken), Miller (Ray), Morgan (Fred), Nance, Nations, Newport, Perry, Peters, Peterson (Pam), Peterson (Ron), Piatt, Richardson, Roan, Roggow, Shelton, Smaligo, Smithson, Staggs, Sullivan, Sweeden, Terrill, Thompson, Tibbs, Trebilcock, Walker, Wesselhoft, Wilt, Winchester, Worthen, Wright, Young.--71.

Nay: Auffet, Brown, Carey, Ellis, Gilbert, Hilliard, Hyman, Kiesel, McMullen, McPeak, Morgan (Danny), Morrissette, Pruett, Reynolds, Rousselot, Sherrer, Shoemake, Toure, Turner.--19.

Excused: Billy, Cooksey, Eddins, Hamilton, Jett, Lindley, Mass, Plunk, Shumate, Steele, Mr. Speaker.--11.

The measure passed.

SB 516, together with the conference committee report, thereon, was ordered returned to the Honorable Senate.

GENERAL ORDER

SB 1333 by Reynolds et al of the Senate and Kern of the House was read and considered.

Coauthored by Representative(s) Terrill, Wesselhoft, Winchester

Representative Kern moved to amend **SB 1333** by deleting Section 1, and renumbering subsequent sections, which amendment was declared adopted.

Representative Kern moved that **SB 1333** be advanced from General Order, which motion was declared adopted.

By unanimous consent, upon request of Representative Kern, **SB 1333** was considered engrossed and placed on Third Reading and Final Passage.

THIRD READING

SB 1333 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, Covey, Cox, Dank, Denney, DePue, Deutschendorf, DeWitt, Dorman, Duncan, Ellis, Gilbert, Glenn, Harrison, Hastings, Hickman, Hilliard, Hyman, Ingmire, Jackson, Johnson, Jones, Kern, Kiesel, Lamons, Liebmann, Liotta, Martin, 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, Pruett, Reynolds, Richardson, Roan, Roggow, Rousselot, Shelton, Sherrer, Shoemake, Smaligo, Smithson, Staggs, Sullivan, Sweeden, Terrill, Thompson, Tibbs, Toure, Trebilcock, Turner, Walker, Wesselhoft, Wilt, Winchester, Worthen, Wright, Young.--90.

Excused: Billy, Cooksey, Eddins, Hamilton, Jett, Lindley, Mass, Plunk, Shumate, Steele, Mr. Speaker.--11.

The measure and emergency passed.

SB 1333 was referred for engrossment.

GENERAL ORDER

SB 1476 by Bass of the Senate and Banz et al of the House was read and considered.

Representative Banz moved that **SB 1476** be advanced from General Order, which motion was declared adopted.

Upon request of Representative Banz, **SB 1476** was placed on Third Reading and Final Passage.

THIRD READING

SB 1476 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, Benge, Bingman, Blackburn, Blackwell, Braddock, Brannon, Brown, Calvey, Carey, Cargill, Case, Coody, Covey, Cox, Dank, Denney, DePue, Deutschendorf, DeWitt, Dorman, Duncan, Ellis, Gilbert, Glenn, Harrison, Hastings, Hickman, Hilliard, Hyman, Ingmire, Jackson, Johnson, Jones, Kern, Kiesel, Lamons, Liebmann, Liotta, Martin, 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, Pruett, Reynolds, Richardson, Roan, Roggow, Rousselot, Shelton, Sherrer, Shoemake, Smaligo, Smithson, Staggs, Sullivan, Sweeden, Terrill, Thompson, Tibbs, Toure, Trebilcock, Turner, Walker, Wesselhoft, Wilt, Winchester, Worthen, Wright, Young.--90.

Excused: Billy, Cooksey, Eddins, Hamilton, Jett, Lindley, Mass, Plunk, Shumate, Steele, Mr. Speaker.--11.

The measure passed.

The Presiding Officer signed, in open session, Engrossed **SB 1476** and ordered same returned to the Honorable Senate.

GENERAL ORDER

SB 1495 by Corn et al of the Senate and Miller (Ken) et al of the House was read and considered.

Coauthored by Representative(s) Dank

Representative Miller (Ken) moved to amend **SB 1495**, Page 3, Section 3, by deleting Lines 7-20, and by restoring the title.

Representative Wright asked a ruling of the Presiding Officer whether the Miller (Ken) amendment was in order or if it should be two separate amendments.

The Presiding Officer ruled the point well taken and the amendment out of order.

Representative Miller (Ken) moved that **SB 1495** be advanced from General Order, which motion was declared adopted.

By unanimous consent, upon request of Representative Miller (Ken), **SB 1495** was considered engrossed and placed on Third Reading and Final Passage.

THIRD READING

SB 1495 was read at length for the third time. On passage of the measure, the roll call was as follows:

Aye: Adkins, Armes, Askins, Balkman, Banz, Benge, Bingman, Blackburn, Blackwell, Brannon, Brown, Calvey, Carey, Cargill, Coody, Covey, Dank, Denney, DePue, Deutschendorf, DeWitt, Dorman, Duncan, Gilbert, Glenn, Hamilton, Hickman, Hyman, Ingmire, Jackson, Johnson, Jones, Kern, Kiesel, Lamons, Liebmann, Liotta, Martin, McCarter, McDaniel, Miller (Doug), Miller (Ken), Morgan (Danny), Morgan (Fred), Morrissette, Nance, Nations, Perry, Peters, Peterson (Pam), Peterson (Ron), Piatt, Pruett, Richardson, Roan, Roggow, Rousselot, Shelton, Sherrer, Shoemake, Smaligo, Smithson, Staggs, Sullivan, Terrill, Thompson, Tibbs, Toure, Turner, Wesselhoft, Wilt, Winchester, Worthen, Wright, Young.--75.

Nay: Auffet, Braddock, Case, Cox, Ellis, Harrison, Hastings, Hilliard, McMullen, McPeak, Miller (Ray), Newport, Reynolds, Sweeden, Trebilcock, Walker.--16.

Excused: Billy, Cooksey, Eddins, Jett, Lindley, Mass, Plunk, Shumate, Steele, Mr. Speaker.--10.

The measure passed.

SB 1495 was referred for engrossment.

GENERAL ORDER

SB 1505 by Leftwich et al of the Senate and Wesselhoft et al of the House was read and considered.

Coauthored by Representative(s) Askins, Banz, Bingman, Cargill, Dank, DePue, Dorman, Hickman, Jackson, Kern, Liebmann, Liotta, Miller (Ken), Morgan (Fred), Peters, Peterson (Ron), Pruett, Reynolds, Sullivan, Terrill, Thompson, Tibbs, Young

Representative Wesselhoft moved that **SB 1505** be advanced from General Order, which motion was declared adopted.

Upon request of Representative Wesselhoft, **SB 1505** was placed on Third Reading and Final Passage.

THIRD READING

SB 1505 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, Benge, Bingman, Blackburn, Blackwell, Braddock, Brannon, Brown, Calvey, Carey, Cargill, Case, Coody, Covey, Cox, Dank, Denney, DePue, Deutschendorf, DeWitt, Dorman, Duncan, Ellis, Glenn, Hamilton, Harrison, Hastings, Hickman, Hilliard, Hyman, Ingmire, Jackson, Johnson, Jones, Kern, Kiesel, Lamons, Liebmann, Liotta, Martin, McDaniel, McMullen, McPeak, Miller (Doug), Miller (Ken), Miller (Ray), Morgan (Danny), Morgan (Fred), Morrisette, Nance, Nations, Newport, Perry, Peters, Peterson (Pam), Peterson (Ron), Piatt, Pruett, Reynolds, Richardson, Roan, Roggow, Rousselot, Shelton, Sherrer, Shoemake, Smaligo, Smithson, Staggs, Sullivan, Sweeden, Terrill, Thompson, Tibbs, Toure, Trebilcock, Turner, Walker, Wesselhoft, Wilt, Winchester, Worthen, Wright, Young.--89.

Excused: Billy, Cooksey, Eddins, Gilbert, Jett, Lindley, Mass, McCarter, Plunk, Shumate, Steele, Mr. Speaker.--12.

The measure and emergency passed.

The Presiding Officer signed, in open session, Engrossed **SB 1505** and ordered same returned to the Honorable Senate.

GENERAL ORDER

SB 1529 by Johnson (Constance) of the Senate and Newport of the House was read and considered.

Coauthored by Representative(s) Shelton, Pruett, McDaniel, Rousselot

Representative Calvey moved to amend **SB 1529** by striking the enacting clause, which amendment was declared adopted.

Representative Perry moved to amend **SB 1529**, Page 16, Section 1, Line 10 1/2 by inserting a new paragraph 53 to read as follows:

“53. Sales of tangible personal property to an organization, and its subordinate chapters, which is exempt from taxation pursuant to the provisions of the Internal Revenue Code, 26 U.S.C., Section 501(c)(3), the membership of which is limited to parents of sons

and daughters that are serving or have been honorably discharged from the Armed Forces of the United States, which then sends the personal property to United States military personnel overseas. The exemption provided by this paragraph only applies to personal property actually sent to military personnel overseas and not to any other personal property purchased by the organization.”,

which amendment was withdrawn.

Representative Newport moved that **SB 1529** be advanced from General Order, which motion was declared adopted.

By unanimous consent, upon request of Representative Newport, **SB 1529** was considered engrossed and placed on Third Reading and Final Passage.

THIRD READING

SB 1529 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, Covey, Cox, Dank, Denney, DePue, Deutschendorf, DeWitt, Dorman, Duncan, Ellis, Glenn, Hamilton, Harrison, Hastings, Hickman, Hilliard, Hyman, Ingmire, Jackson, Johnson, Jones, Kern, Kiesel, Lamons, Liebmann, Liotta, Martin, McDaniel, McMullen, McPeak, Miller (Ken), Miller (Ray), Morgan (Danny), Morgan (Fred), Morrissette, Nance, Nations, Newport, Perry, Peters, Peterson (Pam), Peterson (Ron), Piatt, Pruett, Reynolds, Richardson, Roan, Roggow, Rousselot, Shelton, Sherrer, Shoemaker, Smaligo, Smithson, Staggs, Sullivan, Sweeden, Terrill, Thompson, Tibbs, Toure, Trebilcock, Turner, Walker, Wesselhoft, Wilt, Winchester, Worthen, Wright, Young.--88.

Excused: Billy, Cooksey, Eddins, Gilbert, Jett, Lindley, Mass, McCarter, Miller (Doug), Plunk, Shumate, Steele, Mr. Speaker.--13.

The measure and emergency passed.

SB 1529 was referred for engrossment.

GENERAL ORDER

SB 1552 by Leftwich of the Senate and Armes of the House was read and considered.

Representative Armes moved that **SB 1552** be advanced from General Order, which motion was declared adopted.

Upon request of Representative Armes, **SB 1552** was placed on Third Reading and Final Passage.

THIRD READING

SB 1552 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, Covey, Cox, Dank, Denney, DePue, Deutschendorf, DeWitt, Dorman, Duncan, Ellis, Glenn, Hamilton, Harrison, Hastings, Hickman, Hilliard, Hyman, Ingmire, Jackson, Johnson, Jones, Kern, Kiesel, Lamons, Liebmann, Liotta, Martin, McDaniel, McMullen, McPeak, Miller (Doug), Miller (Ken), Miller (Ray), Morgan (Danny), Morgan (Fred), Morrissette, Nance, Nations, Newport, Perry, Peters, Peterson (Pam), Peterson (Ron), Piatt, Pruett, Reynolds, Richardson, Roan, Roggow, Rousselot, Shelton, Sherrer, Shoemake, Smaligo, Smithson, Staggs, Sullivan, Sweeden, Terrill, Thompson, Tibbs, Toure, Trebilcock, Turner, Walker, Wesselhoft, Wilt, Winchester, Worthen, Wright, Young.--89.

Excused: Billy, Cooksey, Eddins, Gilbert, Jett, Lindley, Mass, McCarter, Plunk, Shumate, Steele, Mr. Speaker.--12.

The measure passed.

The Presiding Officer signed, in open session, Engrossed **SB 1552** and ordered same returned to the Honorable Senate.

GENERAL ORDER

SB 1678 by Laughlin et al of the Senate and Hickman of the House was read and considered.

Representative Hickman moved that **SB 1678** be advanced from General Order, which motion was declared adopted.

Upon request of Representative Hickman, **SB 1678** was placed on Third Reading and Final Passage.

THIRD READING

SB 1678 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, Covey, Cox, Dank, Denney, DePue, Deutschendorf, DeWitt, Dorman, Duncan, Ellis, Hamilton, Harrison, Hastings, Hickman, Hyman, Ingmire, Jackson, Johnson, Jones, Kern, Kiesel, Lamons, Liebmann, Liotta, Martin, McDaniel, McPeak, Miller (Doug), Miller (Ken), Miller (Ray), Morgan (Danny), Morgan (Fred), Nance, Nations, Newport, Perry, Peters, Peterson

(Pam), Peterson (Ron), Piatt, Pruett, Reynolds, Richardson, Roan, Roggow, Shelton, Shoemake, Smaligo, Smithson, Staggs, Sullivan, Sweeden, Terrill, Thompson, Tibbs, Toure, Trebilcock, Turner, Walker, Wesselhoft, Wilt, Winchester, Worthen, Wright, Young.--83.

Nay: Glenn, Hilliard, McMullen, Morrissette, Rousselot, Sherrer.--6.

Excused: Billy, Cooksey, Eddins, Gilbert, Jett, Lindley, Mass, McCarter, Plunk, Shumate, Steele, Mr. Speaker.--12.

The measure passed.

The Presiding Officer signed, in open session, Engrossed **SB 1678** and ordered same returned to the Honorable Senate.

PENDING CONSIDERATION OF SAs

SAs to HB 1539 were rejected upon motion of Representative Peterson (Ron). Conferees to be named later.

MESSAGES FROM THE SENATE

Advising conference granted on **HB 2360** and the Senate naming conferees later.

Returning engrossed measures

Announcing the passage of **HB 2685**, Coauthored by Senator Fisher and **HCR 1056**, 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:

HB 1646

HB 2062

HB 2073 – Couathored by Senators Ford, Garrison, Shurden, Leftwich, Eason McIntyre, Easley

HB 2506

Senate amendments were read on the above numbered measures.

RESOLUTIONS

The following were introduced and read:

HCR 1061 – By Balkman of the House and Hobson of the Senate.

A Concurrent Resolution designating April 17, 2006, as Diabetes Awareness Day in the State of Oklahoma; and directing distribution.

HR 1098 – By Harrison and Mass.

A Resolution recognizing the efforts and accomplishments of the Italians in the Krebs/McAlester, Oklahoma communities; 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 267 – Appropriations and Budget

SB 1029 – Appropriations and Budget, Coauthored by Representative(s) Liotta

SB 1040 – Appropriations and Budget

SB 1090 – Revenue and Taxation, Coauthored by Representative(s) Dorman, Rousselot

SB 1091 – Appropriations and Budget, Coauthored by Representative(s) Askins

SB 1131 – Appropriations and Budget

SB 1368 – Appropriations and Budget, Coauthored by Representative(s) Liotta

SB 1405 – Appropriations and Budget

SB 1409 – Revenue and Taxation

SB 1435 – Revenue and Taxation

SB 1441 – Appropriations and Budget

SB 1463 – Appropriations and Budget

SB 1496 – Revenue and Taxation

SB 1498 – Revenue and Taxation, Coauthored by Representative(s) Dorman, Morrissette

SB 1510 – Revenue and Taxation

SB 1593 – Appropriations and Budget

SB 1628 – Appropriations and Budget, Coauthored by Representative(s) Shelton

SB 1637 – Commerce, Industry and Labor

SB 1706 – Appropriations and Budget

SB 1717 – Revenue and Taxation

SB 1737 – Appropriations and Budget, Coauthored by Representative(s) Nations, Trebilcock, Walker

SB 1741 – Commerce, Industry and Labor

SB 1752 – Appropriations and Budget

SB 1780 – Revenue and Taxation

SB 1789 – Commerce, Industry and Labor

SB 1803 – Appropriations and Budget

SB 1917 – Revenue and Taxation, Coauthored by Representative(s) Morrisette,
Dorman, Dank, Nance, Adkins

SB 1921 – Revenue and Taxation, Coauthored by Representative(s) Adkins

SB 1929 – Appropriations and Budget

SJR 55 – Rules

DO PASS, As Amended:

CS for SB 756 – Commerce, Industry and Labor

CS for SB 876 – Commerce, Industry and Labor, Coauthored by Representative(s)
Thompson

CS for SB 1073 – Appropriations and Budget

CS for SB 1255 – Appropriations and Budget

CS for SB 1400 – Revenue and Taxation, Coauthored by Representative(s) Terrill,
Dank, Nance, Adkins

CS for SB 1634 – Commerce, Industry and Labor

CS for SB 1680 – Banking and Finance

CS for SB 1795 – Appropriations and Budget, Coauthored by Representative(s) Brown

CS for SB 1877 – Banking and Finance

CS for SJR 37 – Rules

CS for SJR 48 – Rules

Representative Sullivan moved that when the clerk's desk is clear, the House stand adjourned to reconvene at 1:30 p.m., Monday, April 10, 2006, which was the order.

Pursuant to the motion of Representative Sullivan, the House was adjourned at 11:00 a.m., to reconvene Monday, April 10, 2006, at 1:30 p.m.