

HOUSE JOURNAL

First Regular Session of the Fifty-first Legislature of the State of Oklahoma

Twenty-eighth Legislative Day, Wednesday, March 21, 2007

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

The roll was called with 100 Members present.

The following Member was excused: Winchester.—1.

The Speaker Pro Tempore declared a quorum present.

Prayer was offered by Pastor Jason Yarbrough, First Baptist Church, Holdenville.

The Journal for the last legislative day was approved.

RESOLUTIONS

The following were introduced and read:

HR 1012 – By Jackson.

A Resolution proclaiming April as Child Abuse Awareness Month in Oklahoma; and directing distribution.

HR 1013 – By Jett.

A Resolution relating to the House Rules; establishing a Special Rule for Engrossed Senate Amendments to Engrossed House Bill 1234; and providing for termination of the Special Rule.

SECOND READING

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

SJR 28 – Direct To Calendar

RESOLUTIONS REFERRED

The following were withdrawn from the Calendar and referred to committee:

HR 1013 – Rules

SCR 6 – Rules

SCR 13 – Rules

SCR 14 – Rules

COMMITTEE REPORT

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

DO PASS:

HR 1013 – Rules

MEASURES REASSIGNED

The following measures were reassigned:

SB 430 –Withdrawn from General Government and Transportation and referred to Rules.

SB 622 –Withdrawn from General Government and Transportation and referred to Energy and Technology.

SB 839 –Withdrawn from General Government and Transportation and referred to Judiciary and Public Safety.

SB 938 –Withdrawn from Public Health and referred to Human Services.

SB 1019 –Withdrawn from General Government and Transportation and referred to Rules.

RESOLUTION FOR CONSIDERATION

SCR 21 was called up for consideration.

Upon unanimous consent request of Representative Peterson (Pam), all Members of the House were added as coauthors.

Upon motion of Representatives Ingmire and Peterson (Pam), **SCR 21** was considered and adopted.

SCR 21 was properly signed, in open session, by the Presiding Officer and ordered returned to the Honorable Senate.

MOTION

Representative Piatt moved to suspend House Rule 9.6(c) as it pertains to the following shell appropriation measures **SBs 175-178**, which motion was declared adopted upon roll call as follows:

Aye: Adkins, Armes, Auffet, Banz, Benge, BigHorse, Billy, Blackwell, Braddock, Brannon, Brown, Cannaday, Carey, Collins, Cooksey, Cox, Dank, Denney, Derby, DeWitt, Dorman, Duncan, Ellis, Enns, Faught, Glenn, Hamilton, Harrison, Hilliard, Hoskin, Hyman, Ingmire, Inman, Jackson, Jett, Johnson (Dennis), Johnson (Rob), Jones, Jordan, Joyner, Kern, Key, Kiesel, Lamons, Liebmann, Luttrell, Martin (Scott), Martin (Steve), McAffrey, McCarter, McCullough, McDaniel (Randy), McMullen, McNiel, Miller, Morgan, Murphey, Nations, Peters, Peterson (Pam), Peterson (Ron), Piatt, Pittman, Proctor, Pruett, Renegar, Richardson, Rousselot, Schwartz, Shannon, Sherrer, Shoemake, Smithson, Steele, Sullivan, Terrill, Thompson, Thomsen, Tibbs, Trebilcock, Turner, Walker, Wesselhoft, Wright, Mr. Speaker.--85.

Nay: Gilbert, Lindley, McPeak, Morrissette, Reynolds.--5.

Excused: Coody, Covey, Hickman, McDaniel (Jeannie), Roan, Sears, Shelton, Shumate, Watson, Winchester, Worthen.--11.

GENERAL ORDER

SB 175 by Crutchfield et al of the Senate and Benge et al of the House was read and considered.

Representative Benge moved to amend **SB 175** by striking the enacting clause, which amendment was declared adopted.

Representative Reynolds moved to amend **SB 175**, Page 1, Line 17 by deleting all language and numbers beginning after the word "of" and before the word "or" and inserting in lieu thereof the following language "Four Million Four Hundred Forty-two Thousand

Eight Hundred Ten Dollars (\$4,442,810.00)”; by deleting Sections 2 and 3 and renumbering subsequent sections; and by restoring the title.

Representative Jones moved to table the Reynolds amendment, which tabling motion was declared adopted.

Representative Bengé moved that **SB 175** be advanced from General Order, which motion was declared adopted.

THIRD READING

SB 175 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, BigHorse, Blackwell, Braddock, Brannon, Brown, Cannaday, Carey, Collins, Cooksey, Cox, Dank, Denney, Derby, DeWitt, Dorman, Ellis, Enns, Gilbert, Glenn, Hamilton, Harrison, Hickman, Hilliard, Hoskin, Hyman, Ingmire, Inman, Jackson, Johnson (Dennis), Johnson (Rob), Jones, Jordan, Joyner, Kiesel, Lamons, Liebmann, Lindley, Luttrell, Martin (Scott), Martin (Steve), McAffrey, McCarter, McCullough, McDaniel (Jeannie), McDaniel (Randy), McMullen, McNiel, McPeak, Miller, Morgan, Morrissette, Nations, Peters, Peterson (Pam), Peterson (Ron), Piatt, Pittman, Proctor, Pruett, Renegar, Richardson, Roan, Rousselot, Schwartz, Sears, Shannon, Shelton, Sherrer, Shoemake, Shumate, Smithson, Steele, Sullivan, Thomsen, Tibbs, Trebilcock, Turner, Walker, Mr. Speaker.--84.

Nay: Duncan, Faught, Kern, Key, Murphey, Reynolds, Terrill, Wright.--8.

Excused: Billy, Coody, Covey, Jett, Thompson, Watson, Wesselhoft, Winchester, Worthen.--9.

The measure passed.

SB 175 was referred for engrossment.

GENERAL ORDER

SB 176 by Crutchfield et al of the Senate and Bengé et al of the House was read and considered.

Representative Bengé moved to amend **SB 176** by striking the enacting clause, which amendment was declared adopted.

Representative Reynolds moved to amend **SB 176**, by deleting Sections 1 and 2 and inserting a new Section 1 to read as follows:

“SECTION 1. There is hereby appropriated to the Oklahoma Arts Council from any monies not otherwise appropriated from the General Revenue Fund of the State Treasury for the fiscal year ending June 30, 2008, the sum of Four Million Four Hundred Forty-two Thousand Eight Hundred Ten Dollars (\$4,442,810.00) or so much thereof as may be necessary to perform the duties imposed upon the Oklahoma Arts Council by law.”; by renumbering subsequent sections; and by deleting the word “September” on Page 2, Line 15 and inserting in lieu the word “July”; and by restoring the title.

Representative Jones moved to table the Reynolds amendment, which tabling motion was declared adopted.

Representative Bengé moved that **SB 176** be advanced from General Order, which motion was declared adopted.

THIRD READING

SB 176 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, BigHorse, Billy, Blackwell, Braddock, Brannon, Brown, Cannaday, Carey, Collins, Coody, Cooksey, Covey, Cox, Dank, Denney, Derby, DeWitt, Dorman, Ellis, Enns, Gilbert, Glenn, Hamilton, Harrison, Hickman, Hilliard, Hoskin, Hyman, Ingmire, Inman, Jett, Johnson (Dennis), Johnson (Rob), Jones, Jordan, Joyner, Kiesel, Lamons, Liebmann, Lindley, Luttrell, Martin (Scott), Martin (Steve), McAffrey, McCarter, McCullough, McDaniel (Jeannie), McDaniel (Randy), McMullen, McNiel, Miller, Morgan, Morrisette, Nations, Peters, Peterson (Ron), Piatt, Pittman, Proctor, Pruett, Renegar, Richardson, Roan, Rousselot, Schwartz, Sears, Shannon, Shelton, Sherrer, Shoemake, Shumate, Smithson, Steele, Sullivan, Thompson, Thomsen, Tibbs, Trebilcock, Turner, Walker, Mr. Speaker.--86.

Nay: Duncan, Faught, Kern, Key, Murphey, Peterson (Pam), Reynolds, Terrill, Worthen, Wright.--10.

Excused: Jackson, McPeak, Watson, Wesselhoft, Winchester.--5.

The measure passed.

SB 176 was referred for engrossment.

GENERAL ORDER

SB 177 by Crutchfield et al of the Senate and Benge et al of the House was read and considered.

Representative Benge moved to amend **SB 177** by striking the enacting clause, which amendment was declared adopted.

Representative Reynolds moved to amend **SB 177**, Page 1, Lines 17-18 by deleting all language and numbers after the word “of” and before the word “or” and inserting in lieu thereof the following language:

“One Hundred Forty-seven Million Two Hundred Eighty-seven Thousand Three Hundred Fifty-eight Dollars (\$147,287,358.00)”; by renumbering subsequent sections; by deleting the word “September” on Page 3, Line 1 and inserting in lieu thereof the word “July”; and by restoring the title.

Representative Jones moved to table the Reynolds amendment, which tabling motion was declared adopted.

Representative Benge moved that **SB 177** be advanced from General Order, which motion was declared adopted.

THIRD READING

SB 177 was read at length for the third time. On passage of the measure, the roll call was as follows:

Aye: Adkins, Armes, Auffet, Banz, Benge, BigHorse, Billy, Blackwell, Braddock, Brannon, Brown, Cannaday, Carey, Collins, Coody, Cooksey, Cox, Dank, Denney, Derby, DeWitt, Dorman, Duncan, Ellis, Enns, Faught, Glenn, Hamilton, Harrison, Hilliard, Hoskin, Hyman, Ingmire, Jackson, Johnson (Dennis), Johnson (Rob), Jones, Jordan, Joyner, Kern, Key, Kiesel, Lamons, Luttrell, Martin (Scott), Martin (Steve), McAffrey, McCarter, McCullough, McDaniel (Randy), McMullen, McNiell, Miller, Murphey, Nations, Peters, Peterson (Pam), Proctor, Pruett, Renegar, Richardson, Roan, Schwartz, Sears, Shannon, Sherrer, Shoemake, Shumate, Smithson, Steele, Sullivan, Terrill, Thompson, Thomsen, Tibbs, Trebilcock, Turner, Walker, Wesselhoft, Worthen, Wright, Mr. Speaker.--82.

Nay: Morgan, Reynolds.--2.

Excused: Covey, Gilbert, Hickman, Inman, Jett, Liebmann, Lindley, McDaniel (Jeannie), McPeak, Morrissette, Peterson (Ron), Piatt, Pittman, Rousselot, Shelton, Watson, Winchester.--17.

The measure passed.

SB 177 was referred for engrossment.

GENERAL ORDER

SB 178 by Crutchfield et al of the Senate and Benge et al of the House was read and considered.

Representative Benge moved to amend **SB 178** by striking the enacting clause, which amendment was declared adopted.

Representative Reynolds moved to amend **SB 178** by deleting Sections 1 and 2 and inserting a new Section 1 to read as follows:

“SECTION 1. There is hereby appropriated to the State Board of Career and Technology Education from any monies not otherwise appropriated from the General Revenue Fund of the State Treasury for the fiscal year ending June 30, 2008, the sum of One Hundred Forty-seven Million Two Hundred Eighty-seven Thousand Three Hundred Fifty-eight Dollars (\$147,287,358.00) or so much thereof as may be necessary to perform the duties imposed upon the State Board of Career and Technology Education by law.”; by renumbering subsequent sections; and by restoring the title.

Representative Jones moved to table the Reynolds amendment, which tabling motion was declared adopted.

Representative Benge moved that **SB 178** be advanced from General Order, which motion was declared adopted.

THIRD READING

SB 178 was read at length for the third time. On passage of the measure, the roll call was as follows:

Aye: Adkins, Armes, Auffet, Banz, Benge, BigHorse, Billy, Blackwell, Braddock, Brannon, Brown, Cannaday, Carey, Collins, Coody, Cooksey, Covey, Cox, Dank, Denney, Derby, DeWitt, Dorman, Duncan, Ellis, Enns, Faught, Gilbert, Glenn, Hamilton, Harrison, Hickman, Hoskin, Hyman, Ingmire, Inman, Jackson, Jett, Johnson (Dennis), Johnson (Rob), Jones, Jordan, Joyner, Kern, Key, Kiesel, Lamons, Liebmann, Lindley, Luttrell, Martin (Scott), Martin (Steve), McAffrey, McCarter, McCullough, McDaniel (Jeannie), McDaniel (Randy), McMullen, McNiel, McPeak, Miller, Morgan, Morrissette, Murphey, Nations, Peters, Peterson (Ron), Piatt, Pittman, Proctor, Pruett, Renegar, Richardson, Roan, Rousselot, Schwartz, Sears, Shannon, Shelton, Sherrer, Shoemake, Shumate, Smithson, Steele, Sullivan, Terrill, Thompson, Thomsen, Tibbs, Trebilcock, Turner, Walker, Wesselhoft, Worthen, Wright, Mr. Speaker.--96.

Nay: Reynolds.--1.

Excused: Hilliard, Peterson (Pam), Watson, Winchester.--4.

The measure passed.

SB 178 was referred for engrossment.

RESOLUTION FOR CONSIDERATION

HCR 1023 was called up for consideration.

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

Upon motion of Representative Sullivan, **HCR 1023** was considered and adopted.

HCR 1023 was referred for engrossment.

MOTION

Representative Piatt moved that the Honorable Senate be notified by message that the House of Representatives is organized and ready to convene in Joint Session, which was the order.

JOINT SESSION

The Third Joint Session of the First Regular Session of the Fifty-first Legislature assembled in the House Chamber on Wednesday, March 21, 2007, and was called to order by Lieutenant Governor Jari Askins.

Senator Laughlin moved that the attendance roll call of the Senate be considered the roll call of the Senate in Joint Session, which was the order.

Representative Piatt moved that the attendance roll call of the House be considered the roll call of the House in Joint Session, which was the order.

Lieutenant Governor Askins declared quorums of the Senate and House present and the Joint Session duly assembled.

Prayer was offered by Jerry Riley.

President Askins recognized Veterans Council Chairman Larry Smith to conduct the Veterans Awareness Day Ceremony.

Chairman Smith recognized Speaker Cargill who addressed the Joint Session.

Speaker Cargill recognized President Pro Tempore Morgan who addressed the Joint Session.

President Pro Tempore Morgan recognized Co-President Pro Tempore Coffee who addressed the Joint Session.

Closing prayer was made by Jerry Riley.

Upon motion of Representative Piatt, the Joint Session was ordered dissolved at 2:35 p.m.

Speaker Pro Tempore Blackwell Presiding

MOTION

Upon unanimous consent request of Representative Piatt, the House was declared at ease until 3:05 p.m.

Speaker Pro Tempore Blackwell Presiding

RESOLUTION FOR CONSIDERATION

HR 1013 was called up for consideration.

Upon motion of Representative Nations, **HR 1013** was considered and adopted.

HR 1013 was referred for enrollment.

PENDING CONSIDERATION OF SAs

SAs to HB 1233 were called up for consideration.

Upon motion of Representative Benge, the House concurred in the **SAs to HB 1233**.

HB 1233, as amended by the Honorable Senate, was read at length for the fourth time and the roll was called on the measure and emergency as follows:

Aye: Adkins, Armes, Auffet, Banz, Benge, BigHorse, Billy, Blackwell, Braddock, Brannon, Cannaday, Carey, Collins, Coody, Cooksey, Covey, Cox, Dank, Denney, Derby, DeWitt, Dorman, Duncan, Ellis, Enns, Faught, Gilbert, Glenn, Hamilton, Harrison, Hickman, Hilliard, Hoskin, Ingmire, Inman, Jackson, Jett, Johnson (Dennis), Johnson (Rob), Jones, Jordan, Joyner, Kern, Key, Kiesel, Lamons, Liebmann, Lindley, Luttrell, Martin (Scott), Martin (Steve), McAffrey, McCarter, McCullough, McDaniel (Jeannie),

McDaniel (Randy), McMullen, McNiel, McPeak, Miller, Morgan, Morrisette, Murphey, Nations, Peters, Peterson (Pam), Peterson (Ron), Piatt, Pittman, Proctor, Pruett, Renegar, Reynolds, Richardson, Roan, Rousselot, Schwartz, Sears, Shannon, Shelton, Sherrer, Shoemake, Shumate, Smithson, Steele, Thompson, Thomsen, Tibbs, Trebilcock, Turner, Walker, Watson, Wesselhoft, Worthen, Wright, Mr. Speaker.--96.

Nay: Brown.--1.

Excused: Hyman, Sullivan, Terrill, Winchester.--4.

The measure and emergency passed.

Senate amendments were properly signed, in open session, and the above-numbered measure was referred for enrollment.

PENDING CONSIDERATION OF SAs

SAs to HB 1234 were called up for consideration.

Representative Morrisette raised a point of order whether the **SAs to HB 1234** were germane pursuant to House Rule 8.11(a).

The Chair ruled the point not well taken and the Senate Amendments germane.

Representative Morrisette appealed the ruling of the Presiding Officer receiving the required 15 seconds.

"The question is, shall the decision of the Presiding Officer be the decision of the House? All those in favor signify by voting 'Aye'; those opposed 'Nay'. The vote is now in progress."

The decision of the Presiding Officer was upheld upon roll call as follows:

Aye: Adkins, Armes, Banz, Benge, Billy, Blackwell, Coody, Cooksey, Cox, Dank, Denney, Derby, DeWitt, Duncan, Enns, Faught, Hickman, Ingmire, Jackson, Jett, Johnson (Dennis), Johnson (Rob), Jones, Jordan, Joyner, Kern, Key, Liebmann, Martin (Scott), Martin (Steve), McCullough, McDaniel (Randy), McNiel, Miller, Murphey, Peters, Peterson (Pam), Peterson (Ron), Piatt, Proctor, Richardson, Schwartz, Sears, Shannon, Steele, Sullivan, Thompson, Thomsen, Tibbs, Trebilcock, Watson, Wesselhoft, Worthen, Wright, Mr. Speaker.--55.

Nay: Auffet, BigHorse, Braddock, Brannon, Brown, Cannaday, Carey, Collins, Covey, Dorman, Ellis, Gilbert, Glenn, Hamilton, Harrison, Hilliard, Hoskin, Inman, Kiesel, Lamons, Lindley, Luttrell, McAffrey, McCarter, McDaniel (Jeannie), McMullen, McPeak, Morgan, Morrissette, Nations, Pittman, Pruett, Renegar, Reynolds, Roan, Rousselot, Shelton, Sherrer, Shoemake, Shumate, Smithson, Turner, Walker.--43.

Excused: Hyman, Terrill, Winchester.--3.

Representative Benge moved that the House concur in the **SAs** to **HB 1234**.

Representative Morgan moved to table the Benge motion, which tabling motion failed of adoption upon a division of the question.

Representative Benge pressed his motion that the House concur in the **SAs** to **HB 1234**, which motion prevailed upon roll call as follows:

Aye: Adkins, Armes, Banz, Benge, Billy, Blackwell, Collins, Coody, Cooksey, Cox, Dank, Denney, Derby, DeWitt, Duncan, Enns, Faught, Hickman, Ingmire, Inman, Jackson, Jett, Johnson (Dennis), Johnson (Rob), Jones, Jordan, Joyner, Kern, Key, Liebmann, Martin (Scott), Martin (Steve), McCullough, McDaniel (Randy), McNiel, Miller, Murphey, Peters, Peterson (Pam), Peterson (Ron), Piatt, Proctor, Reynolds, Richardson, Schwartz, Sears, Shannon, Steele, Sullivan, Terrill, Thompson, Thomsen, Tibbs, Trebilcock, Walker, Watson, Wesselhoft, Worthen, Wright, Mr. Speaker.--60.

Nay: Auffet, BigHorse, Braddock, Brannon, Brown, Cannaday, Carey, Covey, Dorman, Ellis, Gilbert, Glenn, Hamilton, Harrison, Hilliard, Hoskin, Hyman, Kiesel, Lamons, Lindley, Luttrell, McAffrey, McCarter, McDaniel (Jeannie), McMullen, McPeak, Morgan, Morrissette, Nations, Pittman, Pruett, Renegar, Roan, Rousselot, Shelton, Sherrer, Shoemake, Shumate, Smithson, Turner.--40.

Excused: Winchester.--1.

HB 1234, as amended by the Honorable Senate, was read at length for the fourth time and the roll was called on the measure as follows:

Aye: Adkins, Armes, Auffet, Banz, Benge, Billy, Blackwell, Braddock, Brannon, Brown, Carey, Collins, Coody, Cooksey, Covey, Cox, Dank, Denney, Derby, DeWitt, Dorman, Duncan, Ellis, Enns, Faught, Gilbert, Glenn, Harrison, Hickman, Hilliard, Hoskin, Hyman, Ingmire, Inman, Jackson, Jett, Johnson (Dennis), Johnson (Rob), Jones, Jordan, Joyner, Kern, Key, Lamons, Liebmann, Luttrell, Martin (Scott), Martin (Steve), McAffrey, McCarter, McCullough, McDaniel (Randy), McNiel, Miller, Murphey, Peters, Peterson (Pam), Peterson (Ron), Piatt, Proctor, Pruett, Reynolds, Richardson, Roan, Rousselot, Schwartz, Sears, Shannon, Sherrer, Shoemake, Smithson, Steele, Sullivan, Terrill, Thompson, Thomsen, Tibbs, Trebilcock, Walker, Watson, Wesselhoft, Worthen, Wright, Mr. Speaker.--84.

Nay: BigHorse, Cannaday, Hamilton, Kiesel, Lindley, McDaniel (Jeannie), McMullen, McPeak, Morgan, Morrisette, Nations, Pittman, Renegar, Shelton, Shumate, Turner.--16.

Excused: Winchester.--1.

The measure passed.

Senate amendments were properly signed, in open session, and the above-numbered measure was referred for enrollment.