

# HOUSE JOURNAL

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

Thirty-fifth Legislative Day, Tuesday, April 3, 2007

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

The roll was called with 98 Members present.

The following Members were excused: Smithson, Trebilcock, Worthen.—3.

The Speaker Pro Tempore declared a quorum present.

Prayer was offered by Mr. Rodney Britt, Associate Pastor, Northwest Church of Christ, Oklahoma City.

The Journal for the last legislative day was approved.

### RESOLUTION FOR CONSIDERATION

**SCR 24** was called up for consideration.

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

Upon motion of Representative Winchester, **SCR 24** was considered and adopted.

**SCR 24** was properly signed, in open session, by the Presiding Officer and ordered returned to the Honorable Senate.

**RESOLUTION FOR CONSIDERATION**

**SCR 23** was called up for consideration.

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

Representative Piatt moved to amend **SCR 23**, Page 1, Line 21, by changing the word “third” to the word “thirteenth,” which amendment was declared adopted.

Upon motion of Representative Pittman, **SCR 23** was considered and adopted.

**SCR 23** was referred for engrossment.

**MOTION**

Representative Piatt moved that the House stand at ease until 9:45 a.m., which was the order.

**Speaker Pro Tempore Blackwell Presiding****GENERAL ORDER**

**SB 714** by Williamson et al of the Senate and Wright et al of the House was read and considered.

Coauthored by Representative(s) Coody, Faught, Kern, Key, Murphey, Peterson (Pam), Reynolds, Sullivan, Terrill

Representative Cox moved to amend **SB 714**, Page 2, Section 1, by inserting a new paragraph 2 and renumbering subsequent paragraphs.

Representative Cox moved to amend his amendment, Page 1, Section 1, by deleting subparagraph “a” and inserting in lieu thereof a new subparagraph “a.”

Representative Sullivan moved to table the Cox amendment to his amendment, which tabling motion prevailed upon roll call as follows:

Aye: Adkins, Armes, Banz, Benge, Blackwell, Braddock, Carey, Coody, Cooksey, Dank, Denney, Derby, DeWitt, Dorman, Duncan, Enns, Faught, Hamilton, Hickman, Inman, Jackson, Jett, Johnson (Dennis), Johnson (Rob), Jones, Jordan, Joyner, Kern, Key, Lamons, Liebmann, Martin (Scott), Martin (Steve), McCullough, McDaniel (Randy), McMullen, McNiel, Miller, Murphey, Peters, Peterson (Pam), Peterson (Ron), Piatt, Proctor, Reynolds, Richardson, Schwartz, Sears, Shannon, Shumate, Steele, Sullivan,

Terrill, Thompson, Thomsen, Tibbs, Walker, Watson, Wesselhoft, Winchester, Wright, Mr. Speaker.--62.

Nay: Auffet, BigHorse, Brannon, Brown, Cannaday, Collins, Covey, Cox, Gilbert, Glenn, Harrison, Hilliard, Hoskin, Hyman, Kiesel, Lindley, Luttrell, McAffrey, McCarter, McDaniel (Jeannie), McPeak, Pittman, Renegar, Roan, Shelton, Sherrer, Shoemake.--27.

Excused: Billy, Ellis, Ingmire, Morgan, Morrissette, Nations, Pruett, Rousselot, Smithson, Trebilcock, Turner, Worthen.--12.

Representative Sullivan moved to table the Cox amendment, which tabling motion prevailed upon roll call as follows:

Aye: Adkins, Armes, Banz, Bengé, Blackwell, Braddock, Carey, Coody, Cooksey, Dank, Denney, Derby, Dorman, Duncan, Enns, Faught, Hamilton, Hickman, Hyman, Inman, Jackson, Jett, Johnson (Dennis), Johnson (Rob), Jones, Jordan, Joyner, Kern, Key, Lamons, Liebmann, Martin (Scott), Martin (Steve), McCullough, McDaniel (Randy), McMullen, McNiel, Miller, Murphey, Peters, Peterson (Pam), Peterson (Ron), Piatt, Proctor, Pruett, Reynolds, Richardson, Schwartz, Sears, Shannon, Shumate, Steele, Sullivan, Terrill, Thompson, Thomsen, Tibbs, Watson, Wesselhoft, Winchester, Wright, Mr. Speaker.--62.

Nay: Auffet, BigHorse, Brown, Cannaday, Collins, Covey, Cox, Ellis, Gilbert, Glenn, Harrison, Hilliard, Hoskin, Kiesel, Lindley, Luttrell, McAffrey, McCarter, McDaniel (Jeannie), McPeak, Morgan, Pittman, Renegar, Roan, Shelton, Sherrer, Shoemake, Turner.--28.

Excused: Billy, Brannon, DeWitt, Ingmire, Morrissette, Nations, Rousselot, Smithson, Trebilcock, Walker, Worthen.--11.

Representative Cox moved to amend **SB 714**, Page 8, Section 4, by inserting a new paragraph 3 and renumbering subsequent paragraphs.

Representative Cox moved to amend his amendment, Page 1, by deleting subparagraph “a” and inserting in lieu thereof a new subparagraph “a.”

Representative Sullivan moved to advance **SB 714** from General Order, which motion was declared adopted upon roll call as follows:

Aye: Adkins, Armes, Banz, Bengé, Blackwell, Brannon, Carey, Coody, Cooksey, Dank, Denney, Derby, DeWitt, Duncan, Enns, Faught, Hamilton, Hickman, Inman, Jackson, Jett, Johnson (Dennis), Johnson (Rob), Jones, Jordan, Joyner, Kern, Key, Lamons, Liebmann, Martin (Scott), Martin (Steve), McCullough, McDaniel (Randy), McNiel, Miller, Murphey, Peters, Peterson (Pam), Peterson (Ron), Piatt, Proctor, Pruett, Reynolds, Richardson, Schwartz, Sears, Shannon, Shumate, Steele, Sullivan, Thomsen, Tibbs, Watson, Wesselhoft, Winchester, Wright, Mr. Speaker.--58.

Nay: Auffet, BigHorse, Braddock, Brown, Cannaday, Collins, Covey, Cox, Dorman, Ellis, Gilbert, Glenn, Harrison, Hilliard, Hoskin, Hyman, Ingmire, Kiesel, Lindley, Luttrell, McAffrey, McCarter, McDaniel (Jeannie), McMullen, McPeak, Morrissette, Pittman, Renegar, Roan, Shelton, Sherrer, Shoemake, Turner.--33.

Excused: Billy, Morgan, Nations, Rousselot, Smithson, Terrill, Thompson, Trebilcock, Walker, Worthen.--10.

Representative Brown moved the previous question, which motion failed of adoption upon roll call as follows:

Aye: Auffet, BigHorse, Brown, Hickman, Hilliard, Inman, Jordan, McMullen, Morrissette, Pittman, Proctor, Schwartz, Shelton, Sherrer, Shoemake, Winchester.--16.

Nay: Adkins, Armes, Banz, Bengé, Blackwell, Brannon, Cannaday, Collins, Coody, Cooksey, Covey, Cox, Dank, Denney, Derby, Dorman, Duncan, Ellis, Enns, Faught, Gilbert, Glenn, Hamilton, Harrison, Hoskin, Hyman, Ingmire, Jackson, Jett, Johnson (Dennis), Johnson (Rob), Jones, Joyner, Kern, Kiesel, Lamons, Liebmann, Lindley, Luttrell, Martin (Scott), Martin (Steve), McAffrey, McCarter, McCullough, McDaniel (Jeannie), McDaniel (Randy), McNiel, McPeak, Miller, Murphey, Peters, Peterson (Pam), Peterson (Ron), Piatt, Pruett, Renegar, Reynolds, Richardson, Roan, Sears, Shannon, Shumate, Steele, Sullivan, Thompson, Thomsen, Tibbs, Turner, Walker, Watson, Wesselhoft, Wright, Mr. Speaker.--73.

Excused: Billy, Braddock, Carey, DeWitt, Key, Morgan, Nations, Rousselot, Smithson, Terrill, Trebilcock, Worthen.--12.

Representative Morrissette raised a point of order that he should be allowed to finish asking his question and have it answered even though Representative Wright's debate time had expired.

The Presiding Officer ruled the point not well taken stating that when debate time expires, both questions and answers terminate.

Representative Morrissette 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, Bengé, 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, Lamons, Liebmann, Martin (Scott), Martin (Steve), McCullough, McDaniel (Randy), McNiel, Miller, Murphey, Peters, Peterson (Pam), Peterson (Ron), Piatt, Reynolds, Richardson, Sears, Shannon, Shumate,

Sullivan, Terrill, Thompson, Thomsen, Tibbs, Watson, Wesselhoft, Winchester, Wright, Mr. Speaker.--55.

Nay: Auffet, BigHorse, Braddock, Brannon, Brown, Cannaday, Carey, Collins, Covey, Gilbert, Glenn, Hamilton, Harrison, Hilliard, Hoskin, Hyman, Inman, Kiesel, Lindley, Luttrell, McAffrey, McCarter, McMullen, McPeak, Morgan, Morrisette, Pittman, Pruett, Renegar, Rousselot, Shelton, Sherrer, Shoemake, Turner.--34.

Excused: Dorman, Ellis, McDaniel (Jeannie), Nations, Proctor, Roan, Schwartz, Smithson, Steele, Trebilcock, Walker, Worthen.--12.

### **THIRD READING**

**SB 714** was read at length for the third time. On passage of the measure, the roll call was as follows:

Aye: Adkins, Armes, Banz, Benge, Billy, Blackwell, Braddock, Brannon, Carey, Coody, Cooksey, Dank, Denney, Derby, DeWitt, Dorman, Duncan, Ellis, Enns, Faught, Hamilton, Harrison, Hickman, Hilliard, Hyman, Inman, Jackson, Jett, Johnson (Dennis), Johnson (Rob), Jones, Jordan, Joyner, Kern, Key, Lamons, Liebmann, Luttrell, Martin (Scott), Martin (Steve), McCullough, McDaniel (Randy), McMullen, McNiel, Miller, Morgan, Morrisette, Murphey, Peters, Peterson (Pam), Peterson (Ron), Piatt, Proctor, Pruett, Renegar, Reynolds, Richardson, Rousselot, Sears, Shannon, Shumate, Steele, Sullivan, Terrill, Thompson, Thomsen, Tibbs, Walker, Watson, Wesselhoft, Winchester, Wright, Mr. Speaker.--73.

Nay: Auffet, BigHorse, Brown, Cannaday, Collins, Covey, Cox, Gilbert, Glenn, Hoskin, Ingmire, Kiesel, Lindley, McAffrey, McCarter, McDaniel (Jeannie), McPeak, Pittman, Shelton, Sherrer, Shoemake, Turner.--22.

Excused: Nations, Roan, Schwartz, Smithson, Trebilcock, Worthen.--6.

The measure passed.

**SB 714** was referred for engrossment.

### **MOTION**

Representative Piatt asked unanimous consent, pursuant to Article V, Section 30, Oklahoma Constitution, that the House requests the Honorable Senate to grant the request of the House to adjourn for more than three (3) days beginning Thursday, April 5, 2007, and ending Monday, April 9, 2007, which was the order.

**MESSAGES FROM THE SENATE**

Advising the signing of and transmitting for signature Enrolled **SJR 14**.

The above-numbered enrolled measure was properly signed and ordered returned to the Honorable Senate.

Advising fourth reading of and transmitting for signature Enrolled **SCR 7**.

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

**Recess request granted**

Advising that the Honorable Senate grants the Honorable House of Representatives request for adjournment for more than 3 days beginning Thursday, April 5 and ending Monday, April 9 and requesting the Honorable House of Representatives grant the Honorable Senate the same request, adjourning for more than 3 days beginning Thursday, April 5 and ending Monday, April 9.

**Returning engrossed measure**

Announcing the passage of **HB 1914**.

The above-numbered measure was referred for enrollment.

**MESSAGE FROM THE GOVERNOR**

Advising of his approval of **HB 1017** on April 3, 2007.

**RESOLUTION**

The following was introduced and read:

**HR 1020** – By Armes.

A Resolution designating April 4, 2007, as “4-H Day” at the Oklahoma State Capitol; and urging the people of the State to become more aware of this special program.

Representative Piatt moved that when the clerk's desk is clear, the House stand adjourned to reconvene at 1:30 p.m., Wednesday, April 4, 2007, which was the order.

Pursuant to the motion of Representative Piatt, the House was adjourned at 11:20 a.m., to reconvene Wednesday, April 4, 2007, at 1:30 p.m.