

HOUSE JOURNAL

First Regular Session of the Fifty-first Legislature

of the State of Oklahoma

Thirty-eighth Legislative Day, Tuesday, April 10, 2007

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

The roll was called with 101 Members present.

The Speaker Pro Tempore declared a quorum present.

Prayer was offered by Pastor Joe Elam, First Baptist Church, Pauls Valley.

The Journal for the last legislative day was approved.

ENGROSSED AND ENROLLED MEASURES

HAs to SBs 399, 593, 659, 1054 and 1091 were reported correctly engrossed, properly signed, in open session, and the measures, as amended, were ordered returned to the Honorable Senate.

HBs 1527, 1645 and 2078 were reported correctly enrolled and, after fourth reading, properly signed, in open session, and ordered transmitted to the Honorable Senate.

HR 1016 was reported correctly enrolled, properly signed, in open session, and ordered transmitted to the Secretary of State.

MESSAGE FROM THE SENATE

Announcing that Enrolled **HBs 1527, 1645 and 2078** 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.

GENERAL ORDER

SB 1 by Brogdon et al of the Senate and Wesselhoft et al of the House was read and considered.

Coauthored by Representative(s) Cannaday, Dank, Enns, Faught, Inman, Kern, McDaniel (Randy), Murphey, Peterson (Pam), Proctor, Pruett, Reynolds, Sears, Sherrer, Shumate, Sullivan, Terrill, Tibbs, Worthen

Representative Wesselhoft moved to amend **SB 1** by restoring the title, which amendment was declared adopted.

Representative Wesselhoft moved to amend **SB 1** by restoring the enacting clause, which amendment was declared adopted.

Representative Wesselhoft moved that **SB 1** be advanced from General Order, which motion was declared adopted.

THIRD READING

SB 1 was read at length for the third time. On passage of the measure, the roll call was as follows:

Aye: Adkins, Auffet, Banz, 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, Hilliard, Hoskin, Hyman, Ingmire, Inman, Jackson, Jett, Johnson (Dennis), Johnson (Rob), Jones, Jordan, Joyner, Kern, Lamons, Liebmann, Lindley, Luttrell, Martin (Scott), Martin (Steve), McAffrey, McCarter, McCullough, McDaniel (Jeannie), McDaniel (Randy), McNiel, McPeak, Morgan, Morrissette, Murphey, Nations, Peters, Peterson (Pam), Peterson (Ron), Piatt, Pittman, Proctor, Pruett, Renegar, Reynolds, Richardson, Roan, Rousselot, Schwartz, Sears, Shannon, Shelton, Sherrer, Shoemake, Shumate, Smithson, Sullivan, Terrill, Thompson, Thomsen, Tibbs, Trebilcock, Turner, Walker, Watson, Wesselhoft, Winchester, Wright, Mr. Speaker.--92.

Excused: Armes, Benge, Hickman, Key, Kiesel, McMullen, Miller, Steele, Worthen.--9.

The measure passed.

SB 1 was referred for engrossment.

GENERAL ORDER

SB 736 by Nichols of the Senate and Terrill of the House was read and considered.

Representative Terrill moved to amend **SB 736** by striking the title, the enacting clause and the entire measure and inserting in lieu thereof a floor substitute.

Representative Terrill moved to amend the floor substitute, Page 10, Section 1, Line 23 by deleting the word “one” and inserting in lieu thereof the word “two”, which amendment was declared adopted.

Representative Terrill moved to amend the floor substitute, Page 20, Section 1, Lines 21-23 by deleting the new language “and 54. Child Support Specialist positions within the Department of Human Services.”, which amendment was declared adopted.

Representative Terrill pressed adoption of his floor substitute, as amended, which amendment was declared adopted.

Representative Terrill moved that **SB 736** be advanced from General Order, which motion was declared adopted.

THIRD READING

SB 736 was read at length for the third time. On passage of the measure and emergency, the roll call was as follows:

Aye: Adkins, Auffet, Banz, BigHorse, Billy, Blackwell, Braddock, Brannon, Brown, Cannaday, Carey, Coody, Cooksey, Cox, Dank, Denney, Derby, DeWitt, Dorman, Duncan, Ellis, Enns, Faught, Glenn, 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), McCarter, McCullough, McDaniel (Jeannie), McDaniel (Randy), McNiel, McPeak, Morgan, Morrissette, Murphey, Nations, Peters, Peterson (Pam), Peterson (Ron), Piatt, Proctor, Pruett, Renegar, Reynolds, Richardson, Roan, Rousselot, Schwartz, Sears, Shannon, Sherrer, Shoemake, Shumate, Steele, Sullivan, Terrill, Thompson, Thomsen, Tibbs, Trebilcock, Turner, Walker, Watson, Wesselhoft, Winchester, Wright.--85.

Nay: Collins, Covey, Gilbert, Hamilton, Lindley, McAffrey, Pittman, Shelton, Smithson.--9.

Excused: Armes, Benge, Hickman, McMullen, Miller, Worthen, Mr. Speaker.--7.

The measure and emergency passed.

SB 736 was referred for engrossment.

RESOLUTION FOR CONSIDERATION

HR 1021 was called up for consideration.

Coauthored by Representative(s) Armes, Banz, Billy, Blackwell, Cannaday, Coody, Cooksey, Dank, Derby, Enns, Faught, Johnson (Dennis), Joyner, Kern, Lamons, Liebmann, Martin (Scott), Martin (Steve), McCullough, McDaniel (Randy), McNiel, Murphey, Peters, Reynolds, Schwartz, Sears, Sullivan, Thomsen, Winchester

Upon motion of Representative Shannon, **HR 1021** was considered and adopted.

HR 1021 was referred for enrollment.

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 Fourth Joint Session of the First Regular Session of the Fifty-first Legislature assembled in the House Chamber on Tuesday, April 10, 2007, and was called to order by Lieutenant Governor Jari Askins.

Senator Laster 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 Pastor Joe Elam, First Baptist Church, Pauls Valley.

Lieutenant Governor Askins recognized Representative Rex Duncan. Lieutenant Colonel Duncan, a Member of the Oklahoma Army National Guard, addressed the Joint Session and introduced Adjutant General Major General Harry M. Wyatt, III.

Major General Wyatt addressed the Joint Session and conducted the program commemorating the 45th Infantry Division Appreciation Day.

Presentation of the Medal of Honor Flag was made to Mrs. Yolanda Childers, widow of World War II Medal of Honor Recipient Lieutenant Colonel Ernest Childers. Mrs. Childers addressed the Joint Session.

Major General Wyatt introduced Purple Heart Recipients, Oklahoma Guard Members Matthew Herndon and Christon Stone.

Major General Wyatt introduced The Honorable Brad Henry, Governor of the State of Oklahoma, who addressed the Joint Session.

Norman Lamb, Secretary of Veterans Affairs, read a formal Proclamation from Governor Henry recognizing 45th Appreciation Day and presented the Proclamation to Major General Wyatt.

An Honor Blanket was presented by Principal Chief of the Seminole Nation Kelly Haney to Major General Wyatt.

Upon motion of Representative Piatt, the Joint Session was ordered dissolved at 10:30 a.m.

Speaker Pro Tempore Blackwell Presiding

MOTION

Representative Armes asked that the Journal reflect that had he been present in the Chamber, he would have voted aye on **SBs 1** and **736**, which was the order.

GENERAL ORDER

SB 398 by Adelson of the Senate and Sullivan et al of the House was read and considered.

Representative Sullivan moved that **SB 398** be advanced from General Order, which motion was declared adopted.

THIRD READING

SB 398 was read at length for the third time. On passage of the measure, the roll call was as follows:

Aye: Adkins, Armes, Auffet, Banz, 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, Hilliard, Hoskin, Hyman, Ingmire, Inman, 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 (Pam), Peterson (Ron), Piatt, Pittman, Proctor, Pruett, Renegar, Reynolds,

Richardson, Roan, Schwartz, Sears, Shannon, Shelton, Sherrer, Shoemake, Shumate, Smithson, Steele, Sullivan, Terrill, Thompson, Thomsen, Tibbs, Trebilcock, Turner, Walker, Watson, Wesselhoft, Worthen, Wright, Mr. Speaker.--97.

Excused: Bengé, Jackson, Rousselot, Winchester.--4.

The measure passed.

SB 398 was referred for engrossment.

GENERAL ORDER

SB 473 by Branan of the Senate and Cox of the House was read and considered.

Representative Cox moved that **SB 473** be advanced from General Order, which motion was declared adopted.

THIRD READING

SB 473 was read at length for the third time. On passage of the measure, the roll call was as follows:

Aye: Adkins, Banz, BigHorse, Billy, Blackwell, Braddock, Brannon, Brown, Cannaday, Carey, Collins, Coody, Cooksey, Cox, Dank, Denney, Derby, DeWitt, Dorman, Duncan, Ellis, Enns, Faught, Glenn, Harrison, Hickman, Hilliard, Hoskin, Hyman, Ingmire, Inman, Jett, Johnson (Dennis), Johnson (Rob), Jones, Jordan, Joyner, Kern, Kiesel, Lamons, Liebmann, Lindley, Luttrell, Martin (Scott), Martin (Steve), McCarter, McCullough, McDaniel (Jeannie), McDaniel (Randy), McMullen, McNiel, McPeak, Miller, Morgan, Morrissette, Nations, Peters, Peterson (Pam), Peterson (Ron), Piatt, Pittman, Proctor, Renegar, Reynolds, Richardson, Roan, Schwartz, Sears, Shannon, Shelton, Sherrer, Shoemake, Shumate, Steele, Sullivan, Terrill, Thompson, Thomsen, Tibbs, Trebilcock, Turner, Walker, Watson, Wesselhoft, Winchester, Worthen, Mr. Speaker.--87.

Nay: Armes, Auffet, Covey, Gilbert, Hamilton, Key, McAffrey, Murphey, Pruett, Smithson, Wright.--11.

Excused: Bengé, Jackson, Rousselot.--3.

The measure passed.

SB 473 was referred for engrossment.

GENERAL ORDER

SB 494 by Rice of the Senate and Worthen of the House was read and considered.

Coauthored by Representative(s) McAffrey

Representative Worthen moved to amend **SB 494**, Page 9, Section 7, Line 19 by adding after the word “indigent” and before the period “.” the words “or to provide specialized training to alcohol and drug substance abuse course facilitators”, which amendment was declared adopted.

Representative Worthen moved to amend **SB 494**, Page 15, Section 9, by adding on Line 6 after the word “physician” and before the word “to” the words “or physician’s assistant” and by adding on Line 10 after the word “physician” and before the word “as” and again after the word “physician” and before the word “personally” the words “or physician’s assistant”, which amendment was declared adopted.

Representative Worthen moved that **SB 494** be advanced from General Order, which motion was declared adopted.

THIRD READING

SB 494 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, Duncan, Ellis, Enns, Faught, Gilbert, Glenn, Hamilton, Harrison, Hickman, Hilliard, 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, Morrisette, Murphey, Nations, Peters, Peterson (Pam), Peterson (Ron), Piatt, Proctor, Pruett, Renegar, Reynolds, Richardson, Roan, Rousselot, Schwartz, Sears, Shannon, Sherrer, Shoemake, Shumate, Smithson, Steele, Sullivan, Terrill, Thompson, Thomsen, Tibbs, Trebilcock, Turner, Walker, Watson, Wesselhoft, Winchester, Worthen, Wright, Mr. Speaker.--99.

Nay: Shelton.--1.

Excused: Pittman.--1.

The measure passed.

SB 494 was referred for engrossment.

MESSAGES FROM THE SENATE

Advising fourth reading of and transmitting for signature Enrolled **SBs 567, 633 and 634**.

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

Returning engrossed measures

Announcing the passage of **HBs 1081, 1618, 1707 and 1798**.

The above-numbered measures were referred for enrollment.

Returning engrossed measures, as amended

Announcing the passage of and returning engrossed measures as amended:

HB 1021 - Coauthored by Senator Leftwich

HB 1340

HB 1991 - Coauthored by Senator Riley

Senate amendments were read on the above numbered measures.

RESOLUTION

The following was introduced and read:

HCR 1027 – By Dorman.

A Concurrent Resolution declaring May 9, 2007, to be Meningitis Awareness Day; and encouraging education concerning the disease.

COMMITTEE REPORTS

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

DO PASS:

SB 42 – Human Services

SB 734 – Energy and Technology

DO PASS, As Amended:

CS for SB 102 – Energy and Technology

CS for SB 151 – Public Health

CS for SB 455 – Public Health

Representative Piatt moved that when the clerk's desk is clear, the House stand adjourned to reconvene at 1:30 p.m., Wednesday, April 11, 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 11, 2007, at 1:30 p.m.