

HOUSE JOURNAL

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

Thirteenth Legislative Day, Monday, February 25, 2008

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 Reverend David Grothe, Grothe Family Ministries, Tulsa. Reverend Grothe was sponsored by Representative Peterson (Pam).

Upon motion of Representative Thompson, Reverend Grothe was confirmed as House Chaplain for Monday, February 25, 2008 and Tuesday, February 26, 2008.

The Journal for the last legislative day was approved.

ENGROSSED AND ENROLLED MEASURES

HBs 1897, 2214, 2533, 2564, 2566, 2580, 2691 and 3380 were reported correctly engrossed, properly signed, in open session, and ordered transmitted to the Honorable Senate.

MEASURES REASSIGNED

The following measures were reassigned:

HB 2823 –Withdrawn from Rules and referred to Judiciary and Public Safety.

HB 2832 –Withdrawn from Rules and referred to Judiciary and Public Safety.

HB 3008 –Withdrawn from Rules and referred to Appropriations and Budget.

HB 3143 –Withdrawn from Rules and referred to Public Health.

HB 3164 –Withdrawn from Rules and referred to Natural Resources.

HB 3334 –Withdrawn from General Government and Transportation and referred to Rules.

HB 3391 –Withdrawn from General Government and Transportation and referred to Rules

HB 3399 –Withdrawn from Rules and referred to General Government and Transportation.

MESSAGES FROM THE SENATE

Announcing the passage of the following engrossed measures.

The measures were introduced and read.

SCR 44 – By Sykes, Adelson, Aldridge, Anderson, Ballenger, Barrington, Bass, Bingman, Branam, Brogdon, Brown, Burrage, Coates, Coffee, Corn, Crain, Crutchfield, Easley, Eason McIntyre, Ford, Garrison, Gumm, Ivester, Johnson (Constance), Johnson (Mike), Jolley, Justice, Lamb, Laster, Laughlin, Leftwich, Lerblance, Mazzei, Morgan, Myers, Nichols, Paddack, Rabon, Reynolds, Rice, Riley, Schulz, Sparks, Sweeden, Wilcoxson, Williamson, Wilson and Wyrick of the Senate and Johnson (Dennis) of the House.

A Concurrent Resolution praising the Beautification Committee of Dream Duncan's Destiny; designating Duncan, Oklahoma, the Crapemyrtle Capital of Oklahoma; and directing distribution.

SCR 53 – By Ford, Adelson, Aldridge, Anderson, Ballenger, Barrington, Bass, Bingman, Branam, Brogdon, Brown, Burrage, Coates, Coffee, Corn, Crain, Crutchfield, Easley, Eason McIntyre, Garrison, Gumm, Ivester, Johnson (Constance), Johnson (Mike), Jolley, Justice, Lamb, Laster, Laughlin, Leftwich, Lerblance, Mazzei, Morgan, Myers, Nichols, Paddack, Rabon, Reynolds, Rice, Riley, Schulz, Sparks, Sweeden, Sykes, Wilcoxson, Williamson, Wilson and Wyrick of the Senate and Cox of the House.

A Concurrent Resolution recognizing the J.D. McCarty Center's excellence; praising those who have helped the J.D. McCarty Center; declaring October 6, 2008, J.D. McCarty Center Day in the State of Oklahoma; and directing distribution.

Transmitting enrolled measure

Advising fourth reading of and transmitting for signature Enrolled **SB 1830**.

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

Conference requested

Advising rejection of **HAs** to **SB 47** and requesting conference thereon, the Senate naming conferees as follows:

SB 47 – Crain, Nichols, Laughlin, Rice, Crutchfield, Lerblance

MEASURE REREFERRED

Upon motion of Representative Peterson (Ron), **HB 1958** was withdrawn from the Calendar and rereferred to the Economic Development and Financial Services Committee.

GENERAL ORDER

HB 3124 by Jones et al of the House and Eason McIntyre of the Senate was read and considered.

Coauthored by Representative(s) Shelton

Representative Jones moved that **HB 3124** be advanced from General Order, which motion was declared adopted.

THIRD READING

HB 3124 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, Carey, Cargill, Coody, Cooksey, Cox, Dank, Denney, Derby, DeWitt, Dorman, Duncan, Ellis, Enns, Faught, Gilbert, Glenn, Hamilton, Harrison, Hickman, Hilliard, 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 (Jeannie), McDaniel (Randy), McMullen, McNiel, Miller, Morgan, Murphey, Nations, Peters, Peterson (Pam), Peterson (Ron), Piatt, Pittman, Proctor, Pruett, Renegar, Reynolds, Richardson, Roan, Rousselot, Schwartz, Sears, Shannon, Sherrer, Shoemake, Shumate, Smithson, Steele, Sullivan, Terrill, Thompson, Thomsen, Tibbs, Trebilcock, Walker, Watson, Wesselhoft, Winchester, Worthen, Wright, Mr. Speaker.--91.

Nay: Brown, Cannaday, Collins, Covey, Hoskin, Lindley, McPeak, Morrissette, Shelton, Turner.--10.

The measure passed.

HB 3124 was referred for engrossment.

GENERAL ORDER

HB 2241 by Ingmire of the House and Lamb of the Senate was read and considered.

Coauthored by Representative(s) Kern, Terrill

Representative Ingmire moved that **HB 2241** be advanced from General Order, which motion was declared adopted.

THIRD READING

HB 2241 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, Hickman, Hilliard, Hoskin, Hyman, Ingmire, Inman, Jackson, Jett, Johnson (Dennis), Johnson (Rob), Jones, Jordan, Joyner, Kern, 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, Rousselot, Schwartz, Sears, Shannon, Shelton, Sherrer, Shoemake, Shumate, Smithson, Steele, Sullivan, Terrill, Thompson, Thomsen, Tibbs, Trebilcock, Turner, Walker, Watson, Wesselhoft, Winchester, Worthen, Wright, Mr. Speaker.--98.

Excused: Armes, Cargill, Key.--3.

The measure passed.

HB 2241 was referred for engrossment.

GENERAL ORDER

HB 2469 by Rousselot et al of the House and Garrison of the Senate was read and considered.

Representative Rousselot moved that **HB 2469** be advanced from General Order, which motion was declared adopted.

THIRD READING

HB 2469 was read at length for the third time. On passage of the measure and emergency, 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, 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 (Pam), Peterson (Ron), Piatt, Pittman, Proctor, Pruett, Renegar, Reynolds, Richardson, Roan, Rousselot, Schwartz, Sears, Shannon, Shelton, Sherrer, Shoemake, Shumate, Smithson, Steele, Sullivan, Terrill, Thompson, Thomsen, Tibbs, Trebilcock, Turner, Walker, Watson, Wesselhoft, Winchester, Worthen, Wright, Mr. Speaker.--100.

Excused: Cargill.--1.

The measure and emergency passed.

HB 2469 was referred for engrossment.

MEASURE REREFERRED

Upon motion of Representative Peterson (Pam), **HB 2606** was withdrawn from the Calendar and rereferred to the Judiciary and Public Safety Committee.

GENERAL ORDER

HB 2694 by Roan of the House and Corn of the Senate was read and considered.

Representative Roan moved that **HB 2694** be advanced from General Order, which motion was declared adopted.

Representative Armes Presiding

THIRD READING

HB 2694 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, Braddock, Brannon, Brown, Cannaday, Carey, Collins, Covey, Cox, Denney, DeWitt, Duncan, Ellis, Gilbert, Glenn, Harrison, Hilliard, Hoskin, Hyman, Ingmire, Joyner, Kiesel, Lindley, Luttrell, McAffrey, McCarter, McDaniel (Jeannie), McNiel, McPeak, Morgan, Morrissette, Nations, Pittman, Pruett, Renegar, Richardson, Roan, Rousselot, Sears, Shelton, Sherrer, Shoemake, Shumate, Smithson, Sullivan, Turner, Walker, Watson.--52.

Nay: Armes, Blackwell, Coody, Cooksey, Dank, Derby, Dorman, Enns, Faught, Hamilton, Hickman, Inman, Jackson, Jett, Johnson (Dennis), Johnson (Rob), Jones, Jordan, Kern, Key, Lamons, Liebmann, Martin (Scott), Martin (Steve), McCullough, McDaniel (Randy), McMullen, Miller, Murphey, Peters, Peterson (Pam), Peterson (Ron), Piatt,

Proctor, Reynolds, Schwartz, Shannon, Steele, Terrill, Thompson, Thomsen, Tibbs, Trebilcock, Wesselhoft, Winchester, Worthen, Wright, Mr. Speaker.--48.

Excused: Cargill.--1.

The measure passed.

HB 2694 was referred for engrossment.

GENERAL ORDER

HB 2725 by Winchester of the House and Jolley of the Senate was read and considered.

Representative Winchester moved that **HB 2725** be advanced from General Order, which motion was declared adopted.

THIRD READING

HB 2725 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, 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 (Pam), Peterson (Ron), Piatt, Pittman, Proctor, Pruett, Renegar, Reynolds, Richardson, Roan, Rousselot, Schwartz, Sears, Shannon, Shelton, Sherrer, Shoemake, Shumate, Smithson, Steele, Sullivan, Terrill, Thompson, Thomsen, Tibbs, Trebilcock, Turner, Watson, Wesselhoft, Winchester, Wright, Mr. Speaker.--98.

Excused: Cargill, Walker, Worthen.--3.

The measure passed.

HB 2725 was referred for engrossment.

GENERAL ORDER

HB 2974 by Hoskin et al of the House and Burrage of the Senate was read and considered.

Coauthored by Representative(s) Shelton

Representative Hoskin moved that **HB 2974** be advanced from General Order, which motion was declared adopted.

THIRD READING

HB 2974 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, DeWitt, Dorman, Ellis, Enns, Faught, Gilbert, Glenn, Hamilton, Harrison, Hickman, Hilliard, Hoskin, Hyman, Ingmire, Inman, Jackson, Jett, Johnson (Dennis), Johnson (Rob), Jones, Jordan, Kern, Key, Kiesel, Lamons, Liebmann, Lindley, Luttrell, Martin (Scott), Martin (Steve), McAffrey, McCarter, McCullough, McDaniel (Jeannie), McMullen, McNiel, McPeak, Miller, Morgan, Morrisette, Murphey, Nations, Peters, Peterson (Pam), Peterson (Ron), Piatt, Pittman, Proctor, Pruett, Renegar, Reynolds, Richardson, Rousselot, Schwartz, Sears, Shannon, Shelton, Sherrer, Shoemake, Shumate, Smithson, Steele, Sullivan, Terrill, Thompson, Thomsen, Tibbs, Turner, Watson, Wesselhoft, Winchester, Wright, Mr. Speaker.--92.

Nay: Derby, Duncan, Joyner, McDaniel (Randy), Roan, Trebilcock, Worthen.--7.

Excused: Cargill, Walker.--2.

The measure passed.

HB 2974 was referred for engrossment.

GENERAL ORDER

HJR 1082 by Blackwell of the House and Nichols et al of the Senate was read and considered.

Coauthored by Representative(s) Roan

Representative Blackwell moved that **HJR 1082** be advanced from General Order, which motion was declared adopted.

THIRD READING

HJR 1082 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, 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 (Pam), Peterson (Ron), Piatt, Pittman, Proctor, Pruett, Renegar, Reynolds, Richardson, Roan, Rousselot, Schwartz, Sears, Shannon, Shelton, Sherrer, Shoemake, Shumate, Smithson, Steele, Sullivan, Terrill, Thompson, Thomsen, Tibbs, Trebilcock, Turner, Watson, Wesselhoft, Winchester, Worthen, Wright, Mr. Speaker.--99.

Excused: Cargill, Walker.--2.

The measure passed.

HJR 1082 was referred for engrossment.

RESOLUTIONS

The following were introduced and read:

HCR 1059 – By McDaniel (Jeannie).

A Concurrent Resolution requesting the Department of Transportation to take certain steps regarding mowing, signage and wildflowers; and directing distribution.

HR 1052 – By Steele.

A Resolution proclaiming April 26, 2008, Kelsey Briggs Day.

HR 1053 – By Steele.

A Resolution commending Chief Master Sergeant, Retired, John Pannell, President of the Oklahoma Elks Association; offering congratulations and best wishes for future endeavors; 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:

HB 2238 – Energy and Technology

HB 2472 – Judiciary and Public Safety, Authored by Senator Garrison (principal Senate author)

HB 2590 – Judiciary and Public Safety

HB 2607 – Judiciary and Public Safety, Authored by Senator Nichols (principal Senate author)

HB 2631 – Judiciary and Public Safety, Coauthored by Representative(s) McCullough

HB 2710 – Judiciary and Public Safety, Authored by Senator Schulz (principal Senate author)

HB 2749 – Human Services, Authored by Senator Mazzei (principal Senate author)

HB 2755 – Human Services, Coauthored by Representative(s) Shumate, Pittman, and Authored by Senator Lamb (principal Senate author)

HB 2779 – Economic Development and Financial Services, Coauthored by Representative(s) McPeak

HB 2822 – Judiciary and Public Safety, Coauthored by Representative(s) Sherrer, and Authored by Senator Jolley (principal Senate author)

HB 2960 – Judiciary and Public Safety, Authored by Senator Leftwich (principal Senate author)

HB 3003 – Energy and Technology

HB 3076 – Judiciary and Public Safety, Authored by Senator Aldridge (principal Senate author)

HB 3201 – Human Services, Coauthored by Representative(s) Pittman, and Authored by Senator Aldridge (principal Senate author)

DO PASS, As Amended:

CS for HB 1647 – Public Health, Authored by Senator Williamson (principal Senate author)

CS for HB 1903 – Public Health

CS for HB 2181 – Judiciary and Public Safety

HB 2473 – Economic Development and Financial Services, Authored by Senator Garrison (principal Senate author)

CS for HB 2524 – Natural Resources, Authored by Senator Ballenger (principal Senate author)

CS for HB 2544 – Natural Resources, Authored by Senator Rabon (principal Senate author), and Coauthored by Senator(s) Justice

CS for HB 2546 – Natural Resources, Authored by Senator Williamson (principal Senate author)

CS for HB 2605 – Economic Development and Financial Services, Coauthored by Representative(s) Derby

CS for HB 2699 – Education, Authored by Senator Jolley (principal Senate author)

CS for HB 2735 – Natural Resources, Authored by Senator Lerblance (principal Senate author)

CS for HB 2748 – Human Services, Coauthored by Representative(s) Pittman, Billy, and Authored by Senator Lamb (principal Senate author)

CS for HB 2791 – Natural Resources, Coauthored by Representative(s) Adkins, Derby, Dorman, Faught, Hilliard, Hyman, Johnson (Rob), Joyner, McDaniel (Randy), Peterson (Ron), Proctor, Renegar, Schwartz, Sherrer, Smithson, Thompson, and Authored by Senator Schulz (principal Senate author)

CS for HB 2867 – Economic Development and Financial Services

CS for HB 3002 – Human Services, Coauthored by Representative(s) Pittman

CS for HB 3011 – Public Health, Coauthored by Representative(s) Hilliard, McDaniel (Jeannie)

CS for HB 3013 – Economic Development and Financial Services

CS for HB 3055 – Human Services, Coauthored by Representative(s) Pittman

CS for HB 3059 – Judiciary and Public Safety, Coauthored by Representative(s) Blackwell, McCullough, Tibbs, and Authored by Senator Williamson (principal Senate author)

CS for HB 3112 – Economic Development and Financial Services

CS for HB 3144 – Judiciary and Public Safety, Coauthored by Representative(s) Cooksey, McCullough, Shannon, Sullivan, Tibbs, and Authored by Senator Lamb (principal Senate author)

CS for HB 3148 – Judiciary and Public Safety, Coauthored by Representative(s) Roan, and Authored by Senator Nichols (principal Senate author)

CS for HB 3312 – Economic Development and Financial Services

Representative Piatt moved that when the clerk's desk is clear, the House stand adjourned to reconvene at 9:00 a.m., Tuesday, February 26, 2008, which was the order.

Pursuant to the motion of Representative Piatt, the House was adjourned at 3:20 p.m., to reconvene Tuesday, February 26, 2008, at 9:00 a.m.