

HOUSE JOURNAL

Second Regular Session of the Fifty-first Legislature

of the State of Oklahoma

Thirty-eighth Legislative Day, Wednesday, April 9, 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 Dr. Andy Bowman, Keys Baptist Church, Park Hill.

The Journal for the last legislative day was approved.

ENGROSSED AND ENROLLED MEASURES

HBs 2557, 2674, 2760, 2974 and 3278 were reported correctly enrolled and, after fourth reading, properly signed, in open session, and ordered transmitted to the Honorable Senate.

FIRST READING

The following was introduced and read for the first time:

HJR 1105 – By Piatt and Johnson (Dennis).

A Joint Resolution recommending and directing certain fee schedule in permanent rules of the Oklahoma Water Resources Board; and directing distribution.

RESOLUTIONS

The following were introduced and read:

HCR 1073 – By Johnson (Dennis).

A Concurrent Resolution; disapproving permanent rules of the Oklahoma Water Resources Board; and directing distribution.

HCR 1074 – By Hoskin of the House and Burrage of the Senate.

A Concurrent Resolution recognizing and congratulating Mr. Clem McSpadden on the occasion of his being presented the Chester A. Reynolds Memorial Award; expressing appreciation for his years of service to this state; and directing distribution.

HR 1065 – By Blackwell.

A Resolution declaring April 7 - 11, 2008, “County Government Week” in Oklahoma; commending the Association of County Commissioners of Oklahoma for their efforts; and directing distribution.

CONFEREES NAMED

The Speaker named the following conferees:

HB 1830 – Kiesel, Hoskin, Nations, Sears, Jett, Cannaday, Denney, Banz, Worthen, Johnson (Rob)

CONFEREES CHANGED

The Speaker changed conferees on **SB 811** by removing Lamons and adding Shumate, Rousselot. The conferees are named as follows:

SB 811 – Sullivan, Duncan, Johnson (Rob), Miller, Terrill, Shumate, Rousselot

MESSAGES FROM THE SENATE

Announcing the passage of and returning engrossed measures as amended **HBs 2226, 2469**, Coauthored by Senator(s) Barrington and Johnson (Constance), **2941, 3060, 3123** and **3132**.

Senate amendments were read on the above numbered measures.

Transmitting enrolled measures

Advising fourth reading of and transmitting for signature Enrolled **SBs 923** and **1797**.

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

Concurrence in HAs

Announcing the concurrence of Senate in **HAs** to **SB 1878** and the passage of said measure, as amended thereby.

Representative Armes Presiding

GENERAL ORDER

SB 1918 by Adelson of the Senate and Denney of the House was read and considered.

Representative Denney moved to amend **SB 1918** by striking the title, the enacting clause and the entire measure and inserting in lieu thereof a floor substitute, which amendment was declared adopted.

Representative Denney moved that **SB 1918** be advanced from General Order, which motion was declared adopted.

THIRD READING

SB 1918 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, Brown, Cannaday, Carey, Cargill, Collins, Coody, Cooksey, Covey, Cox, Dank, Denney, Derby, DeWitt, Dorman, Duncan, Ellis, Enns, Faught, Gilbert, Glenn, Harrison, Hickman, Hilliard, Hoskin, Hyman, Ingmire, Inman, Jackson, 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, 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, Thompson, Thomsen, Tibbs, Trebilcock, Turner, Walker, Watson, Wesselhoft, Winchester, Mr. Speaker.--94.

Nay: Wright.--1.

Excused: Brannon, Hamilton, Jett, Miller, Terrill, Worthen.--6.

The measure passed.

SB 1918 was referred for engrossment.

RESOLUTION FOR CONSIDERATION

HR 1065 was called up for consideration.

Coauthored by Representative(s) BigHorse, Brown, Cannaday, Carey, Collins, Coody, Covey, Dank, Denney, Derby, Dorman, Duncan, Ellis, Enns, Faught, Hilliard, Hoskin, Hyman, Inman, Jackson, Johnson (Dennis), Joyner, Lamons, Liebmann, Luttrell, Martin (Steve), McCullough, McDaniel (Jeannie), McMullen, McNiel, McPeak, Morgan, Proctor, Pruett, Renegar, Richardson, Roan, Rousselot, Schwartz, Sears, Sherrer, Shoemake, Smithson, Sullivan, Thompson, Thomsen, Turner, Walker, Watson

Upon motion of Representative Blackwell, **HR 1065** was considered and adopted.

HR 1065 was referred for enrollment.

MOTION

Representative Piatt moved that the House stand at ease until 2:30 p.m., which was the order.

Speaker Pro Tempore Blackwell Presiding

RESOLUTION FOR CONSIDERATION

SCR 66 was called up for consideration.

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

Upon motion of Representative Brannon, **SCR 66** was considered and adopted.

SCR 66 was properly signed, in open session, by the Presiding Officer and ordered returned to the Honorable Senate.

RESOLUTION FOR CONSIDERATION

SCR 67 was called up for consideration.

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

Upon motion of Representative Brannon, **SCR 67** was considered and adopted.

SCR 67 was properly signed, in open session, by the Presiding Officer and ordered returned to the Honorable Senate.

GENERAL ORDER

SB 1139 by Coates of the Senate and Richardson of the House was read and considered.

Representative Murphey moved to amend **SB 1139** by inserting a new Section 1 to read as follows, and renumbering subsequent sections:

“SECTION 1. AMENDATORY 74 O.S. 2001, Section 1315, as last amended by Section 4, Chapter 345, O.S.L. 2004 (74 O.S. Supp. 2007, Section 1315), is amended to read as follows:

Section 1315. A. Upon application in writing and subject to any underwriting criteria that may be established by the State and Education Employees Group Insurance Board, the Board may extend the benefits of the State and Education Employees Group Health and Life Insurance Plans to employees who are employed in positions requiring actual performance of duty during not less than one thousand (1,000) hours per year and to all full-time employees of:

1. Any of the following groups which participate in the Oklahoma Public Employees Retirement System:
 - a. county,
 - b. city,
 - c. town,
 - d. public trust for which the state is the primary beneficiary, or
 - e. conservation districts; and
2. Any of the following groups:
 - a. county hospital,
 - b. rural water district, including employees and board members,
 - c. sewer district,
 - d. gas district,
 - e. solid waste management district,
 - f. nonprofit water corporation employees and board members,
 - g. conservancy district or master conservancy district authorized by the provisions of Section 541 of Title 82 of the Oklahoma Statutes,

h. voluntary organization of Oklahoma local government jurisdictions listed in Section 2003 of Title 62 of the Oklahoma Statutes including any council created by the voluntary organizations,

i. voluntary association designated to administer the County Government Council as authorized in Section 7 of Title 19 of the Oklahoma Statutes,

j. statewide nonprofit entities representing employees of the state or employees of local political subdivisions who are eligible for insurance benefits authorized by the provisions of the State and Education Employees Group Insurance Act, ~~or~~

k. statewide nonprofit entities receiving state funds to provide no cost legal services to low income and senior citizens, or

l. fire protection districts authorized by the provisions of Sections 901.1 through 901.30-9 of Title 19 of the Oklahoma Statutes.

B. Applications to participate in the State and Education Employees Group Health and Life Insurance Plans shall be approved by majority action of the governing body of the groups listed in subsection A of this section.

C. Groups listed in subsection A of this section participating in the Oklahoma State and Education Employees Group Health and Life Insurance Plans shall pay all costs attributable to their participation. The benefits of said plans for a participant provided coverage pursuant to this section shall be the same and shall include the same plan options as would be made available to a state employee participating in the plan that resided at the same location. The premium for participating groups listed in subsection A of this section shall be the same as paid by state and education employees.

D. Participating groups listed in subsection A of this section shall not be required to offer dental insurance as defined in paragraph (11) of Section 1303 of this title, or other insurance as defined in paragraph (12) of Section 1303 of this title. However, if dental insurance or any other insurance is offered, it must be provided to all eligible employees. If an employee retires and begins to receive benefits from the Oklahoma Public Employees Retirement System or terminates service and has a vested benefit with the Oklahoma Public Employees Retirement System, the employee may elect, in the manner provided in Section 1316.2 of this title, to participate in the dental insurance plan offered through the State and Education Employees Group Insurance Act within thirty (30) days from the date of termination of employment. The employee shall pay the full cost of the dental insurance.

E. 1. Any employee of a group listed in subsection A of this section who retires or who has a vested benefit pursuant to the Oklahoma Public Employees Retirement System may begin the health insurance coverage if the employer of the employee is not a participant of the State and Education Employees Group Insurance Act and does not offer health insurance to its employees. Such election by the employee to begin coverage shall be made within thirty (30) days from the date of termination of service.

2. Any employee of a group listed in subsection A of this section who retires or who has a vested benefit pursuant to the Oklahoma Public Employees Retirement System may begin or continue the health insurance coverage if the employer of the employee is a participant of the State and Education Employees Group Insurance Act and the election to begin or continue coverage is made within thirty (30) days from the date of termination of service.

F. Any county, city, town, county hospital, public trust, conservation district, or rural water, sewer, gas or solid waste management district, or nonprofit water corporation, any of which of the aforementioned groups is not a participating employer in the Oklahoma Public Employees Retirement System, but which has employees who are participating in the health, dental or life insurance plans offered by or through the State and Education Employees Group Insurance Act on July 1, 1997, may continue to allow its current and future employees to participate in such health, dental or life insurance plans. Participation of such employees may also continue following termination of employment if the employee has completed at least eight (8) years of service with a participating employer and such an election to continue in force is made within thirty (30) days following termination of employment. Any retiree or terminated employee electing coverage pursuant to this section shall pay the full cost of the insurance.

G. An employee of a group listed in paragraph 2 of subsection A of this section may continue in force health, dental and life insurance coverage following termination of employment if the employee has a minimum of eight (8) years of service with a participating employer and the election to continue in force is made within thirty (30) calendar days following termination of employment.

H. Notwithstanding other provisions in this section, an employer listed in subsection A of this section may cease to participate in the State and Education Employees Group Insurance Act but provide health insurance coverage for its current and former employees through another insurance carrier. The subsequent carrier shall be responsible for providing coverage to the entity's employees who terminated employment with a retirement benefit, with a vested benefit, or who have eight (8) or more years of service with a participating employer but did not have a vested benefit through the Oklahoma Public Employees Retirement System, if the election to retain health insurance coverage was made within thirty (30) days of termination of employment. Coverage shall also be provided to the eligible dependents of the employees if an election to retain coverage is made within thirty (30) days of termination of employment. Employees who terminate employment from an employer covered by this paragraph before December 31, 2001, and elect coverage under the State and Education Employees Group Insurance Act, shall not be required to change insurance carriers in the event that the employer changes its insurance carrier to a subsequent carrier. The provisions of this subsection shall become effective January 1, 2002.

I. Employers pursuant to subsection A of this section who participate in the Oklahoma Public Employees Retirement System and who offer health insurance coverage to their active employees, shall offer health insurance coverage to those employees who retire from the employer and also to those employees who terminate employment and are eligible to elect a vested benefit in the System. Such employers shall begin offering coverage to such employees on or before January 1, 2004. Such employees who wish to continue coverage shall make an election to retain health insurance coverage within thirty (30) days of termination of employment. However, former employees of such employers who have already retired or who have terminated and are eligible to elect a vested benefit under the Oklahoma Public Employees Retirement System, during the period beginning January 1, 2002, and ending December 31, 2003, may make an election to begin participation in the plans offered by the State and Education Employees Group Insurance Board on or before December 31, 2003, in the same manner as other participating retired or vested members. The employer, assisted by the Oklahoma Public Employees Retirement System shall notify by October 1, 2003, all members who have either retired from the System or who are

eligible to elect a vested benefit in the System between January 1, 2002, through December 31, 2003, and who were employed by an employer listed in subsection A of this section of the member's potential eligibility to participate in such plans. Each employer shall notify the Oklahoma Public Employees Retirement System when an employee is retiring and makes the election pursuant to this subsection to continue coverage under a plan offered by such employer and when an employee terminates employment and is eligible to elect a vested benefit in the System and such employee elects to continue coverage under a plan offered by such employer. Such employer shall also notify the Oklahoma Public Employees Retirement System if a retired employee or an employee who is eligible to elect a vested benefit in the System terminates such continued coverage.

J. Any group that begins participation in the State and Education Employees Group Health and Life Insurance Plans after the effective date of this act and that is not composed of state or education employees must have one hundred percent (100%) participation in the health plan offered pursuant to the State and Education Employees Group Insurance Act."

Representative Reynolds asked a ruling of the Presiding Officer whether the Murphey amendment is germane to **SB 1139**.

The Presiding Officer ruled the point well taken and the amendment nongermane.

Representative Murphey moved to suspend House Rule 8.11 for the purpose of allowing consideration of his amendment, which motion failed of adoption upon roll call as follows:

Aye: Adkins, Armes, Auffet, Banz, Billy, Blackwell, Cargill, Coody, Derby, Hamilton, Harrison, Jones, Jordan, Joyner, Key, Martin (Scott), Martin (Steve), McCullough, Miller, Murphey, Pruett, Sears, Steele, Thomsen, Trebilcock, Winchester, Worthen.--27.

Nay: BigHorse, Braddock, Brannon, Brown, Cannaday, Carey, Collins, Cooksey, Covey, Dorman, Duncan, Ellis, Enns, Faught, Glenn, Hilliard, Hoskin, Hyman, Ingmire, Inman, Kern, Lamons, Liebmann, Luttrell, McAffrey, McCarter, McDaniel (Randy), McMullen, McPeak, Morgan, Morrissette, Nations, Peters, Peterson (Pam), Piatt, Pittman, Proctor, Renegar, Reynolds, Roan, Rousselot, Shannon, Sherrer, Shoemake, Shumate, Smithson, Tibbs, Turner, Watson, Wesselhoft, Wright, Mr. Speaker.--52.

Excused: Cox, Dank, Denney, DeWitt, Gilbert, Hickman, Jackson, Jett, Johnson (Dennis), Johnson (Rob), Kiesel, Lindley, McDaniel (Jeannie), McNiel, Peterson (Ron), Richardson, Schwartz, Shelton, Sullivan, Terrill, Thompson, Walker.--22.

Representative Richardson moved that **SB 1139** be advanced from General Order, which motion was declared adopted.

THIRD READING

SB 1139 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, Cargill, 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, Pittman, Proctor, Pruett, Renegar, Reynolds, Richardson, Roan, Roussetot, Schwartz, Sears, Shannon, Shelton, Sherrer, Shoemake, Shumate, Smithson, Steele, Sullivan, Terrill, Thompson, Thomsen, Tibbs, Trebilcock, Turner, Walker, Watson, Wesselhoft, Winchester, Worthen, Wright, Mr. Speaker.--101.

The measure passed.

SB 1139 was referred for engrossment.

GENERAL ORDER

SB 1587 by Johnson (Mike) of the Senate and Adkins of the House was read and considered.

Representative Adkins moved to amend **SB 1587** by restoring the title, which amendment was declared adopted.

Representative Adkins moved to amend **SB 1587** by restoring the enacting clause, which amendment was declared adopted.

Representative Adkins moved that **SB 1587** be advanced from General Order, which motion was declared adopted.

THIRD READING

SB 1587 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, Cargill, 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, Pittman, Proctor, Pruett, Renegar, Reynolds, Richardson, Roan, Roussetot, Schwartz, Sears, Shannon, Shelton, Sherrer, Shoemake, Shumate, Smithson, Steele, Sullivan, Terrill, Thompson, Thomsen, Tibbs, Trebilcock, Turner, Walker, Watson, Wesselhoft, Winchester, Worthen, Wright, Mr. Speaker.--101.

The measure and emergency passed.

SB 1587 was referred for engrossment.

GENERAL ORDER

SB 1672 by Corn of the Senate and Duncan of the House was read and considered.

Representative Duncan moved that **SB 1672** be advanced from General Order, which motion was declared adopted.

THIRD READING

SB 1672 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, Cargill, 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, Pittman, Proctor, Pruett, Renegar, Reynolds, Richardson, Roan, Roussetot, Schwartz, Sears, Shannon, Shelton, Sherrer, Shoemake, Shumate, Smithson, Steele, Sullivan, Terrill, Thompson, Thomsen, Tibbs, Trebilcock, Turner, Walker, Watson, Wesselhoft, Winchester, Worthen, Wright, Mr. Speaker.--101.

The measure and emergency passed.

SB 1672 was referred for engrossment.

MESSAGES FROM THE SENATE

Announcing that Enrolled **HBs 2557, 2674, 2760, 2974** and **3278** 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.

Returning engrossed measures

Announcing the passage of **HBs 1647** and **2691**, Coauthored by Senator(s) Myers and Sweden.

The above-numbered measures were referred for enrollment.

COMMITTEE REPORTS

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

DO PASS:

SB 1148 – Appropriations and Budget

SB 1760 – Human Services, Coauthored by Representative(s) Kern, Pittman

SB 1770 – Appropriations and Budget, Coauthored by Representative(s) Dorman

SB 1793 – General Government and Transportation, Coauthored by Representative(s) Carey, Shannon

DO PASS, As Amended:

CS for SB 746 – Natural Resources, Remove Representative Adkins as principal House author and substitute with Representative McNiel

CS for SB 958 – Appropriations and Budget

SB 1141 – Appropriations and Budget, Coauthored by Representative(s) Jett, Terrill

SB 1168 – Appropriations and Budget

CS for SB 1383 – Appropriations and Budget, Coauthored by Representative(s) Terrill

SB 1390 – Appropriations and Budget, Coauthored by Representative(s) Jett

CS for SB 1451 – Natural Resources, Remove Representative Hickman as principal House author and substitute with Representative Richardson

CS for SB 1627 – Natural Resources

CS for SB 1641 – Economic Development and Financial Services, Coauthored by Representative(s) Derby

CS for SB 1645 – Public Health, Coauthored by Representative(s) McDaniel (Jeannie)

CS for SB 1696 – Appropriations and Budget, Coauthored by Representative(s)

Dorman, Jett

CS for SB 1697 – Natural Resources

CS for SB 1766 – Natural Resources

CS for SB 1794 – Public Health

CS for SB 1799 – Appropriations and Budget, Coauthored by Representative(s) Jett

CS for SB 1819 – Economic Development and Financial Services, Coauthored by

Representative(s) Derby

SB 1866 – Appropriations and Budget

CS for SB 1872 – Natural Resources

CS for SB 1873 – Appropriations and Budget

SB 1941 – Education

CS for SB 2061 – Appropriations and Budget

Representative Piatt moved that when the clerk's desk is clear, the House stand adjourned to reconvene at 9:00 a.m., Thursday, April 10, 2008, which was the order.

Pursuant to the motion of Representative Piatt, the House was adjourned at 3:15 p.m., to reconvene Thursday, April 10, 2008, at 9:00 a.m.