

Tenth Legislative Day

Monday, November 18, 2002

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

The roll was called with 95 Members present.

The following Members were excused: Gilbert, Kirby, Paulk, Ross, Stites (Chad).—5.

Vacancy: Dist. 65.—1.

The Speaker Pro Tempore declared a quorum present.

Prayer was offered by Representative Dunegan.

The Journal for the last legislative day was approved.

EXECUTIVE ORDER

The Governor's Amended Executive Order 2001-19 of December 5, 2001, was read at length as follows:

To the Honorable Members of the House of Representatives and the Honorable Members of the State Senate of Oklahoma:

I, Frank Keating, Governor of the State of Oklahoma, pursuant to the authority vested in me by the provisions of Section 7 of Article VI of the Oklahoma Constitution, hereby amend Executive Order 2001-19 which convoked the First Extraordinary Session of the Forty-eighth Oklahoma Legislature to convene at the State Capitol on May 21, 2001. The following subjects were recommended for consideration:

1. Legislation referring to a vote of the people the restructuring of Oklahoma's tax system including the repeal of the personal income tax and the sales tax on groceries and making the State a "pick up state" for estate tax purposes. Revenue enhancement measures to replace all or a significant portion of the revenues to the State which would be lost or reduced would also be considered and included.

2. Legislation to address the required reapportionment of Oklahoma's Congressional districts based on the 2000 census.

On June 8, 2001, I further amended Executive Order 2001-19 dated May 21, 2001, to reconvene at the State Capitol at any time after June 8, 2001, as called by the Speaker of the House of Representatives and the President Pro Tempore of the Senate, for consideration of the following additional subject:

3. Legislation to exempt the recently approved federal income tax rebate to be received this summer from the state income tax.

On August 30, 2001, I further amended Executive Order 2001-19 dated May 21, 2001, to reconvene at the State Capitol at any time after August 30, 2001, as called by the Speaker of the House of Representatives and the President Pro Tempore of the Senate, for consideration of the following additional subjects:

4. Legislation to extend the 50% unemployment insurance tax rate cut for two years until December 31, 2003.

5. Legislation to designate state matching funds for the federal Welfare-to-Work block grant, the money for which is already available in the budget of the Oklahoma Employment Security Commission.

6. Legislation to exempt from state and federal income taxation after January 1, 2002 distributions from Oklahoma College Savings Program accounts.

7. Legislation to address election laws in light of the pending resignation of Congressman Steve Largent and resulting vacancy in his congressional seat, as was done in the case of the early resignation of then Senator David Boren in 26 O.S. Section 12-101(C).

I hereby further amend Executive Order 2001-19 dated May 21, 2001, to reconvene at the State Capitol at any time after September 7, 2001, as called by the Speaker of the House of Representatives and the President Pro Tempore of the Senate, for consideration of the following subjects in addition to those listed above:

8. Legislation to reform the Workers Compensation system including the Multiple Injury Trust Fund.

9. Legislation to amend 21 O.S. Section 1541.1 to conform with Senate Bill 397 which was passed during the First Regular Session of the Forty-Eighth Legislature.

I hereby further amend Executive Order 2001-19 dated May 21, 2001, to reconvene at the State Capitol at any time after September 7, 2001, as called by the Speaker of the House of Representatives and the President Pro Tempore of the Senate, for consideration of the following subject in addition to those listed above:

10. Legislation to amend 47 O.S. Section 6-301 to include military and intelligence agencies.

I hereby further amend Executive Order 2001-19 dated May 21, 2001, to reconvene at the State Capitol at any time after September 7, 2001, as called by the Speaker of the House of Representatives and the President Pro Tempore of the Senate, for consideration of the following subject in addition to those listed above:

11. Legislation relating to tax credits to public service corporations providing power to industrial customers.

I hereby further amend Executive Order 2001-19 dated May 21, 2001, to reconvene at the State Capitol at any time after October 10, 2001, as called by the Speaker of the House of Representatives and the President Pro Tempore of the Senate, for consideration of the following subject in addition to those listed above:

12. Legislation to provide for a sales tax holiday.

I hereby further amend Executive Order 2001-19 dated May 21, 2001, to reconvene at the State Capitol at any time after October 22, 2001, as called by the Speaker of the House of Representatives and the President Pro Tempore of the Senate, for consideration of the following subject in addition to those listed above:

13. Legislation to consider tort claim coverage for physicians engaged in the practice of medicine while employed by the State.

I hereby further amend Executive Order 2001-19 dated May 21, 2001, to reconvene at the State Capitol as called by the Speaker of the House of Representatives and the President Pro Tempore of the Senate, for consideration of the following subject in addition to those listed above:

14. Legislation to bring **HB 1570**, passed during the First Regular Session of the Forty-eighth Legislature, into compliance with the Oklahoma Constitution. This action is taken in response to the recent Oklahoma Supreme Court ruling declaring said bill unconstitutional.

I hereby further amend Executive Order 2001-19 dated May 21, 2001, to reconvene at the State Capitol as called by the Speaker of the House of Representatives and the President Pro Tempore of the Senate, for consideration of the following subject in addition to those listed above:

15. In the interest of public safety, legislation to appropriate funds available from 2002 General Revenue Cash Fund to the Department of Corrections to delay the implementation of the Department's furlough plan.

Copies of this Executive Order shall be distributed to every member of the Oklahoma House of Representatives, every member of the Oklahoma State Senate, the Clerk of the House of Representatives, the Secretary of the Senate, and the Director of the Office of State Finance.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the Great Seal of the State of Oklahoma to be affixed at Oklahoma City, Oklahoma this 13th day of November, 2002.

BY THE GOVERNOR OF THE STATE OF OKLAHOMA

/s/ Frank Keating

Speaker Emeritus Benson Presiding

MESSAGES FROM THE SENATE

Announcing the passage of and returning engrossed measure as amended: **HB 1007**.

Senate amendments were read on the above numbered measure.

Transmitting engrossed measure

Announcing the passage of the following engrossed measure.

The measure was introduced and read.

SCR 5 – By Taylor of the Senate and Adair of the House.

A Concurrent Resolution relating to legislative procedures; establishing a legislative procedure schedule for the 49th Oklahoma Legislature.

PENDING CONSIDERATION OF SAs

SAs to **HB 1007** were called up for consideration.

Upon motion of Representative Hilliard, the House concurred in the **SAs** to **HB 1007**.

HB 1007, 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, Askins, Balkman, Begley, Bengel, Benson, Blackburn, Bonny, Braddock, Calvey, Cargill, Case, Claunch, Coleman, Corn, Covey, Cox, Dank, Davis, Deutschendorf, DeWitt, Dunegan, Easley, Eddins, Ericson, Ervin, Erwin, Ferguson, Fields, Friskup, Graves, Gray, Greenwood, Hastings, Hefner, Hiatt, Hilliard, Hutchison, Ingmire, Jones, Langmacher, Leist, Lindley, Liotta, Maddux, Mass, Matlock, McCarter, Miller (Doug), Miller (Ray), Mitchell, Morgan, Nance, Nations, Newport, O'Neal, Perry, Peters, Peterson, Pettigrew, Phillips, Piatt, Plunk, Pope (Clay), Pope (Tim), Rice, Roach, Roan, Roberts, Roggow, Smaligo, Smith (Dale), Smith (Hopper), Staggs, Stanley, Steele, Stites (J.T.), Sullivan, Sweeden, Taylor, Tibbs, Toure, Turner, Tyler, Vaughn, Walker, Webb, Wells, Wilson, Wilt, Winchester, Worthen, Wright, Young, Mr. Speaker.--95.

Excused: Gilbert, Kirby, Paulk, Ross, Stites (Chad).--5.

Vacancy: Dist. 65.--1.

The measure and emergency passed.

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

Speaker Pro Tempore Matlock Presiding

RESOLUTION FOR CONSIDERATION

SCR 5 was called up for consideration.

Upon motion of Representative Hilliard, **SCR 5** was considered and adopted.

SCR 5 was properly signed, in open session, by the Presiding Officer and ordered returned to the Honorable Senate.

MESSAGE FROM THE SENATE

Advising the signing of and transmitting for signature Enrolled **SCR 5**.

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

ENGROSSED AND ENROLLED MEASURES

HB 1007 was reported correctly enrolled and, after fourth reading, properly signed, in open session, and ordered transmitted to the Honorable Senate.

MESSAGE FROM THE SENATE

Announcing that Enrolled **HB 1007** has been read at length for the fourth time and signed by the Presiding Officer of Senate, in open session.

The above measure was ordered transmitted to the Honorable Governor.

Representative Hilliard moved that when the clerk's desk is clear, the House of Representatives of the First Extraordinary Session of the Forty-eighth Legislature adjourn sine die, which motion was declared adopted.

The clerk's desk being clear, and as provided in the Hilliard motion, the House of Representatives of the First Extraordinary Session of the Forty-eighth Legislature at the hour of 2:30 p.m. adjourned sine die.

FINAL ACTION AFTER ADJOURNMENT

MESSAGE FROM THE GOVERNOR

Advising of his approval of **HB 1007** on November 19, 2002.