

Forty-seventh Legislative Day

Thursday, April 25, 2002

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

The roll was called with 100 Members present.

The following Member was excused: Stanley.—1.

The Speaker Pro Tempore declared a quorum present.

Prayer was offered by Reverend E. Elizabeth Brown, First United Methodist Church, Hennessey.

The Journal for the last legislative day was approved.

MESSAGES FROM THE SENATE

Announcing the passage of and returning engrossed measures as amended: **HBs 2278, 2284, 2604, 2641, 2674, 2721 and 2754.**

Senate amendments were read on the above numbered measures.

Concurrence in HAs

Announcing the concurrence of Senate in **HAs** to **SBs 882, 925, 1282 and 1319** and the passage of said measures, as amended thereby.

Transmitting enrolled measures

Advising fourth reading of and transmitting for signature Enrolled **SBs 1285 and 1597.**

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

ENGROSSED AND ENROLLED MEASURES

HCR 1046 was reported correctly engrossed, properly signed, in open session, and ordered transmitted to the Honorable Senate.

HCR 1059 was reported correctly enrolled, properly signed, in open session, and ordered transmitted to the Honorable Senate.

HAs to SBs 732, 817, 871, 883, 893, 904, 975, 980, 983, 1378, 1390, 1429, 1448, 1460, 1463, 1534, 1591, 1609, 1624, 1628 and 1664 were reported correctly engrossed, properly signed, in open session, and the measures, as amended, were ordered returned to the Honorable Senate.

MESSAGES FROM THE SENATE

Announcing that Enrolled **HCR 1059** has been signed by the Presiding Officer of Senate, in open session.

The above measure was ordered filed with the Secretary of State.

Conference requested

Advising rejection of **HAs to SBs 975 and 1304** and requesting conference thereon. Senate conferees to be named later.

Transmitting engrossed measure

Announcing the passage of the following engrossed measure.

The measure was introduced and read.

SCR 54 – By Hobson of the Senate and Nations of the House.

A Concurrent Resolution commending the University of Oklahoma's Political Communication Center and all those involved in producing "Sights and Sounds of Oklahoma Politics"; and directing distribution.

Returning engrossed measure

Announcing the passage of **HJR 1036**.

The above-numbered measure was referred for enrollment.

RESOLUTION

The following was introduced and read:

HR 1036 – By Walker.

A Resolution proclaiming May 2002 as Flood Awareness Month; and providing for distribution.

PENDING CONSIDERATION OF CCR

The **CCR** on **HB 1503** was called up for consideration.

Coauthored by Representative(s) Bonny

Upon motion of Speaker Adair, the **CCR** on **HB 1503** was adopted.

HB 1503, as amended in conference, 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, Bengé, 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, Gilbert, Graves, Gray, Greenwood, Hastings, Hefner, Hiatt, Hilliard, Hutchison, Ingmire, Jones, Kirby, Langmacher, Leist, Lindley, Liotta, Maddux, Mass, Matlock, McCarter, Miller (Doug), Miller (Ray), Mitchell, Morgan, Nance, Nations, Newport, O'Neal, Paulk, Perry, Peters, Peterson, Phillips, Piatt, Plunk, Pope (Clay), Pope (Tim), Rice, Roach, Roan, Roberts, Roggow, Ross, Smaligo, Smith (Dale), Smith (Hopper), Staggs, Steele, Stites (Chad), Stites (J.T.), Sullivan, Sweeden, Taylor, Tibbs, Toure, Turner, Tyler, Vaughn, Walker, Webb, Wilson, Wilt, Winchester, Worthen, Wright, Young, Mr. Speaker.--97.

Excused: Glover, Pettigrew, Stanley, Wells.--4.

The measure and emergency passed.

HB 1503, together with the conference committee report, thereon, was ordered transmitted to the Honorable Senate.

Speaker Adair Presiding

MOTION

Upon unanimous consent request of Representative Hutchison, House Rule 5, Section 2(f) was relaxed for Monday, April 29, 2002.

GENERAL ORDER

SB 1371 by Rabon of the Senate and Matlock of the House was read and considered.

Representative Matlock moved to amend **SB 1371** by restoring the title, which amendment was declared adopted.

Representative Matlock moved that **SB 1371** be advanced from General Order, which motion was declared adopted.

By unanimous consent, upon request of Representative Matlock, **SB 1371** was considered engrossed and placed on Third Reading and Final Passage.

THIRD READING

SB 1371 was read at length for the third time. On passage of the measure and emergency, the roll call was as follows:

Aye: Adkins, Askins, Balkman, Begley, Bengé, 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, Gilbert, Graves, Gray, Greenwood, Hastings, Hefner, Hiatt, Hilliard, Hutchison, Ingmire, Jones, Kirby, Langmacher, Leist, Lindley, Liotta, Maddux, Mass, Matlock, McCarter, Miller (Doug), Miller (Ray), Mitchell, Morgan, Nance, Nations, Newport, O'Neal, Paulk, Perry, Peters, Peterson, Phillips, Piatt, Plunk, Pope (Clay), Pope (Tim), Rice, Roach, Roan, Roberts, Roggow, Ross, Smaligo, Smith (Dale), Smith (Hopper), Staggs, Steele, Stites (Chad), Stites (J.T.), Sullivan, Sweeden, Taylor, Tibbs, Toure, Turner, Tyler, Vaughn, Walker, Webb, Wilson, Wilt, Winchester, Worthen, Wright, Young, Mr. Speaker.--97.

Excused: Glover, Pettigrew, Stanley, Wells.--4.

The measure and emergency passed.

SB 1371 was referred for engrossment.

Speaker Pro Tempore Matlock Presiding**RESOLUTION FOR CONSIDERATION**

SCR 54 was called up for consideration.

Upon motion of Representative Nations, **SCR 54** was considered and adopted.

SCR 54 was properly signed, in open session, by the Presiding Officer and ordered returned to the Honorable Senate.

RESOLUTION FOR CONSIDERATION

HCR 1057 was called up for consideration.

Coauthored by Representative(s) Adair, Askins, Begley, Blackburn, Bonny, Braddock, Corn, Covey, Cox, Deutschendorf, Easley, Fields, Gilbert, Gray, Hefner, Hutchison, Kirby, Langmacher, Lindley, Miller (Ray), Paulk, Plunk, Rice, Roan, Smith (Dale), Stites (J.T.), Sweeden, Taylor, Toure, Turner, Walker, Wilson

Upon motion of Representative Mitchell, **HCR 1057** was considered and adopted.

HCR 1057 was referred for engrossment.

RESOLUTION FOR CONSIDERATION

SCR 61 was called up for consideration.

Coauthored by Representative(s) Braddock, Plunk

Upon motion of Representative Dunegan, **SCR 61** was considered and adopted.

SCR 61 was properly signed, in open session, by the Presiding Officer and ordered returned to the Honorable Senate.

GENERAL ORDER

SB 510 by Helton of the Senate and Nance of the House was read and considered.

Representative Roberts moved to amend **SB 510**, Page 12, Section 2, Line 12, before the comma “,” and after the word “substance” insert the language “while on duty”, which amendment was declared adopted.

Representative Nance moved that **SB 510** be advanced from General Order, which motion was declared adopted.

By unanimous consent, upon request of Representative Nance, **SB 510** was considered engrossed and placed on Third Reading and Final Passage.

THIRD READING

SB 510 was read at length for the third time. On passage of the measure and emergency, the roll call was as follows:

Aye: Adkins, Askins, Balkman, Begley, Bengel, Benson, Blackburn, Bonny, Braddock, Calvey, Cargill, Case, Claunch, Corn, Covey, Cox, Dank, Davis, Deutschendorf, DeWitt,

Dunegan, Easley, Eddins, Ericson, Ervin, Erwin, Ferguson, Fields, Friskup, Gilbert, Graves, Gray, Greenwood, Hastings, Hefner, Hiatt, Hilliard, Hutchison, Ingmire, Jones, Kirby, Langmacher, Leist, Lindley, Liotta, Maddux, Mass, Matlock, McCarter, Miller (Doug), Miller (Ray), Mitchell, Morgan, Nance, Nations, Newport, O'Neal, Paulk, Perry, Peters, Peterson, Pettigrew, Phillips, Piatt, Plunk, Pope (Clay), Pope (Tim), Rice, Roach, Roan, Roberts, Roggow, Ross, Smaligo, Smith (Dale), Smith (Hopper), Staggs, Steele, Stites (Chad), Stites (J.T.), Sullivan, Sweeden, Taylor, Tibbs, Toure, Turner, Tyler, Vaughn, Walker, Webb, Wilson, Wilt, Winchester, Worthen, Wright, Young, Mr. Speaker.-97.

Excused: Coleman, Glover, Stanley, Wells.--4.

The measure and emergency passed.

SB 510 was referred for engrossment.

GENERAL ORDER

SB 1307 by Easley of the Senate and Leist of the House was read and considered.

Representative Leist moved that **SB 1307** be advanced from General Order, which motion was declared adopted.

By unanimous consent, upon request of Representative Leist, **SB 1307** was considered engrossed and placed on Third Reading and Final Passage.

THIRD READING

SB 1307 was read at length for the third time. On passage of the measure, the roll call was as follows:

Aye: Adkins, Askins, Balkman, Begley, Bengé, Benson, Blackburn, Bonny, Braddock, Calvey, Cargill, Case, Claunch, Corn, Covey, Cox, Dank, Davis, Deutschendorf, DeWitt, Dunegan, Easley, Eddins, Ericson, Ervin, Erwin, Ferguson, Fields, Friskup, Gilbert, Graves, Gray, Greenwood, Hastings, Hefner, Hiatt, Hilliard, Hutchison, Ingmire, Jones, Kirby, Langmacher, Leist, Lindley, Liotta, Maddux, Mass, Matlock, McCarter, Miller (Doug), Miller (Ray), Mitchell, Morgan, Nance, Nations, Newport, O'Neal, Paulk, Perry, Peters, Peterson, Pettigrew, Phillips, Piatt, Plunk, Pope (Clay), Pope (Tim), Rice, Roach, Roan, Roberts, Roggow, Ross, Smaligo, Smith (Dale), Smith (Hopper), Staggs, Steele, Stites (Chad), Stites (J.T.), Sullivan, Sweeden, Taylor, Tibbs, Toure, Turner, Tyler, Vaughn, Walker, Webb, Wilson, Wilt, Winchester, Worthen, Young, Mr. Speaker.--96.

Nay: Wright.--1.

Excused: Coleman, Glover, Stanley, Wells.--4.

The measure passed.

SB 1307 was referred for engrossment.

RECONSIDERATION

Representative Toure moved to reconsider the vote whereby **SB 1594** failed.

Representative Phillips moved to table the Toure motion to reconsider, which tabling motion failed of adoption upon roll call as follows:

Aye: Adkins, Balkman, Bengel, Calvey, Cargill, Case, Claunch, Dank, DeWitt, Ericson, Ervin, Ferguson, Friskup, Graves, Greenwood, Hiatt, Ingmire, Jones, Liotta, Maddux, Miller (Doug), Morgan, Nance, Newport, O'Neal, Perry, Peters, Peterson, Phillips, Piatt, Pope (Tim), Rice, Roggow, Smaligo, Smith (Hopper), Steele, Stites (Chad), Sullivan, Taylor, Tibbs, Tyler, Vaughn, Webb, Wilt, Winchester, Worthen, Wright, Young.--48.

Nay: Askins, Begley, Benson, Blackburn, Bonny, Braddock, Corn, Covey, Cox, Davis, Deutschendorf, Dunegan, Easley, Eddins, Erwin, Fields, Gilbert, Gray, Hefner, Hilliard, Hutchison, Kirby, Langmacher, Leist, Lindley, Mass, Matlock, McCarter, Miller (Ray), Mitchell, Nations, Paulk, Pettigrew, Plunk, Pope (Clay), Roach, Roan, Roberts, Ross, Smith (Dale), Staggs, Stites (J.T.), Sweeden, Toure, Turner, Walker, Wilson, Mr. Speaker.--48.

Excused: Coleman, Glover, Hastings, Stanley, Wells.--5.

Representative Toure pressed his motion to reconsider the vote whereby **SB 1594** failed, which motion failed of adoption upon roll call as follows:

Aye: Askins, Begley, Benson, Blackburn, Bonny, Braddock, Corn, Covey, Cox, Davis, Deutschendorf, Dunegan, Easley, Eddins, Erwin, Fields, Gilbert, Gray, Hefner, Hilliard, Hutchison, Kirby, Langmacher, Leist, Lindley, Mass, Matlock, McCarter, Miller (Ray), Mitchell, Nations, Paulk, Plunk, Pope (Clay), Rice, Roach, Roan, Roberts, Ross, Smith (Dale), Staggs, Stites (J.T.), Sweeden, Toure, Turner, Walker, Wilson, Mr. Speaker.--48.

Nay: Adkins, Balkman, Bengel, Calvey, Cargill, Case, Claunch, Dank, DeWitt, Ericson, Ervin, Ferguson, Friskup, Graves, Greenwood, Hiatt, Ingmire, Jones, Liotta, Maddux, Miller (Doug), Morgan, Nance, Newport, O'Neal, Perry, Peters, Peterson, Pettigrew, Phillips, Piatt, Pope (Tim), Roggow, Smaligo, Smith (Hopper), Steele, Stites (Chad), Sullivan, Taylor, Tibbs, Tyler, Vaughn, Webb, Wilt, Winchester, Worthen, Wright, Young.--48.

Excused: Coleman, Glover, Hastings, Stanley, Wells.--5.

PENDING CONSIDERATION OF SAs

SAs to **HB 2633** were rejected upon motion of Representative Fields. Conferees to be named later.

PENDING CONSIDERATION OF SAs

SAs to **HBs 2302** and **2802** were rejected upon motion of Representative McCarter. Conferees to be named later.

PENDING CONSIDERATION OF SAs

SAs to **HB 2720** were rejected upon motion of Representative Roach. Conferees to be named later.

PENDING CONSIDERATION OF SAs

SAs to **HB 2641** were rejected upon motion of Representative Vaughn. Conferees to be named later.

PENDING CONSIDERATION OF SAs

SAs to **HBs 2148** and **2753** were rejected upon motion of Representative Askins. Conferees to be named later.

PENDING CONSIDERATION OF SAs

SAs to **HB 2231** were rejected upon motion of Representative Walker. Conferees to be named later.

PENDING CONSIDERATION OF SAs

SAs to **HBs 2088** and **2418** were rejected upon motion of Representative Roggow. Conferees to be named later.

PENDING CONSIDERATION OF SAs

SAs to **HB 2772** were rejected upon motion of Representative Tibbs. Conferees to be named later.

PENDING CONSIDERATION OF SAs

SAs to **HB 2738** were rejected upon motion of Representative Deutschendorf. Conferees to be named later.

MESSAGE FROM THE SENATE

Advising conference granted and the Senate naming conferees as follows:

HB 2231 - Capps, Crutchfield, Riley

CONFERENCE GRANTED

Upon motion of Representative Hilliard, the House granted the request of the Honorable Senate for conference on the following measures and the Speaker named conferees:

SB 1234 – Stites (J.T.), Benge, Ingmire, Roberts, Staggs

SB 1244 – Stites (J.T.), Benge, Ingmire, Roberts, Staggs

SB 1376 – Stites (J.T.), Benge, Ingmire, Roberts, Staggs

CONFEREES NAMED

The Speaker named the following conferees:

HB 2124 – Stites (J.T.), Benge, Ingmire, Roberts, Staggs

HB 2309 – Stites (J.T.), Benge, Ingmire, Roberts, Staggs

HB 2311 – Stites (J.T.), Benge, Ingmire, Roberts, Staggs

HB 2383 – Roan, Benge, Stites (J.T.), Roberts, Staggs, Ingmire, Ferguson

COMMUNICATION

April 23, 2002

The Honorable Larry Adair
Speaker of the House of Representatives
401 State Capitol
Oklahoma City, OK 73105

Dear Speaker Adair:

As you know, the Office of the Secretary of State is the official repository for all official legislative acts.

Following a review of **House Bill 2058**, delivered to the Secretary of State on April 23, 2002, the section of the bill that requires evidence of approval by the Governor does not bear his approval or signature. The Governor was presented and received **HB 2058** on April 16, 2002.

In accordance with Article 6 Oklahoma Constitution, Section 11, "If any bill or resolution shall not be returned by the Governor within five days (Sundays excepted) after it shall have been presented to him, the same shall be a law in like manner as if he had signed it..."

According to Article 6 Oklahoma Constitution, Section 11, **House Bill 2058** has become law without the Governor's signature. A copy of the House Bill is enclosed.

If our office may be of further assistance, please let me know.

Sincerely,

/s/Mike Hunter
Secretary of State

MEASURES REREFERRED

Pursuant to House Rule 11, Section 6, the following were withdrawn from the Calendar and rereferred to committee:

- SB 1309** – Environment and Natural Resources
- SB 1327** – Government Operations and Agency Oversight
- SB 1417** – Judiciary
- SB 1437** – Judiciary
- SB 1637** – Common Education
- SB 1677** – Human Services

MOTIONS EXPIRED

Time expired for consideration of the motion to reconsider the vote whereby the emergency failed on **SB 867**.

SB 867 was referred for engrossment.

Time expired for consideration of the motion to reconsider the vote whereby **SB 937** failed.

Representative Hilliard moved that when the clerk's desk is clear, the House stand adjourned to reconvene at 1:30 p.m., Monday, April 29, 2002, which was the order.

Pursuant to the motion of Representative Hilliard, the House was adjourned at 9:45 a.m., to reconvene Monday, April 29, 2002, at 1:30 p.m.