

Fifty-sixth Legislative Day

Monday, May 13, 2002

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

The roll was called with 101 Members present.

The Speaker Pro Tempore declared a quorum present.

Prayer was offered by Representative Nance.

The Journal for the last legislative day was approved.

ENGROSSED AND ENROLLED MEASURES

HJR 1035 was reported correctly engrossed, properly signed, in open session, and ordered transmitted to the Honorable Senate.

HBs 2521 and **2527** were reported correctly enrolled and, after fourth reading, properly signed, in open session, and ordered transmitted to the Honorable Senate.

HR 1037 was reported correctly enrolled, properly signed, in open session, and ordered transmitted to the Secretary of State.

MESSAGES FROM THE SENATE

Returning **HBs 1457** and **2487** together with conference committee reports thereon, advising adoption of conference committee reports and passage of measures as amended.

The above-numbered measures, as amended by the conference committee reports, were referred for enrollment.

Conferees named

Advising naming of Senate conferees as follows:

SB 510 - Helton, Morgan, Henry, Dunlap, Coffee

HB 1291 - Williams, Leftwich, Morgan, Ford, Reynolds

Transmitting enrolled measures

Advising the signing of and transmitting for signature Enrolled **SCR 71**.

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

Advising fourth reading of and transmitting for signature Enrolled **SBs 975, 1031, 1078 and 1130** and **SJR 32**.

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

Conferees added

Advising adding Senate conferees as follows:

HB 2720 - Add Rabon, Monson, Cain, Douglass

Transmitting CCR

Transmitting the following measure, together with the conference committee report thereon, advising adoption of conference committee report and passage of measure as amended.

SB 1429

Conference committee report was read on the above-numbered measure.

Further conference requested

Advising rejection of **CCR** to **HB 2605**, with the following instructions, and requesting further conference thereon:

“Amend the bill to strike the specific named organizations found on Page 6 and insert in lieu thereof generic names of statewide groups that describe the missions of various types of organizations.”

The Senate named the same conferees as follows:

HB 2605 - Henry, Monson, Shurden, Rabon, Harrison, Dunlap, Coffee

Concurrence in HAs

Announcing the concurrence of Senate in **HAs** to **SB 1632** and the passage of said measure, as amended thereby.

FIRST READING

The following was introduced and read for the first time:

HJR 1065 – By Gray.

A Joint Resolution relating to proposed permanent rules of the Oklahoma State Department of Health; disapproving proposed amendments to permanent rules OAC 310:9-1-3, OAC 310:9-3-1 and OAC 310:9-5-2.1, regarding health care information; declaring legislative intent; directing distribution; and declaring an emergency.

RESOLUTION

The following was introduced and read:

HCR 1071 – By Hutchison of the House and Easley and Littlefield of the Senate.

A Concurrent Resolution designating the fourth Saturday of September of each year as National Hook-N-Cookoff Day in South Grand Lake, Oklahoma; and directing distribution.

SECOND READING

The following were read for the second time and referred to committee:

HJR 1062 – Administrative Rule Review

HJR 1063 – Administrative Rule Review

HJR 1064 – Administrative Rule Review

SB 1683 – Congressional Redistricting

RESOLUTIONS REFERRED

The following were withdrawn from the Calendar and referred to committee:

HCR 1068 – Administrative Rule Review

HCR 1069 – Administrative Rule Review

HCR 1070 – Administrative Rule Review

PENDING CONSIDERATION OF CCR

The **CCR** on **HB 2083** was called up for consideration.

Upon motion of Representative Kirby, the **CCR** on **HB 2083** was adopted.

HB 2083, 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, Benge, Benson, Blackburn, Bonny, Braddock, Calvey, Cargill, Case, Claunch, Coleman, Corn, Covey, Cox, Dank, Deutschendorf, DeWitt, Dunegan, Easley, Eddins, Ericson, Ervin, Erwin, Ferguson, Fields, Friskup, Gilbert, Glover, 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), Roach, Roan, Roberts, Roggow, Ross, Smaligo, Smith (Dale), Smith (Hopper), Staggs, Stanley, Steele, Stites (Chad), Stites (J.T.), Sullivan, Sweeden, Taylor, Tibbs, Toure, Turner, Tyler, Vaughn, Walker, Webb, Wells, Wilson, Wilt, Winchester, Worthen, Wright, Young, Mr. Speaker.--98.

Nay: Davis, Graves.--2.

Excused: Rice.--1.

The measure and emergency passed.

HB 2083, together with the conference committee report, thereon, was ordered transmitted to the Honorable Senate.

RESOLUTION FOR CONSIDERATION

HCR 1062 was called up for consideration.

Upon unanimous consent request of Speaker Adair, all Members of the House were added as coauthors.

Upon motion of Speaker Adair, **HCR 1062** was considered and adopted.

HCR 1062 was referred for engrossment.

PENDING CONSIDERATION OF CCR

The **2nd CCR** on **SB 37** was called up for consideration.

Representative Peters moved that the House adopt the **2nd CCR** on **SB 37**, which motion failed of adoption upon roll call as follows:

Aye: Adkins, Askins, Begley, Blackburn, Braddock, Corn, Covey, Cox, Deuschendorf, DeWitt, Easley, Eddins, Ferguson, Fields, Friskup, Gilbert, Hastings, Hefner, Hilliard, Ingmire, Kirby, Lindley, McCarter, Miller (Ray), Nations, Newport, Peters, Peterson, Phillips, Rice, Roach, Roan, Roberts, Ross, Smith (Dale), Staggs, Stites (Chad), Stites (J.T.), Sweeden, Taylor, Toure, Tyler, Walker, Wells, Worthen.--45.

Nay: Balkman, Benge, Bonny, Calvey, Cargill, Case, Claunch, Coleman, Dank, Davis, Dunegan, Ericson, Ervin, Erwin, Graves, Gray, Greenwood, Hiatt, Hutchison, Jones, Langmacher, Leist, Liotta, Maddux, Mass, Matlock, Miller (Doug), Mitchell, Morgan, Nance, O'Neal, Paulk, Perry, Pettigrew, Piatt, Plunk, Pope (Clay), Pope (Tim), Roggow, Smaligo, Smith (Hopper), Stanley, Steele, Sullivan, Tibbs, Turner, Vaughn, Webb, Wilson, Wilt, Winchester, Wright, Young, Mr. Speaker.--54.

Excused: Benson, Glover.--2.

Representative Coleman moved that the House reject the **2nd CCR** on **SB 37** with the following instructions:

“Delete the title, enacting clause and Sections 1-7 and insert in lieu thereof the attached 3rd Conference Committee Substitute.

An Act relating to children; creating the Joint Legislative Oversight Committee for Accountability in Oklahoma’s Early Childhood Programs; providing for staff support and expert advice; providing for duties and responsibilities; requiring certain report; providing for codification; and declaring an emergency.

BE IT ENACTED BY THE PEOPLE OF THE STATE OF OKLAHOMA:

SECTION 1. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 640 of Title 10, unless there is created a duplication in numbering, reads as follows:

A. There is hereby created the Joint Legislative Oversight Committee for Accountability in Oklahoma’s Early Childhood Programs.

B. The Committee shall be composed of five members of the Oklahoma House of Representatives, to be appointed by the Speaker of the House of Representatives and five members of the Oklahoma State Senate, to be appointed by the President Pro Tempore of the Senate. No less than two of the House appointees and no less than two of the Senate appointees shall be members of the minority party. The Speaker of the House of Representatives and the President Pro Tempore of the Senate shall each designate one member to serve as cochair of the Committee. Members and cochairs shall serve at the pleasure of the appointing authority. Vacancies on the Committee shall be filled by the appointing authority.

C. Staff assistance to the Committee shall be provided by the staffs of the House of Representatives and the State Senate. The Committee may, as necessary, contract for the services of experts in the field as well as other professional staff.

D. Reimbursement for travel expenses shall be as provided by Section 456 of Title 74 of the Oklahoma Statutes.

E. The Committee shall review all state-funded programs that serve children prenatally to (5) years of age and their families, placing special emphasis on those programs identified in the report of the Governor's Task Force on Early Childhood Education. The review of each program shall include, but not be limited to, the following components:

1. Purpose and goals of the program;
2. Criteria used to measure attainment of goals;
3. Number of full-time-equivalent (FTE) employees by county;
4. State funding by county;
5. Number of children and/or families served by county;
6. Results of any outcome evaluation of the program; and
7. The degree to which the program leads to family independence and self-sufficiency.

The Committee may also commission a study to conduct a comprehensive outcome evaluation of the state's early childhood system and an assessment to determine the needs of Oklahoma's population with regard to early childhood programs. The Committee shall present its findings to the Governor, the Speaker of the House of Representatives and the President Pro Tempore of the Senate.

SECTION 2. It being immediately necessary for the preservation of the public peace, health and safety, an emergency is hereby declared to exist, by reason whereof this act shall take effect and be in full force from and after its passage and approval."

Representative Wright moved the Previous Question.

The Presiding Officer stated "The Previous Question has been moved. The Question is, shall the main Question now be put?", which motion prevailed upon roll call as follows:

Aye: Adkins, Askins, Balkman, Begley, Bengé, Blackburn, Bonny, Calvey, Claunch, Coleman, Corn, Covey, Dank, Deutschendorf, DeWitt, Eddins, Ericson, Ervin, Erwin, Ferguson, Fields, Friskup, Gilbert, Graves, Gray, Greenwood, Hastings, Hefner, Hiatt, Hilliard, Hutchison, Ingmire, Jones, Kirby, Langmacher, Leist, Lindley, Liotta, Mass, Matlock, McCarter, Miller (Doug), Miller (Ray), Mitchell, Morgan, Nance, Nations, Newport, O'Neal, Paulk, Perry, Peters, Peterson, Pettigrew, Phillips, Piatt, Plunk, Pope (Tim), Rice, Roan, Roberts, Roggow, Ross, Smaligo, Smith (Dale), Smith (Hopper), Staggs, Stanley, Steele, Stites (Chad), Stites (J.T.), Sullivan, Sweeden, Taylor, Tibbs, Toure, Turner, Tyler, Vaughn, Walker, Webb, Wells, Wilson, Wilt, Winchester, Worthen, Wright, Young, Mr. Speaker.--89.

Nay: Braddock, Cargill, Case, Cox, Davis, Maddux, Pope (Clay).--7.

Excused: Benson, Dunegan, Easley, Glover, Roach.--5.

Representative Coleman pressed her motion to reject the **2nd CCR** on **SB 37**, with instructions, which motion failed of adoption upon a division of the question.

Upon motion of Representative Peters, the **2nd CCR** on **SB 37** was rejected and further conference requested. The Speaker named the same conferees:

SB 37 — Peters, Roberts, Begley, Easley, Ferguson

PENDING CONSIDERATION OF CCR

The **CCR** on **HB 2034** was called up for consideration.

Coauthored by Representative(s) Braddock

Upon motion of Representative Maddux, the **CCR** on **HB 2034** was adopted.

HB 2034, 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, Bengel, 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, Pettigrew, Phillips, Piatt, Plunk, Pope (Clay), Pope (Tim), Rice, Roach, Roan, Roberts, Roggow, Ross, Smaligo, Smith (Dale), Smith (Hopper), Staggs, Stanley, Steele, Stites (Chad), Stites (J.T.), Sullivan, Sweeden, Taylor, Tibbs, Toure, Turner, Tyler, Vaughn, Walker, Webb, Wells, Wilson, Wilt, Winchester, Worthen, Wright, Young, Mr. Speaker.--99.

Excused: Benson, Glover.--2.

The measure and emergency passed.

HB 2034, together with the conference committee report, thereon, was ordered transmitted to the Honorable Senate.

PENDING CONSIDERATION OF CCR

The **CCR** on **HB 2479** was called up for consideration.

Upon motion of Representative Hefner, the **CCR** on **HB 2479** was adopted.

HB 2479, 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, 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, Glover, 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, Stanley, Steele, Stites (Chad), Stites (J.T.), Sullivan, Sweeden, Taylor, Tibbs, Toure, Turner, Tyler, Vaughn, Walker, Webb, Wells, Wilson, Wilt, Winchester, Worthen, Wright, Young, Mr. Speaker.--100.

Excused: Benson.--1.

The measure and emergency passed.

HB 2479, together with the conference committee report, thereon, was ordered transmitted to the Honorable Senate.

PENDING CONSIDERATION OF CCR

The **CCR** on **HB 2911** was called up for consideration.

Upon motion of Representative Adkins, the **CCR** on **HB 2911** was adopted.

HB 2911, as amended in conference, was read at length for the fourth time and the roll was called on the measure as follows:

Aye: Adkins, Askins, Balkman, Begley, Bengé, Blackburn, Bonny, Braddock, Calvey, Cargill, Case, Claunch, Corn, Covey, Cox, Davis, Deutschendorf, DeWitt, Dunegan, Easley, Eddins, Ericson, Ervin, Erwin, Ferguson, Fields, Friskup, Gilbert, Gray, Hastings, Hefner, Hiatt, Hilliard, Hutchison, Ingmire, Jones, Kirby, Leist, Lindley, Liotta, Maddux, Mass, Matlock, McCarter, Miller (Doug), Miller (Ray), Mitchell, Morgan, Nations, O'Neal, Paulk, Perry, Peters, Peterson, Pettigrew, Phillips, Piatt, Plunk, Pope (Tim), Rice, Roan, Roberts, Roggow, Ross, Smaligo, Smith (Dale), Smith (Hopper), Staggs, Stanley, Steele, Stites (Chad), Stites (J.T.), Sullivan, Sweeden, Taylor, Tibbs, Toure, Turner, Tyler, Vaughn, Walker, Webb, Wells, Wilson, Wilt, Winchester, Worthen, Young, Mr. Speaker.--89.

Nay: Coleman, Dank, Graves, Greenwood, Langmacher, Nance, Newport, Pope (Clay), Wright.--9.

Excused: Benson, Glover, Roach.--3.

The measure passed.

HB 2911, together with the conference committee report, thereon, was ordered transmitted to the Honorable Senate.

PENDING CONSIDERATION OF CCR

The **2nd CCR** on **SB 125** was called up for consideration.

Upon motion of Representative Webb, the **2nd CCR** on **SB 125** was adopted.

SB 125, 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, Benge, 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, Pettigrew, Phillips, Piatt, Plunk, Pope (Clay), Pope (Tim), Rice, Roan, Roberts, Roggow, Ross, Smaligo, Smith (Dale), Smith (Hopper), Staggs, Stanley, Steele, Stites (Chad), Stites (J.T.), Sullivan, Sweeden, Taylor, Tibbs, Toure, Turner, Tyler, Vaughn, Walker, Webb, Wells, Wilson, Wilt, Winchester, Worthen, Wright, Young, Mr. Speaker.--98.

Excused: Benson, Glover, Roach.--3.

The measure and emergency passed.

SB 125, together with the conference committee report, thereon, was ordered returned to the Honorable Senate.

PENDING CONSIDERATION OF CCR

The **CCR** on **HB 2345** was called up for consideration.

Upon motion of Representative Staggs, the **CCR** on **HB 2345** was adopted.

HB 2345, 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, Benge, 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, Pettigrew, Phillips, Piatt, Plunk, Pope (Clay), Pope (Tim), Rice, Roan, Roberts, Roggow, Ross, Smaligo, Smith (Dale), Smith (Hopper), Staggs, Stanley, Steele, Stites (Chad), Stites (J.T.), Sullivan, Sweeden, Taylor, Tibbs, Toure, Turner, Tyler, Vaughn, Walker, Webb, Wells, Wilson, Wilt, Winchester, Worthen, Young, Mr. Speaker.--97.

Nay: Wright.--1.

Excused: Benson, Glover, Roach.--3.

The measure and emergency passed.

HB 2345, together with the conference committee report, thereon, was ordered transmitted to the Honorable Senate.

CONFEREES NAMED

The Speaker named the following conferees:

HB 1012 – Gray, Paulk, Stites (J.T.), Dank, Webb

CONFEREE ADDED

The Speaker added Phillips as a conferee on **SB 1233**. The conferees are as follows:

SB 1233 – Wells, Easley, Webb, Braddock, Plunk, Tyler, Hilliard, Hiatt, Dank, Phillips

CONFEREES CHANGED

The Speaker changed conferees on **HB 1300** by removing Pettigrew and adding Wright. The conferees are as follows:

HB 1300 – Bonny, Benson, Ferguson, Ingmire, Rice, Wells, Wright

FURTHER CONFERENCE GRANTED

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

HB 2605 – Kirby, McCarter, Deutschendorf, Braddock, Liotta, Greenwood, Mass, Bonny, Ferguson, Pettigrew

MESSAGES FROM THE SENATE

Announcing that Enrolled **HBs 2521** and **2527** 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 CCRs

Returning **HBs 2083** and **2330** together with conference committee reports thereon, advising adoption of conference committee reports and passage of measures as amended.

The above-numbered measures, as amended by the conference committee reports, were referred for enrollment.

Transmitting CCR

Transmitting the following measure, together with the conference committee report thereon, advising adoption of conference committee report and passage of measure as amended.

SB 1534

Conference committee report was read on the above-numbered measure.

Conference granted

Advising conference granted and the Senate naming conferees as follows:

HB 2721 - Muegge, Stipe, Helton, Henry, Pruitt, Smith, Douglass

Conferees changed

Advising changing Senate conferees as follows:

SB 652 - Add Easley, Littlefield, Cain, Martin, Dunlap

SB 904 - Add Leftwich, Horner, Shurden

Conferees named

Advising naming of Senate conferees as follows:

SB 1384 - Herbert, Mickle, Douglass

MESSAGES FROM THE GOVERNOR

Advising of his approval of **HBs 2425, 2439, 2445, 2455, 2469** and **2505** on May 13, 2002.

CCRs SUBMITTED

The conference committee reports were read on the following measures:

HB 2053

HB 2105

HB 2151

HB 2210

HB 2280

HB 2341

HB 2441

HB 2537

HB 2557

HB 2569

HB 2573

HB 2674

Representative Hilliard moved that when the clerk's desk is clear, the House stand adjourned to reconvene at 1:30 p.m., Tuesday, May 14, 2002, which was the order.

Pursuant to the motion of Representative Hilliard, the House was adjourned at 3:20 p.m., to reconvene Tuesday, May 14, 2002, at 1:30 p.m.