

# HOUSE JOURNAL

## First Regular Session of the Forty-ninth Legislature of the State of Oklahoma

**Thirtieth Legislative Day, Monday, March 24, 2003**

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

The roll was called with 101 Members present.

The Speaker Pro Tempore declared a quorum present.

Prayer was offered by Pastor Rodney Fouts, North Church Assembly of God Church, Edmond.

Upon motion of Representative Cargill, Pastor Fouts was confirmed as House Chaplain for this legislative week.

The Journal for the last legislative day was approved.

### ENGROSSED AND ENROLLED MEASURES

**HB 1748** was reported correctly enrolled and, after fourth reading, properly signed, in open session, and ordered transmitted to the Honorable Senate.

**HAs to SB 476** 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 the passage of **HBs 1114** and **1127**, Remove Senator Stipe as principal Senate author and substitute with Senator Gumm

The above-numbered measures were referred for enrollment.

**Returning enrolled measure**

Announcing that Enrolled **HB 1748** 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.

**EXECUTIVE DECLARATION OF EMERGENCY CONDITIONS**

I, Brad Henry, pursuant to the provisions of Section 23 of Article X of the Oklahoma Constitution, hereby declare that an emergency exists in the State of Oklahoma by reason of a lack of adequate funding for programs vital to the continued economic and social development of Oklahomans, and for health and safety issues.

Having declared that emergency conditions exist, I request the Senate and House of Representatives to concur in this declaration of emergency and to appropriate Ten Million, Five Hundred Seventy-seven Thousand Dollars (\$10,577,000.00) from the Constitutional Reserve Fund for the following purpose in the following amount:

To the Department of Corrections to prevent furloughs of personnel in the sum of up to Nine Million Dollars (\$9,000,000.00);

To the Oklahoma Tax Commission for income tax filing processing in the sum of up to Four Hundred Seventy-Seven Thousand Dollars (\$477,000.00);

To the Office of Juvenile Affairs to prevent reductions in force in the sum of up to One Hundred Thousand Dollars (\$100,000.00); and

To the Office of State Finance to help pay for expenses related to the implementation of the Accounting, Human Resources and Purchasing Enterprise ("CORE") system in the sum of up to One Million Dollars (\$1,000,000.00).

Copies of this Declaration shall be distributed to the Speaker of the Oklahoma House of Representatives, the President Pro Tempore of the Oklahoma State Senate, and the Director 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 24th day of March, 2003.

BY THE GOVERNOR OF THE STATE OF OKLAHOMA

/s/ Brad Henry

**GENERAL ORDER**

**SB 436** by Laughlin of the Senate and Nance of the House was read and considered.

Representative Nance moved to amend **SB 436** by restoring the title, which amendment was declared adopted.

Representative Nance moved to amend **SB 436**, Page 2, Section 1, Line 1 by changing the word "fee" to the word "cost" and by deleting the word "of" following the language "fifteen percent (15%)" and inserting in lieu thereof "in addition to", which amendment was declared adopted.

Representative Nance moved that **SB 436** be advanced from General Order, which motion was declared adopted.

By unanimous consent, upon request of Representative Nance, **SB 436** was considered engrossed and placed on Third Reading and Final Passage.

### **THIRD READING**

**SB 436** was read at length for the third time. On passage of the measure and emergency, the roll call was as follows:

Aye: Adkins, Armes, Askins, Balkman, Benge, Blackburn, Bonny, Boren, Braddock, Brannon, Calvey, Carey, Cargill, Case, Claunch, Covey, Cox, Dank, Deutschendorf, DeWitt, Dorman, Easley, Eddins, Ellis, Ericson, Erwin, Ferguson, Gilbert, Greenwood, Hamilton, Harrison, Hefner, Hiett, Hilliard, Hutchison, Ingmire, Jones, Kirby, Lamons, Leist, Lerblance, Lindley, Liotta, Maddux, McCarter, McClain, McIntyre, Miller (Doug), Miller (Ray), Mitchell, Morgan (Danny), Morgan (Fred), Nance, Nations, Newport, O'Neal, Paulk, Perry, Peters, Peterson, Pettigrew, Phillips, Piatt, Plunk, Pope, Reynolds, Rice, Roan, Roberts, Roggow, Smaligo, Smith (Dale), Smith (Hopper), Smithson, Staggs, Stanley, Steele, Sullivan, Sweeden, Taylor, Tibbs, Toure, Trebilcock, Turner, Tyler, Vaughn, Walker, Wells, Wilson, Wilt, Winchester, Worthen, Wright, Young, Mr. Speaker.--95.

Nay: Coleman, Davis, Graves, Hastings, Langmacher.--5.

Excused: Blackwell.--1.

The measure and emergency passed.

**SB 436** was referred for engrossment.

### **GENERAL ORDER**

**SB 279** by Ford of the Senate and Vaughn of the House was read and considered.

Representative Vaughn moved that **SB 279** be advanced from General Order, which motion was declared adopted.

Upon request of Representative Vaughn, **SB 279** was placed on Third Reading and Final Passage.

**THIRD READING**

**SB 279** was read at length for the third time. On passage of the measure, the roll call was as follows:

Aye: Adkins, Armes, Askins, Balkman, Benge, Blackburn, Bonny, Boren, Braddock, Calvey, Carey, Cargill, Case, Claunch, Coleman, Covey, Cox, Dank, Davis, Deutschendorf, DeWitt, Dorman, Easley, Eddins, Ellis, Ericson, Erwin, Ferguson, Gilbert, Graves, Greenwood, Hamilton, Harrison, Hastings, Hefner, Hiatt, Hilliard, Hutchison, Ingmire, Jones, Kirby, Lamons, Leist, Lindley, Liotta, Maddux, McCarter, McClain, McIntyre, Miller (Doug), Miller (Ray), Mitchell, Morgan (Danny), Morgan (Fred), Nance, Nations, Newport, O'Neal, Paulk, Perry, Peters, Peterson, Pettigrew, Phillips, Piatt, Plunk, Reynolds, Rice, Roan, Roberts, Roggow, Smaligo, Smith (Dale), Smith (Hopper), Smithson, Staggs, Stanley, Steele, Sullivan, Sweeden, Taylor, Tibbs, Toure, Trebilcock, Turner, Tyler, Vaughn, Walker, Wells, Wilson, Wilt, Winchester, Worthen, Wright, Young, Mr. Speaker.-96.

Nay: Brannon, Langmacher, Lerblance, Pope.--4.

Excused: Blackwell.--1.

The measure passed.

The Presiding Officer signed, in open session, Engrossed **SB 279** and ordered same returned to the Honorable Senate.

**GENERAL ORDER**

**SB 431** by Cain of the Senate and Vaughn of the House was read and considered.

Representative Vaughn moved that **SB 431** be advanced from General Order, which motion was declared adopted.

Upon request of Representative Vaughn, **SB 431** was placed on Third Reading and Final Passage.

**THIRD READING**

**SB 431** was read at length for the third time. On passage of the measure, the roll call was as follows:

Aye: Askins, Benge, Blackburn, Bonny, Braddock, Brannon, Carey, Cargill, Claunch, Covey, Cox, Deutschendorf, DeWitt, Easley, Eddins, Ellis, Erwin, Ferguson, Gilbert, Greenwood, Hamilton, Harrison, Hefner, Hilliard, Hutchison, Ingmire, Jones, Kirby, Lamons, Langmacher, Leist, Lindley, Maddux, McCarter, McClain, McIntyre, Miller (Doug), Miller (Ray), Mitchell, Morgan (Fred), Nance, Nations, Newport, O'Neal, Paulk,

Peters, Peterson, Piatt, Plunk, Pope, Rice, Roan, Roberts, Roggow, Smaligo, Smith (Dale), Smithson, Staggs, Stanley, Steele, Sweeden, Taylor, Tibbs, Toure, Turner, Tyler, Vaughn, Walker, Wells, Wilson, Young, Mr. Speaker.--72.

Nay: Adkins, Armes, Balkman, Boren, Calvey, Case, Coleman, Dank, Davis, Dorman, Ericson, Graves, Hastings, Hiett, Lerblance, Liotta, Morgan (Danny), Perry, Pettigrew, Phillips, Reynolds, Smith (Hopper), Sullivan, Trebilcock, Wilt, Winchester, Worthen, Wright.--28.

Excused: Blackwell.--1.

The measure passed.

The Presiding Officer signed, in open session, Engrossed **SB 431** and ordered same returned to the Honorable Senate.

## **RESOLUTION FOR CONSIDERATION**

**SCR 14** was called up for consideration.

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

Upon motion of Representative Covey, **SCR 14** was considered and adopted.

**SCR 14** was properly signed, in open session, by the Presiding Officer and ordered returned to the Honorable Senate.

## **GENERAL ORDER**

**SB 325** by Milacek of the Senate and Piatt of the House was read and considered.

Coauthored by Representative(s) Liotta

Representative Piatt moved to amend **SB 325** by deleting Section 3 which reads as follows and renumbering subsequent section, which amendment was declared adopted:

“SECTION 3. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 7-611 of Title 47, unless there is created a duplication in numbering, reads as follows:

If a motor vehicle is involved in a motor vehicle accident in this state which causes damage to the person or property of another and the owner has failed to maintain the mandatory motor vehicle insurance pursuant to Chapter 7 of Title 47 of the Oklahoma Statutes, the owner shall be guilty of a misdemeanor, punishable by a fine not to exceed One Thousand Dollars (\$1,000.00) or imprisonment in the county jail for not more than one (1) year or by both such fine and imprisonment. The court may also order that the vehicle

be impounded until proof of motor vehicle liability coverage is made to the court. The owner of the impounded vehicle shall be responsible for all costs of impoundment.”

Representative Piatt moved that **SB 325** be advanced from General Order, which motion was declared adopted.

By unanimous consent, upon request of Representative Piatt, **SB 325** was considered engrossed and placed on Third Reading and Final Passage.

### **THIRD READING**

**SB 325** was read at length for the third time. On passage of the measure, the roll call was as follows:

Aye: Adkins, Armes, Askins, Balkman, Bengé, Blackburn, Bonny, Boren, Braddock, Brannon, Calvey, Carey, Cargill, Case, Claunch, Coleman, Covey, Cox, Dank, Davis, Deutschendorf, DeWitt, Dorman, Easley, Eddins, Ellis, Ericson, Erwin, Ferguson, Gilbert, Graves, Greenwood, Hamilton, Harrison, Hastings, Hefner, Hiatt, Hilliard, Hutchison, Ingmire, Jones, Kirby, Lamons, Langmacher, Leist, Lerblance, Lindley, Liotta, Maddux, McCarter, McClain, McIntyre, Miller (Ray), Mitchell, Morgan (Danny), Morgan (Fred), Nance, Nations, Newport, O'Neal, Paulk, Perry, Peters, Peterson, Pettigrew, Phillips, Piatt, Plunk, Pope, Reynolds, Rice, Roan, Roberts, Roggow, Smaligo, Smith (Dale), Smith (Hopper), Smithson, Staggs, Stanley, Steele, Sullivan, Sweeden, Taylor, Tibbs, Toure, Trebilcock, Turner, Tyler, Vaughn, Walker, Wells, Wilson, Wilt, Winchester, Worthen, Wright, Young, Mr. Speaker.--99.

Excused: Blackwell, Miller (Doug).--2.

The measure passed.

**SB 325** was referred for engrossment.

### **GENERAL ORDER**

**SB 438** by Rabon of the Senate and Pope of the House was read and considered.

Representative Pope moved to amend **SB 438** by striking the enacting clause, which amendment was declared adopted.

Representative Pope moved that **SB 438** be advanced from General Order, which motion was declared adopted.

By unanimous consent, upon request of Representative Pope, **SB 438** was considered engrossed and placed on Third Reading and Final Passage.

### THIRD READING

**SB 438** was read at length for the third time. On passage of the measure, the roll call was as follows:

Aye: Adkins, Armes, Askins, Balkman, Bengé, Blackburn, Bonny, Boren, Braddock, Brannon, Calvey, Carey, Cargill, Case, Claunch, Coleman, Covey, Cox, Dank, Davis, Deutschendorf, DeWitt, Dorman, Easley, Eddins, Ellis, Ericson, Erwin, Ferguson, Gilbert, Graves, Greenwood, Hamilton, Harrison, Hastings, Hefner, Hiatt, Hilliard, Hutchison, Ingmire, Jones, Kirby, Lamons, Langmacher, Leist, Lerblance, Lindley, Liotta, Maddux, McCarter, McClain, McIntyre, Miller (Doug), Miller (Ray), Mitchell, Morgan (Danny), Morgan (Fred), Nance, Nations, Newport, O'Neal, Paulk, Perry, Peters, Peterson, Pettigrew, Phillips, Piatt, Plunk, Pope, Reynolds, Rice, Roan, Roberts, Roggow, Smaligo, Smith (Dale), Smith (Hopper), Smithson, Staggs, Stanley, Steele, Sullivan, Sweeden, Taylor, Tibbs, Toure, Trebilcock, Turner, Tyler, Vaughn, Walker, Wells, Wilson, Wilt, Winchester, Worthen, Wright, Young, Mr. Speaker.--100.

Excused: Blackwell.--1.

The measure passed.

**SB 438** was referred for engrossment.

### GENERAL ORDER

**SB 589** by Rabon et al of the Senate and Roan of the House was read and considered.

Representative Roan moved to amend **SB 589** by striking the enacting clause, which amendment was declared adopted.

Representative Roan moved that **SB 589** be advanced from General Order, which motion was declared adopted.

By unanimous consent, upon request of Representative Roan, **SB 589** was considered engrossed and placed on Third Reading and Final Passage.

### THIRD READING

**SB 589** was read at length for the third time. On passage of the measure and emergency, the roll call was as follows:

Aye: Adkins, Armes, Askins, Balkman, Bengé, Blackburn, Bonny, Boren, Braddock, Brannon, Calvey, Carey, Cargill, Case, Claunch, Coleman, Covey, Cox, Dank, Davis, Deutschendorf, DeWitt, Dorman, Easley, Eddins, Ellis, Ericson, Erwin, Ferguson, Gilbert, Graves, Greenwood, Hamilton, Harrison, Hastings, Hefner, Hiatt, Hilliard, Hutchison, Ingmire, Jones, Kirby, Lamons, Langmacher, Leist, Lerblance, Lindley, Liotta, Maddux,

McCarter, McClain, McIntyre, Miller (Doug), Miller (Ray), Mitchell, Morgan (Danny), Morgan (Fred), Nance, Nations, Newport, O'Neal, Paulk, Perry, Peters, Peterson, Pettigrew, Phillips, Piatt, Plunk, Pope, Reynolds, Rice, Roan, Roberts, Roggow, Smaligo, Smith (Dale), Smith (Hopper), Smithson, Staggs, Stanley, Steele, Sullivan, Sweeden, Taylor, Tibbs, Toure, Trebilcock, Turner, Tyler, Vaughn, Walker, Wells, Wilson, Wilt, Winchester, Worthen, Wright, Young, Mr. Speaker.--100.

Excused: Blackwell.--1.

The measure and emergency passed.

**SB 589** was referred for engrossment.

### GENERAL ORDER

**SB 614** by Wilkerson of the Senate and Plunk of the House was read and considered.

Representative Plunk moved that **SB 614** be advanced from General Order, which motion was declared adopted.

Upon request of Representative Plunk, **SB 614** was placed on Third Reading and Final Passage.

### THIRD READING

**SB 614** was read at length for the third time. On passage of the measure, the roll call was as follows:

Aye: Adkins, Armes, Askins, Balkman, Benge, Blackburn, Bonny, Boren, Braddock, Brannon, Calvey, Carey, Claunch, Coleman, Covey, Cox, Dank, Davis, Deutschendorf, DeWitt, Dorman, Easley, Eddins, Ellis, Ericson, Erwin, Ferguson, Gilbert, Graves, Greenwood, Hamilton, Harrison, Hastings, Hefner, Hiatt, Hilliard, Hutchison, Ingmire, Jones, Kirby, Lamons, Langmacher, Leist, Lerblance, Lindley, Liotta, Maddux, McCarter, McClain, McIntyre, Miller (Doug), Miller (Ray), Mitchell, Morgan (Danny), Morgan (Fred), Nance, Nations, Newport, O'Neal, Paulk, Perry, Peters, Peterson, Pettigrew, Phillips, Piatt, Plunk, Pope, Reynolds, Rice, Roan, Roberts, Roggow, Smaligo, Smith (Dale), Smith (Hopper), Smithson, Staggs, Stanley, Steele, Sullivan, Sweeden, Taylor, Tibbs, Toure, Trebilcock, Turner, Tyler, Vaughn, Walker, Wells, Wilson, Wilt, Winchester, Worthen, Wright, Young, Mr. Speaker.--98.

Nay: Cargill, Case.--2.

Excused: Blackwell.--1.

The measure passed.

The Presiding Officer signed, in open session, Engrossed **SB 614** and ordered same returned to the Honorable Senate.

## **COMMITTEE REPORTS**

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

DO PASS:

- SB 361** – Public Safety and Homeland Security
- SB 393** – Agriculture and Rural Development
- SB 401** – Agriculture and Rural Development
- SB 515** – Agriculture and Rural Development
- SB 727** – Public Safety and Homeland Security

DO PASS, As Amended:

- CS for SB 216** – Common Education, Coauthored by Representative(s) Vaughn
- SB 704** – Public Safety and Homeland Security
- SB 826** – Public Safety and Homeland Security, Coauthored by Representative(s) Lamons

## **APPOINTMENT**

The Speaker announced the following appointment:

March 18, 2003 – Representative Toure appointed as a Member of the Arts Standards Special Committee of the House of Representatives. (House Rule 1, Section 4(b))

Representative Rice moved that when the clerk's desk is clear, the House stand adjourned to reconvene at 1:30 p.m., Tuesday, March 25, 2003, which was the order.

Pursuant to the motion of Representative Rice, the House was adjourned at 2:15 p.m., to reconvene Tuesday, March 25, 2003, at 1:30 p.m.