

HOUSE JOURNAL

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

Fifty-eighth Legislative Day, Monday, May 12, 2003

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

The roll was called with 100 Members present.

The following Member was excused: Jones—1.

The Speaker Pro Tempore declared a quorum present.

Prayer was offered by Pastor Guy Parrish, Central Assembly of God Church, Muskogee.

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

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.

HB 1190 was reported correctly enrolled and, after fourth reading, properly signed, in open session, and ordered transmitted to the Honorable Senate.

MESSAGE FROM THE GOVERNOR

Advising of his approval of **HB 1802** on May 9, 2003.

MESSAGES FROM THE SENATE

Advising fourth reading of and transmitting for signature Enrolled **SBs 247** and **602**.

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

Conferees changed

Advising the Senate changing conferees on **HB 1712** by dismissing conferees and naming GCCA and adding Robinson, Williams as conferees on **SB 297**.

Transmitting CCRs

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

SB 4
SB 272
SB 546

Conference committee reports were read on the above-numbered measures.

Returning enrolled measure

Announcing that Enrolled **HB 1190** 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.

Concurrence in HAs

Announcing the concurrence of Senate in **HAs** to **SB 423** and the passage of said measure, as amended thereby.

CONFEREES NAMED

The Speaker named the following conferees:

HB 1052 – Hastings, Toure, Rice, Askins, Case, Davis, Braddock
HB 1269 – Trebilcock, Toure, Davis, Askins, Braddock
HB 1382 – Ferguson, Staggs, Vaughn, Piatt, Harrison, Roberts, Morgan (Danny)
HB 1385 – Ferguson, Pope, Nance, Eddins, Hilliard, Lamons, Liotta, Perry, Peters, Plunk, Tyler

- HB 1430** – Cargill, Paulk, Wilt, Tyler, Miller (Doug), Ellis, Hamilton
- HB 1577** – Dorman, Young, Pope, Mitchell, Bonny, Winchester, Perry
- HB 1635** – Dorman, Askins, Davis, Roberts, Maddux
- HB 1646** – Ferguson, Staggs, Vaughn, Roberts, Harrison
- HB 1647** – Ferguson, Brannon, Roberts, Staggs, Bengé
- HB 1724** – Braddock, Hilliard, Steele, Jones, Turner
- HB 1814** – Hilliard, Pope, Dorman, Nance, Maddux

CONFERENCE GRANTED

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

- SB 246** – Paulk, Tyler, Nance, Sweeden, Dank
- SB 281** – Roberts, Ferguson, Brannon, Bengé, Erwin
- SB 297** – Dorman, Wilt, Miller (Doug), Hamilton, Ellis
- SB 342** – Deutschendorf, Erwin, Kirby, Nance, Mitchell, Bonny, Adkins, Newport
- SB 353** – Dorman, Wilt, Miller (Doug), Hamilton, Ellis
- SB 391** – Cargill, Case, Roan, Newport, Lerblance, Braddock, Lamons
- SB 401** – Smithson, Covey, Pope, Maddux, Armes
- SB 412** – Dorman, Blackburn, Newport, Sweeden, Dank
- SB 610** – Leist, Gilbert, Adkins, Braddock, Peters
- SB 625** – Staggs, Askins, Wilt, Tibbs, Adkins, Mitchell, Bonny
- SB 643** – Ferguson, Brannon, Roberts, Staggs, Bengé
- SB 668** – Ferguson, Brannon, Roberts, Staggs, Bengé
- SB 669** – Toure, Roberts, Bengé, Staggs, Ferguson, Brannon, Sullivan
- SB 706** – Smith (Hopper), Askins, Adkins, Pettigrew, Lamons, Mitchell, Bonny, Boren
- SB 747** – Liotta, Nations, Ingmire, Rice, McIntyre, Vaughn, Wilson
- SB 760** – Smithson, Paulk, Lamons, Roan, Nance, Perry, Smith (Hopper)

CONFEREES ADDED

The Speaker added Miller (Ray) and Jones as conferees on **SB 713** and Nance and Lamons as conferees on **SB 823**. The conferees are as follows:

- SB 713** – Roberts, Staggs, Vaughn, Blackburn, Harrison, Morgan (Danny), Gilbert, Peters, Adkins, Hastings, Miller (Ray), Jones
- SB 823** – Kirby, Deutschendorf, McCarter, Hamilton, Roan, Newport, Hastings, Ingmire, Nance, Lamons

RESOLUTIONS

The following were introduced and read:

HCR 1031 – By McCarter of the House and Helton of the Senate.

A Concurrent Resolution designating the Long Branch Creek Bridge on U.S. Highway 70 as the Faye Moore Bridge; directing the Oklahoma Department of Transportation to place permanent markers; and directing distribution.

HR 1016 – By Smith (Hopper).

A Resolution acknowledging the efforts and expressing gratitude for the American and allied forces in the war with Iraq; and directing distribution.

RESOLUTION REFERRED

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

HCR 1030 – Higher Education

PENDING CONSIDERATION OF CCR

The **CCR** on **HB 1051** was called up for consideration.

Upon motion of Representative Pope, the **CCR** on **HB 1051** was adopted.

HB 1051, 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, Armes, Askins, Balkman, Benge, Blackburn, Blackwell, Bonny, Boren, Braddock, Brannon, Calvey, Carey, 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, 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, Young, Mr. Speaker.--98.

Nay: Wright.--1.

Excused: Cargill, Jones.--2.

The measure and emergency passed.

HB 1051, together with the conference committee report, thereon, was ordered transmitted to the Honorable Senate.

PENDING CONSIDERATION OF CCR

The **CCR** on **HB 1580** was called up for consideration.

Coauthored by Representative(s) Liotta

Upon motion of Representative Askins, the **CCR** on **HB 1580** was adopted.

HB 1580, 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, Armes, Askins, Balkman, Benge, Blackwell, Bonny, Boren, Braddock, Brannon, Calvey, Carey, Cargill, Case, Claunch, Coleman, Covey, Cox, Dank, Davis, Deutschendorf, DeWitt, Easley, Eddins, Ellis, Ericson, Erwin, Ferguson, Gilbert, Graves, Greenwood, Hamilton, Harrison, Hastings, Hefner, Hiett, Hilliard, Hutchison, Ingmire, Kirby, Lamons, Langmacher, Leist, Lerblance, Lindley, Liotta, Maddux, McCarter, McClain, McIntyre, Miller (Doug), Miller (Ray), Mitchell, Morgan (Danny), Morgan (Fred), Nance, 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.--97.

Excused: Blackburn, Dorman, Jones, Nations.--4.

The measure and emergency passed.

HB 1580, together with the conference committee report, thereon, was ordered transmitted to the Honorable Senate.

MOTION

Upon unanimous consent request of Representative Easley, the rules were suspended to allow rejection of the **SAs** to **HB 1101**, the signing and fourth reading was rescinded and the Senate was requested to rescind its signing and fourth reading, concurrence in the **SAs** was rescinded and the **SAs** were rejected and conference requested. Conferees to be named later.

PENDING CONSIDERATION OF CCR

The **CCR** on **HB 1063** was called up for consideration.

Upon motion of Representative Gilbert, the **CCR** on **HB 1063** was adopted.

HB 1063, 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, Armes, Askins, Balkman, Bengé, Blackburn, Blackwell, Bonny, Boren, Braddock, Brannon, Carey, Case, Claunch, Coleman, Covey, Cox, Dank, Davis, Deutschendorf, DeWitt, Dorman, Easley, Eddins, Ellis, Ericson, Erwin, Ferguson, Gilbert, Hamilton, Harrison, Hastings, Hefner, Hiatt, Hilliard, Hutchison, Ingmire, Kirby, Lamons, Langmacher, Leist, Lerblance, Lindley, Maddux, McCarter, McClain, McIntyre, Miller (Doug), Miller (Ray), Mitchell, Morgan (Danny), Nance, Nations, O'Neal, Paulk, Perry, Peters, Peterson, Pettigrew, Phillips, Piatt, Plunk, Pope, Rice, Roan, Roberts, Roggow, Smaligo, Smith (Dale), Smithson, Staggs, Stanley, Steele, Sullivan, Sweeden, Taylor, Tibbs, Toure, Trebilcock, Turner, Tyler, Vaughn, Walker, Wells, Wilson, Winchester, Worthen, Young, Mr. Speaker.--89.

Nay: Calvey, Cargill, Graves, Greenwood, Liotta, Morgan (Fred), Newport, Reynolds, Smith (Hopper), Wilt, Wright.--11.

Excused: Jones.--1.

The measure and emergency passed.

HB 1063, together with the conference committee report, thereon, was ordered transmitted to the Honorable Senate.

PENDING CONSIDERATION OF CCR

The **CCR** on **HB 1705** was called up for consideration.

Upon motion of Representative Case, the **CCR** on **HB 1705** was adopted.

HB 1705, as amended in conference, was read at length for the fourth time and the roll was called on the measure as follows:

Aye: Adkins, Armes, Askins, Balkman, Bengé, Blackburn, Blackwell, 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, 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: Jones.--1.

The measure passed.

HB 1705, together with the conference committee report, thereon, was ordered transmitted to the Honorable Senate.

Representative Askins Presiding

PENDING CONSIDERATION OF CCR

The **CCR** on **HB 1583** was called up for consideration.

Representative Nations moved adoption of the **CCR** on **HB 1583**, which motion was declared adopted upon roll call as follows:

Aye: Askins, Blackburn, Bonny, Boren, Braddock, Brannon, Carey, Covey, Cox, Davis, Deutschendorf, Dorman, Easley, Eddins, Ellis, Erwin, Gilbert, Graves, Hamilton, Harrison, Hastings, Hefner, Hilliard, Hutchison, Ingmire, Kirby, Lamons, Langmacher, Leist, Lerblance, Lindley, Maddux, McCarter, McClain, McIntyre, Miller (Ray), Mitchell, Morgan (Danny), Nations, Paulk, Plunk, Pope, Rice, Roan, Roberts, Smithson, Staggs, Sweeden, Taylor, Toure, Turner, Tyler, Vaughn, Walker, Wells, Wilson, Mr. Speaker.--57.

Nay: Adkins, Armes, Balkman, Bengel, Blackwell, Calvey, Cargill, Case, Claunch, Coleman, Dank, DeWitt, Ericson, Ferguson, Greenwood, Hiatt, Liotta, Miller (Doug), Morgan (Fred), Nance, Newport, O'Neal, Perry, Peters, Peterson, Pettigrew, Phillips, Piatt, Reynolds, Roggow, Smaligo, Smith (Dale), Smith (Hopper), Stanley, Steele, Sullivan, Tibbs, Trebilcock, Wilt, Winchester, Worthen, Wright, Young.--43.

Excused: Jones.--1.

HB 1583, as amended in conference, was read at length for the fourth time and the roll was called on the measure as follows:

Aye: Adkins, Armes, Askins, Balkman, Bengel, Blackburn, Blackwell, 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, 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, Toure, Trebilcock, Turner, Tyler, Vaughn, Walker, Wells, Wilson, Wilt, Winchester, Worthen, Wright, Young, Mr. Speaker.--99.

Excused: Jones, Tibbs.--2.

The measure passed.

HB 1583, together with the conference committee report, thereon, was ordered transmitted to the Honorable Senate.

Speaker Pro Tempore Hilliard Presiding

RESOLUTION FOR CONSIDERATION

HR 1015 was called up for consideration.

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

Upon motion of Representative Walker, **HR 1015** was considered and adopted.

HR 1015 was referred for enrollment.

PENDING CONSIDERATION OF CCR

The **CCR** on **HB 1043** was called up for consideration.

Upon motion of Representative Leist, the **CCR** on **HB 1043** was adopted.

HB 1043, as amended in conference, was read at length for the fourth time and the roll was called on the measure as follows:

Aye: Adkins, Armes, Askins, Balkman, Bengé, Blackburn, Blackwell, 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, 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, Young, Mr. Speaker.--99.

Nay: Wright.--1.

Excused: Jones.--1.

The measure passed.

HB 1043, together with the conference committee report, thereon, was ordered transmitted to the Honorable Senate.

GENERAL ORDER

HJR 1031 by Sweeden of the House and Gumm of the Senate was read and considered.

Representative Sweeden moved that **HJR 1031** be advanced from General Order, which motion was declared adopted upon a division of the question.

By unanimous consent, upon request of Representative Sweeden, **HJR 1031** was considered engrossed and placed on Third Reading and Final Passage.

THIRD READING

HJR 1031 was read at length for the third time. On passage of the measure and emergency, the roll call was as follows:

Aye: Armes, Balkman, Blackwell, Bonny, Boren, Braddock, Brannon, Carey, Cargill, Case, Coleman, Covey, Cox, Dank, Davis, Deutschendorf, DeWitt, Dorman, Eddins, Ellis, Ericson, Erwin, Ferguson, Graves, Greenwood, Hamilton, Harrison, Hastings, Hefner, Hielt, Hilliard, Hutchison, Ingmire, Kirby, Langmacher, Leist, Lerblance, Lindley, Liotta, Maddux, McCarter, Miller (Doug), Miller (Ray), Mitchell, Morgan (Danny), Nance, Nations, Newport, O'Neal, Paulk, Perry, Peterson, Pettigrew, Phillips, Piatt, Plunk, Pope, Reynolds, Rice, Roan, Roberts, Roggow, Smaligo, Smith (Dale), Smithson, Staggs, Stanley, Steele, Sweeden, Taylor, Toure, Trebilcock, Turner, Tyler, Walker, Wells, Wilson, Wilt, Winchester, Worthen, Young, Mr. Speaker.--82.

Nay: Adkins, Askins, Bengé, Blackburn, Calvey, Claunch, Easley, Gilbert, Lamons, McClain, McIntyre, Morgan (Fred), Peters, Smith (Hopper), Sullivan, Tibbs, Vaughn, Wright.--18.

Excused: Jones.--1.

The measure and emergency passed.

HJR 1031 was referred for engrossment.

PENDING CONSIDERATION OF CCR

The **CCR** on **HB 1335** was called up for consideration.

Representative Adkins moved adoption of the **CCR** on **HB 1335**, which motion was declared adopted upon a division of the question.

HB 1335, as amended in conference, was read at length for the fourth time and the roll was called on the measure as follows:

Aye: Adkins, Armes, Balkman, Bengé, Blackwell, Braddock, Calvey, Cargill, Case, Claunch, Coleman, Covey, Dank, Davis, DeWitt, Easley, Ericson, Ferguson, Gilbert, Graves, Greenwood, Hastings, Hefner, Hiatt, Hilliard, Hutchison, Ingmire, Liotta, Maddux, McClain, Miller (Doug), Miller (Ray), Morgan (Fred), Nance, Nations, Newport, O'Neal, Paulk, Perry, Peters, Peterson, Phillips, Piatt, Pope, Reynolds, Rice, Roggow, Smaligo, Smith (Hopper), Steele, Sullivan, Sweeden, Taylor, Tibbs, Trebilcock, Tyler, Vaughn, Wells, Wilt, Winchester, Worthen, Wright, Young, Mr. Speaker.--64.

Nay: Askins, Blackburn, Bonny, Boren, Brannon, Carey, Cox, Deutschendorf, Dorman, Eddins, Ellis, Erwin, Hamilton, Harrison, Kirby, Lamons, Langmacher, Leist, Lerblance, Lindley, McCarter, McIntyre, Mitchell, Morgan (Danny), Pettigrew, Plunk, Roan, Roberts, Smith (Dale), Smithson, Staggs, Stanley, Toure, Turner, Walker, Wilson.--36.

Excused: Jones.--1.

The measure passed.

The roll was called on the emergency and resulted as follows:

Aye: Adkins, Armes, Balkman, Bengé, Blackwell, Braddock, Calvey, Cargill, Case, Claunch, Coleman, Covey, Dank, Davis, DeWitt, Dorman, Easley, Ericson, Gilbert, Graves, Greenwood, Hastings, Hefner, Hiatt, Hilliard, Hutchison, Ingmire, Lamons, Liotta, Maddux, McClain, Miller (Doug), Miller (Ray), Morgan (Fred), Nance, Nations, Newport, O'Neal, Paulk, Perry, Peters, Peterson, Phillips, Piatt, Pope, Reynolds, Rice, Roan, Roggow, Smaligo, Smith (Hopper), Stanley, Steele, Sweeden, Taylor, Tibbs, Trebilcock, Tyler, Vaughn, Wells, Wilt, Winchester, Worthen, Wright, Young, Mr. Speaker.--66.

Nay: Askins, Blackburn, Bonny, Boren, Brannon, Carey, Cox, Deutschendorf, Eddins, Ellis, Erwin, Ferguson, Hamilton, Harrison, Kirby, Langmacher, Leist, Lerblance, Lindley, McCarter, McIntyre, Mitchell, Morgan (Danny), Pettigrew, Plunk, Roberts, Smith (Dale), Smithson, Staggs, Sullivan, Turner, Walker, Wilson.--33.

Excused: Jones, Toure.--2.

The emergency failed.

Representative Adkins served notice to reconsider the vote whereby the emergency on **HB 1335** failed.

MOTION

Representative Tibbs asked that the Journal reflect that had she been present in the Chamber, she would have voted aye on **HB 1583**, which was the order.

CCRs SUBMITTED

The conference committee reports were read on the following measures:

HB 1109, Remove Senator Shurden as principal Senate author and substitute with Senator Cain, and Coauthored by Senator(s) Shurden

HB 1259

HB 1292

HB 1451

HB 1535

HB 1592

Representative Rice moved that when the clerk's desk is clear, the House stand adjourned to reconvene at 1:30 p.m., Tuesday, May 13, 2003, which was the order.

Pursuant to the motion of Representative Rice, the House was adjourned at 3:40 p.m., to reconvene Tuesday, May 13, 2003, at 1:30 p.m.