

HOUSE JOURNAL

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

Fifty-ninth Legislative Day, Tuesday, May 13, 2003

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

The roll was called with 99 Members present.

The following Members were excused: Lerblance, Stanley—2.

The Speaker Pro Tempore declared a quorum present.

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

The Journal for the last legislative day was approved.

ENGROSSED AND ENROLLED MEASURES

HJR 1031 was reported correctly engrossed, properly signed, in open session, and ordered transmitted to the Honorable Senate.

HR 1015 was reported correctly enrolled, properly signed, in open session, and ordered transmitted to the Secretary of State.

MESSAGE FROM THE GOVERNOR

Advising of his approval of **HB 1469** on May 12, 2003.

RESOLUTIONS

The following were introduced and read:

HCR 1032 – By Hutchison of the House and Shurden of the Senate.

A Concurrent Resolution memorializing the United States Congress to direct resources to states during difficult budget shortfalls; and directing distribution.

HCR 1033 – By Piatt of the House and Crutchfield of the Senate.

A Concurrent Resolution commending the Samuel Roberts Noble Foundation; and directing distribution.

HR 1017 – By Lindley and Gilbert.

A Resolution declaring May to be Mental Health Month in the State of Oklahoma; and providing for distribution.

HR 1018 – By Hilliard.

A Resolution declaring the week of May 18 through May 24, 2003, as Oklahoma Poison Control Center Recognition Week in the State of Oklahoma; and providing for distribution.

HR 1019 – By Piatt.

A Resolution requesting the Governor, the Commissioner of Public Safety, and all appropriate Oklahoma law enforcement officials to cooperate with Texas officials for certain purpose; and directing distribution.

HR 1020 – By Braddock.

A Resolution commending certain members of the Texas House of Representatives; and directing distribution.

RESOLUTION REFERRED

The following was withdrawn from the Calendar and referred to committee:

HCR 1032 – Rules

MESSAGES FROM THE SENATE

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

SB 257

SB 274

SB 368

SB 583
SB 628
SB 671
SJR 12

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

Action rescinded

Advising the Honorable House of Representatives that the Senate has rescinded their signing and fourth reading of **HB 1101**.

Conferees changed

Advising dismissing of Senate conferees and naming GCCA on **SB 281**.

Advising removing from GCCA and naming conferees as follows:

SB 267 - Capps, Rabon, Fisher, Snyder
SB 353 - Ford, Fisher, Harrison
HB 1153 - Ford, Morgan, Rozell, Williams, Wilcoxson

Transmitting enrolled measure

Advising fourth reading of and transmitting for signature Enrolled **SB 423**.

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

Further conference requested

Advising rejection of **CCR** to **SB 317** and requesting further conference thereon, the Senate naming same conferees as follows:

SB 317 – Dunlap, Leftwich, Lawler

FURTHER CONFERENCE GRANTED

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

SB 317 – Tyler, Paulk, Taylor, Wilt, Plunk, Case, Bengé

PENDING CONSIDERATION OF CCR

The **CCR** on **HB 1611** was called up for consideration.

Coauthored by Representative(s) Davis

Upon motion of Representative Wilt, the **CCR** on **HB 1611** was adopted.

HB 1611, 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, Boren, Braddock, Brannon, Calvey, Carey, Cargill, Claunch, Coleman, Covey, Cox, Dank, Davis, Deutschendorf, DeWitt, Dorman, Easley, Eddins, Ellis, Ericson, Erwin, Ferguson, Gilbert, Graves, Greenwood, Hamilton, Harrison, Hastings, Hefner, Hiett, Hilliard, Hutchison, Ingmire, Jones, Kirby, Lamons, Langmacher, Leist, Lindley, Liotta, Maddux, McCarter, McClain, 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, Steele, Sullivan, Sweeden, Taylor, Tibbs, Toure, Trebilcock, Turner, Tyler, Vaughn, Walker, Wells, Wilson, Wilt, Winchester, Worthen, Wright, Young, Mr. Speaker.--96.

Excused: Bonny, Case, Lerblance, McIntyre, Stanley.--5.

The measure passed.

HB 1611, together with the conference committee report, thereon, was ordered transmitted to the Honorable Senate.

MOTION

Representative McIntyre asked that the Journal reflect that had she been present in the Chamber, she would have voted aye on **HB 1611**, which was the order.

RECONSIDERATION

Representative Adkins moved to reconsider the vote whereby the emergency on **HB 1335** failed, which motion prevailed upon roll call as follows:

Aye: Adkins, Armes, Balkman, Bengé, Blackwell, Braddock, Calvey, Cargill, Claunch, Coleman, Covey, Davis, DeWitt, Dorman, Easley, Ellis, Ericson, Gilbert, Graves, Greenwood, Hastings, Hefner, Hiett, Hilliard, Hutchison, Ingmire, Jones, Liotta, Maddux, McCarter, 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), Steele, Sullivan, Sweeden, Taylor, Tibbs, Toure, Trebilcock, Tyler, Vaughn, Walker, Wells, Wilt, Worthen, Wright, Young, Mr. Speaker.--67.

Nay: Askins, Blackburn, Bonny, Boren, Brannon, Carey, Cox, Dank, Deutschendorf, Eddins, Erwin, Ferguson, Hamilton, Harrison, Kirby, Lamons, Langmacher, Leist, Lindley, McIntyre, Mitchell, Morgan (Danny), Pettigrew, Plunk, Roberts, Smith (Dale), Smithson, Staggs, Turner, Wilson, Winchester.--31.

Excused: Case, Lerblance, Stanley.--3.

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

Aye: Adkins, Armes, Balkman, Bengé, Blackwell, Braddock, Calvey, Cargill, Case, Claunch, Coleman, Covey, Davis, DeWitt, Dorman, Ellis, Ericson, Gilbert, Graves, Greenwood, Hastings, Hefner, Hiatt, Hilliard, Hutchison, Ingmire, Jones, Lamons, Liotta, Maddux, McCarter, McClain, Miller (Doug), Miller (Ray), Morgan (Fred), Nance, Nations, Newport, O'Neal, Paulk, Perry, Peters, Peterson, Phillips, Piatt, Pope, Reynolds, Rice, Roan, Roggow, Smith (Hopper), Steele, Sweeden, Taylor, Tibbs, Trebilcock, Tyler, Vaughn, Wells, Wilt, Winchester, Worthen, Wright, Young, Mr. Speaker.--65.

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

Excused: Lerblance, Smaligo, Stanley.--3.

The emergency failed.

HB 1335, together with the conference committee report, thereon, was ordered transmitted to the Honorable Senate.

RESOLUTION FOR CONSIDERATION

HCR 1031 was called up for consideration.

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

Upon motion of Representative McCarter, **HCR 1031** was considered and adopted.

HCR 1031 was referred for engrossment.

PENDING CONSIDERATION OF CCR

The **CCR** on **HB 1501** was called up for consideration.

Upon motion of Representative Cox, the **CCR** on **HB 1501** was adopted.

HB 1501, 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, Benge, Blackburn, Blackwell, Bonny, Boren, Braddock, Brannon, Calvey, Carey, Cargill, Case, Claunch, Coleman, Covey, Cox, Dank, Deutschendorf, DeWitt, Dorman, Easley, Eddins, Ellis, Ericson, Erwin, Ferguson, Gilbert, Greenwood, Hamilton, Harrison, Hastings, Hefner, Hiatt, Hilliard, Hutchison, Ingmire, Jones, Kirby, Lamons, Langmacher, 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, Pope, Reynolds, Rice, Roan, Roggow, Smaligo, Smith (Dale), Smith (Hopper), Smithson, Staggs, Steele, Sullivan, Sweeden, Taylor, Tibbs, Toure, Trebilcock, Turner, Tyler, Vaughn, Walker, Wells, Wilson, Wilt, Worthen, Wright, Young, Mr. Speaker.--95.

Nay: Davis, Graves.--2.

Excused: Lerblance, Roberts, Stanley, Winchester.--4.

The measure passed.

HB 1501, together with the conference committee report, thereon, was ordered transmitted to the Honorable Senate.

PENDING CONSIDERATION OF CCR

The **CCR** on **HB 1569** was called up for consideration.

Representative Askins Presiding

Representative Morgan (Danny) moved that the House adopt the **CCR** on **HB 1569**, which motion failed upon roll call as follows:

Aye: Adkins, Askins, Blackburn, Boren, Braddock, Brannon, Carey, Cox, Deutschendorf, Dorman, Easley, Eddins, Ellis, Erwin, Gilbert, Hamilton, Harrison, Hefner, Hilliard, Hutchison, Kirby, Lamons, Langmacher, Lindley, McCarter, McClain, McIntyre, Miller (Ray), Morgan (Danny), Nations, Paulk, Peters, Peterson, Plunk, Rice, Roan, Roberts, Smaligo, Smith (Dale), Smith (Hopper), Smithson, Staggs, Sweeden, Taylor, Toure, Tyler, Wells, Wilson, Mr. Speaker.--49.

Nay: Armes, Balkman, Bengé, Blackwell, Bonny, Calvey, Cargill, Case, Claunch, Coleman, Covey, Dank, Davis, DeWitt, Ericson, Ferguson, Graves, Greenwood, Hastings, Hiatt, Ingmire, Jones, Leist, Liotta, Maddux, Miller (Doug), Mitchell, Morgan (Fred), Nance, Newport, O'Neal, Perry, Pettigrew, Phillips, Piatt, Pope, Reynolds, Roggow, Steele, Sullivan, Tibbs, Trebilcock, Turner, Vaughn, Walker, Wilt, Worthen, Wright, Young.--49.

Excused: Lerblance, Stanley, Winchester.--3.

Upon motion of Representative Morgan (Danny), the **CCR** on **HB 1569** was rejected and further conference requested. The Speaker named the same conferees:

HB 1569 – Morgan (Danny), Lamons, Boren, Lerblance, Wells, Wilt, Jones, Peters, Smith (Hopper)

PENDING CONSIDERATION OF CCR

The **CCR** on **HB 1149** was called up for consideration.

Upon motion of Representative Miller (Ray), the **CCR** on **HB 1149** was adopted.

HB 1149, 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, Bengé, Blackburn, Blackwell, Bonny, Boren, Braddock, Brannon, Carey, Case, Claunch, Covey, Cox, Dank, Davis, Deutschendorf, DeWitt, Dorman, Easley, Eddins, Ellis, Ericson, Erwin, Ferguson, Gilbert, Graves, Greenwood, Hamilton, Harrison, Hastings, Hefner, Hilliard, Hutchison, Ingmire, Jones, Kirby, Lamons, Langmacher, Leist, Lindley, Maddux, McCarter, McClain, McIntyre, Miller (Doug), Miller (Ray), Mitchell, Morgan (Danny), Morgan (Fred), Nance, Nations, Newport, O'Neal, Paulk, Perry, Peterson, Pettigrew, Phillips, Piatt, Plunk, Pope, Rice, Roan, Roberts, Roggow, Smaligo, Smith (Dale), Smithson, Staggs, Steele, Sweeden, Taylor, Tibbs, Toure, Turner, Tyler, Vaughn, Walker, Wells, Wilson, Wilt, Young, Mr. Speaker.--84.

Nay: Armes, Balkman, Calvey, Cargill, Coleman, Hiatt, Liotta, Peters, Reynolds, Smith (Hopper), Sullivan, Trebilcock, Worthen, Wright.--14.

Excused: Lerblance, Stanley, Winchester.--3.

The measure passed.

HB 1149, together with the conference committee report, thereon, was ordered transmitted to the Honorable Senate.

RECONSIDERATION

Representative Paulk moved to reconsider the vote whereby the emergency on **SB 793** failed, which motion prevailed upon roll call 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, Hastings, Hefner, Hiatt, Hilliard, Hutchison, Ingmire, Jones, Kirby, Lamons, Langmacher, 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, Pope, Reynolds, Rice, Roan, Roberts, Roggow, Smaligo, Smith (Dale), Smith (Hopper), Smithson, Staggs, Steele, Sullivan, Sweeden, Taylor, Tibbs, Toure, Trebilcock, Turner, Tyler, Vaughn, Walker, Wells, Wilson, Wilt, Worthen, Wright, Young, Mr. Speaker.--97.

Nay: Harrison.--1.

Excused: Lerblance, Stanley, Winchester.--3.

The roll was called on the emergency and resulted 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, Hastings, Hefner, Hiatt, Hilliard, Hutchison, Ingmire, Jones, Kirby, Lamons, Langmacher, 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, Pope, Reynolds, Rice, Roan, Roberts, Roggow, Smaligo, Smith (Dale), Smith (Hopper), Smithson, Staggs, Steele, Sullivan, Sweeden, Taylor, Tibbs, Toure, Trebilcock, Turner, Tyler, Vaughn, Walker, Wells, Wilson, Wilt, Worthen, Wright, Young, Mr. Speaker.--97.

Nay: Harrison.--1.

Excused: Lerblance, Stanley, Winchester.--3.

The emergency passed.

SB 793, together with the conference committee report, thereon, was ordered returned to the Honorable Senate.

RESOLUTION FOR CONSIDERATION

HR 1019 was called up for consideration.

Upon motion of Representative Piatt, **HR 1019** was considered and failed of adoption upon a division of the question.

Representative Piatt served notice to reconsider the vote whereby **HR 1019** failed of adoption.

RESOLUTION FOR CONSIDERATION

HR 1020 was called up for consideration.

Upon motion of Representative Braddock, **HR 1020** was considered and adopted upon roll call as follows:

Aye: Askins, Blackburn, Boren, Braddock, Brannon, Carey, Covey, Cox, Deutschendorf, Dorman, Easley, Eddins, Ellis, Erwin, Gilbert, Hamilton, Harrison, Hefner, Hutchison, Kirby, Lamons, Langmacher, Leist, Lindley, McCarter, McClain, McIntyre, Miller (Ray), Mitchell, Morgan (Danny), Nations, Plunk, Pope, Rice, Roan, Smith (Dale), Smithson, Staggs, Sweeden, Taylor, Toure, Turner, Tyler, Walker, Wells, Wilson, Mr. Speaker.--47.

Nay: Adkins, Armes, Balkman, Blackwell, Calvey, Cargill, Case, Claunch, Coleman, Dank, Davis, DeWitt, Ericson, Ferguson, Graves, Greenwood, Hastings, Hiatt, Jones, Liotta, Maddux, Miller (Doug), Morgan (Fred), Nance, Newport, Perry, Peters, Peterson, Pettigrew, Phillips, Piatt, Reynolds, Roggow, Smaligo, Smith (Hopper), Steele, Sullivan, Tibbs, Trebilcock, Vaughn, Wilt, Worthen, Wright, Young.--44.

Excused: Bengé, Bonny, Hilliard, Ingmire, Lerblance, O'Neal, Paulk, Roberts, Stanley, Winchester.--10.

HR 1020 was referred for enrollment.

PENDING CONSIDERATION OF CCR

Upon motion of Representative Newport, the **CCR** on **HB 1271** was rejected and further conference requested. The Speaker named the same conferees:

HB 1271 – Newport, Paulk, Miller (Doug), Roberts, Maddux, Deutschendorf, Wilson

MESSAGES FROM THE SENATE

Returning **HBs 1449, 1501 and 1583** 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.

Conference requested

Advising the Senate has suspended Senate Rule 16-1 and advising rejection of **HAs** to **SB 377** and requesting conference thereon, the Senate conferees to be named later.

Further conference requested

Advising rejection of **CCR** to **HB 1063** and requesting further conference thereon, the Senate naming same conferees as follows:

HB 1063 - Robinson, Milacek, Riley

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 243

SB 409

SB 411

SB 680 - (emergency failed)

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

Concurrence in HAs

Announcing the concurrence of Senate in **HAs** to **SBs 611 and 620** and the passage of said measures, as amended thereby.

CONFEREES NAMED

The Speaker named the following conferees:

HB 1101 – Easley, Dank, Sweeden, Newport, Askins

FURTHER CONFERENCE GRANTED

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

HB 1063 – Gilbert, Lindley, Jones, Balkman, Hamilton

COMMITTEE REPORT

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

DO PASS:

HCR 1030 – Higher Education

CCRs SUBMITTED

The conference committee reports were read on the following measures:

HB 1099

HB 1147

HB 1418

HB 1512

HB 1587 –Conferees Unable to Agree

HB 1742 - Conferees Unable to Agree

Representative Rice moved that when the clerk's desk is clear, the House stand adjourned to reconvene at 1:30 p.m., Wednesday, May 14, 2003, which was the order.

Pursuant to the motion of Representative Rice, the House was adjourned at 2:55 p.m., to reconvene Wednesday, May 14, 2003, at 1:30 p.m.