

# HOUSE JOURNAL

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

Sixtieth Legislative Day, Wednesday, May 14, 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: Pope—1.

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

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

**HBs 1449, 1501 and 1583** were reported correctly enrolled and, after fourth reading, properly signed, in open session, and ordered transmitted to the Honorable Senate.

**HR 1020** was reported correctly enrolled, properly signed, in open session, and ordered transmitted to the Secretary of State.

**CONFEREES ADDED**

The Speaker added Pettigrew and Smith (Dale) as conferees on **SB 288**. The conferees are as follows:

**SB 288** – Roan, Langmacher, Wilt, Leist, Hastings, Pettigrew, Smith (Dale)

**RESOLUTIONS**

The following were introduced and read:

**HCR 1034** – By Sweeden.

A Concurrent Resolution relating to rules of the Committee for Incentive Awards for State Employees; waiving the thirty-legislative-day review period for proposed permanent rules OAC 345:10-1-2, OAC 345:10-3-1 and OAC 345:10-5-2, which relate to the Productivity Enhancement Program; and directing distribution.

**HR 1021** – By Plunk, Hilliard, Roan and Erwin.

A Resolution extending condolences to the family, colleagues, and friends of Whit Roberts; and directing distribution.

**HR 1022** – By Ellis, Blackburn and Lerblance.

A Resolution expressing the intent of the Oklahoma House of Representatives that no public monies be spent on a water study that is controlled by a private entity; and directing distribution.

**MESSAGE FROM THE SENATE**

Announcing the passage of the following engrossed measures.

The measures were introduced and read.

**SCR 25** – By Robinson and Shurden of the Senate and Ericson of the House.

A Concurrent Resolution approving the transfer of certain historic properties in Muskogee County, Oklahoma; and directing distribution.

**SCR 26** – By Fisher of the Senate and Sweeden of the House.

A Concurrent Resolution relating to rules of the Oklahoma Center for the Advancement of Science and Technology; waiving the thirty-legislative-day review period for proposed new rule 650:1-1-1.1 and proposed amendments to permanent rules OAC 650:1-1-1, 650:1-1-2, 650:1-1-3, 650:1-1-4, 650:1-1-5, 650:1-1-6, 650:1-3-1, 650:1-3-2, 650:1-3-3 and 650:1-3-4, relating to administrative operations; proposed amendments to permanent rules OAC 650:10-1-5, 650:10-1-6, 650:10-1-7, 650:10-1-8, 650:10-1-9, 650:10-1-11, 650:10-1-12 and 650:10-1-14, relating to the Applied Research Program; proposed amendments to permanent rules OAC 650:15-1-4, 650:15-1-5, 650:15-1-8, 650:15-1-9,

650:15-1-10, 650:15-1-11 and 650:15-1-14, relating to the Centers of Excellence Program; proposed amendments to permanent rules OAC 650:20-1-5, 650:20-1-6, 650:20-1-9, 650:20-1-10 and 650:20-1-14, relating to the Oklahoma Health Research Program; proposed amendments to permanent rules OAC 650:25-1-5, 650:25-1-7, 650:25-1-8, 650:25-1-9, 650:25-1-11 and 650:25-1-14, relating to the MOST Research Equipment Program; proposed amendments to permanent rules OAC 650:30-1-5, 650:30-1-8, 650:30-1-10, 650:30-1-11 and 650:30-1-13, relating to the SBIR Phase I Incentive Funding Program; proposed amendments to permanent rules OAC 650:35-1-5, 650:35-1-8 and 650:35-1-10, relating to the SBIR Matching Funds Program; and proposed amendments to permanent rules OAC 650:37-1-5, 650:37-1-8 and 650:37-1-10, relating to the STTR Phase I Incentive Funding Program; and directing distribution.

### **RESOLUTIONS REFERRED**

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

**HCR 1034** – Government Operations and Agency Oversight and Administrative Rules

**SCR 25** – Appropriations and Budget

**SCR 26** – Government Operations and Agency Oversight and Administrative Rules

### **MESSAGES FROM THE SENATE**

Advising fourth reading of and transmitting for signature Enrolled **SBs 611, 620** and **793**.

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

#### **Conferees named**

Advising Senate naming conferees as follows:

**SB 377** - Rozell, Littlefield, Easley, Ford, Dunlap

#### **Conference granted**

Advising conference granted and the Senate naming conferees as follows:

**HB 1101** - Corn, Crutchfield, Laughlin

#### **Conferees changed**

Advising dismissing of Senate conferees and naming GCCA as follows:

**HB 1771**

**Further conference requested**

Advising rejection of 2nd **CCR** to **SB 835** and requesting further conference thereon, the Senate naming same conferees as follows:

**SB 835** - Shurden, Wilkerson, Gumm, Leftwich, Williamson

**Returning enrolled measures**

Announcing that Enrolled **HBs 1449, 1501** and **1583** 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.

**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 835** – Erwin, Leist, Hutchison, Plunk, Hastings, Pettigrew, Roan, Newport

**PENDING CONSIDERATION OF CCR**

The **CCR** on **HB 1574** was called up for consideration.

Coauthored by Representative(s) Adkins, Armes, Benge, Blackwell, Calvey, Cargill, DeWitt, Jones, Liotta, Peters, Peterson, Roggow, Steele, Winchester, Wright

Representative Paulk asked a ruling of the Presiding Officer whether Sections 6-14 were germane to **HB 1574**.

The Presiding Officer ruled the point not well taken and Sections 6-14 germane.

Representative Dorman moved adoption of the **CCR** on **HB 1574**, which motion prevailed upon a division of the question.

**HB 1574**, 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, Calvey, Carey, Cargill, Case, Claunch, Coleman, Covey, Dank, Davis, DeWitt, Dorman, Ericson, Erwin, Ferguson, Graves, Greenwood, Hastings, Hefner, Hiatt, Hilliard, Hutchison, Jones, Kirby, Liotta, Maddux, Miller (Doug), Miller (Ray), Morgan (Danny), Morgan (Fred), Nance, Nations, Newport, O'Neal, Perry, Peters, Peterson, Pettigrew, Phillips, Piatt, Plunk, Reynolds, Rice, Roan, Roberts, Roggow, Smaligo, Smith (Hopper),

Stanley, Steele, Sweeden, Taylor, Tibbs, Trebilcock, Turner, Tyler, Vaughn, Walker, Wells, Wilt, Winchester, Worthen, Wright, Young, Mr. Speaker.--73.

Nay: Brannon, Cox, Deutschendorf, Easley, Eddins, Ellis, Gilbert, Hamilton, Harrison, Ingmire, Lamons, Langmacher, Leist, Lerblance, Lindley, McCarter, McClain, McIntyre, Mitchell, Paulk, Smith (Dale), Smithson, Staggs, Sullivan, Toure, Wilson.--26.

Excused: Blackburn, Pope.--2.

The measure and emergency passed.

**HB 1574**, together with the conference committee report, thereon, was ordered transmitted to the Honorable Senate.

## RESOLUTION FOR CONSIDERATION

**HR 1016** was called up for consideration.

Coauthored by Representative(s) Adkins, Armes, Balkman, Bengé, Boren, Braddock, Brannon, Carey, Cargill, Claunch, Covey, Dank, Deutschendorf, DeWitt, Dorman, Ericson, Gilbert, Greenwood, Hamilton, Harrison, Jones, Lamons, Langmacher, Lerblance, Lindley, Liotta, Maddux, Miller (Doug), Miller (Ray), Morgan (Danny), Morgan (Fred), Nance, Nations, Newport, Peterson, Phillips, Reynolds, Roan, Roggow, Smaligo, Steele, Taylor, Tibbs, Trebilcock, Tyler, Vaughn, Walker, Young

Upon motion of Representative Smith (Hopper), **HR 1016** was considered and adopted.

**HR 1016** was referred for enrollment.

## PENDING CONSIDERATION OF CCR

The **CCR** on **HB 1259** was called up for consideration.

Upon motion of Representative Wells, the **CCR** on **HB 1259** was adopted.

**HB 1259**, 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, Bonny, Boren, Braddock, Brannon, Calvey, Carey, Cargill, Case, Claunch, Coleman, Covey, Cox, Dank, Davis, Deutschendorf, DeWitt, Dorman, Easley, Eddins, Ellis, Ericson, Erwin, Ferguson, Gilbert, Greenwood, Hamilton, Harrison, Hastings, Hefner, Hiett, 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, Peters, Peterson, Pettigrew, Phillips, Piatt, Plunk, Rice,

Roan, Roberts, Roggow, Smaligo, Smith (Dale), Smith (Hopper), Smithson, Staggs, Stanley, Steele, Sullivan, Sweeden, Taylor, Tibbs, Toure, Turner, Tyler, Walker, Wells, Wilson, Wilt, Winchester, Worthen, Young, Mr. Speaker.--92.

Nay: Blackwell, Graves, Reynolds, Trebilcock, Wright.--5.

Excused: Blackburn, Perry, Pope, Vaughn.--4.

The measure passed.

**HB 1259**, together with the conference committee report, thereon, was ordered transmitted to the Honorable Senate.

### **PENDING CONSIDERATION OF CCR**

The **CCR** on **HB 1292** was called up for consideration.

Representative Winchester asked a ruling of the Presiding Officer whether Section 5 was germane to **HB 1292**.

The Presiding Officer ruled the point well taken and Section 5 nongermane.

Upon motion of Representative Lamons, the **CCR** on **HB 1292** was rejected and further conference requested. The Speaker named the same conferees:

**HB 1292** – Lamons, Paulk, Roan, Nance, Perry

### **PENDING CONSIDERATION OF CCR**

The **CCR** on **SB 272** was called up for consideration.

Upon motion of Representative Covey, the **CCR** on **SB 272** was adopted.

**SB 272**, 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, Blackwell, Bonny, Boren, Braddock, Brannon, 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, 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, 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, Wright, Young, Mr. Speaker.--96.

Nay: Calvey, Cargill, Worthen.--3.

Excused: Blackburn, Pope.--2.

The measure passed.

**SB 272**, together with the conference committee report, thereon, was ordered returned to the Honorable Senate.

### **PENDING CONSIDERATION OF CCR**

The **CCR** on **HB 1451** was called up for consideration.

Upon motion of Representative Toure, the **CCR** on **HB 1451** was adopted.

**HB 1451**, as amended in conference, was read at length for the fourth time and the roll was called on the measure as follows:

Aye: Askins, Balkman, Bengé, Blackburn, Boren, Braddock, Brannon, Calvey, Carey, Claunch, Covey, Cox, Dank, Davis, Dorman, Easley, Erwin, Ferguson, Gilbert, Greenwood, Hamilton, Harrison, Hiatt, Hilliard, Hutchison, Ingmire, Lamons, Langmacher, Lerblance, Lindley, Maddux, McClain, McIntyre, Miller (Doug), Miller (Ray), Mitchell, Morgan (Danny), Morgan (Fred), Nance, Nations, Newport, Paulk, Perry, Pettigrew, Phillips, Piatt, Plunk, Roan, Roberts, Roggow, Smith (Dale), Smith (Hopper), Smithson, Staggs, Stanley, Steele, Sullivan, Sweeden, Taylor, Toure, Turner, Tyler, Vaughn, Walker, Wells, Wilt, Winchester, Mr. Speaker.--68.

Nay: Adkins, Armes, Blackwell, Bonny, Cargill, Case, Deutschendorf, DeWitt, Eddins, Ellis, Ericson, Graves, Hastings, Hefner, Jones, Kirby, Leist, Liotta, McCarter, O'Neal, Peters, Peterson, Reynolds, Rice, Smaligo, Tibbs, Trebilcock, Wilson, Worthen, Wright, Young.--31.

Excused: Coleman, Pope.--2.

The measure passed.

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

Aye: Askins, Balkman, Bengé, Blackburn, Braddock, Brannon, Calvey, Carey, Claunch, Covey, Cox, Davis, Deutschendorf, Dorman, Easley, Eddins, Ericson, Erwin, Gilbert, Greenwood, Hamilton, Harrison, Hefner, Hilliard, Hutchison, Langmacher, Lerblance, Lindley, Maddux, McIntyre, Miller (Doug), Miller (Ray), Mitchell, Morgan (Danny), Nations, Newport, Paulk, Perry, Phillips, Piatt, Plunk, Roan, Roberts, Roggow,

Smaligo, Smith (Dale), Smith (Hopper), Smithson, Staggs, Stanley, Steele, Sweeden, Toure, Turner, Tyler, Vaughn, Walker, Wells, Wilt, Winchester, Mr. Speaker.--61.

Nay: Adkins, Armes, Blackwell, Bonny, Boren, Cargill, Case, Coleman, Dank, DeWitt, Ellis, Ferguson, Graves, Hastings, Hiatt, Ingmire, Jones, Kirby, Lamons, Leist, Liotta, McCarter, McClain, Morgan (Fred), Nance, O'Neal, Peters, Peterson, Pettigrew, Reynolds, Rice, Sullivan, Tibbs, Trebilcock, Wilson, Worthen, Wright, Young.--38.

Excused: Pope, Taylor.--2.

The emergency failed.

**HB 1451**, together with the conference committee report, thereon, was ordered transmitted to the Honorable Senate.

## **MOTION**

Upon unanimous consent request of Representative Rice, **SCR 5** (2001-02 Extraordinary Session) was suspended as it pertains to **SB 377**.

## **CONFERENCE GRANTED**

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

**SB 377** – Rice, Sweeden, Dank, Hutchison, Peters, Eddins, Roberts, Jones

## **PENDING CONSIDERATION OF CCR**

The **CCR** on **SB 583** was called up for consideration.

Upon motion of Representative Nations, the **CCR** on **SB 583** was adopted upon a division of the question.

**SB 583**, as amended in conference, was read at length for the fourth time and the roll was called on the measure as follows:

Aye: Askins, Balkman, Benge, Blackburn, Blackwell, Bonny, Braddock, Brannon, Carey, Cargill, Case, Claunch, Coleman, Cox, DeWitt, Ericson, Erwin, Ferguson, Greenwood, Harrison, Hastings, Hefner, Hiatt, Hilliard, Hutchison, Ingmire, Jones, Leist, Lerblance, Liotta, Maddux, McIntyre, Miller (Doug), Miller (Ray), Mitchell, Morgan (Danny), Morgan (Fred), Nance, Nations, Newport, O'Neal, Perry, Peters, Peterson, Pettigrew, Phillips, Piatt, Plunk, Roan, Roberts, Roggow, Smaligo, Smith (Dale), Smith

(Hopper), Smithson, Stanley, Steele, Sweeden, Taylor, Tibbs, Trebilcock, Tyler, Walker, Wells, Wilt, Winchester, Worthen, Wright, Young, Mr. Speaker.--70.

Nay: Adkins, Armes, Boren, Calvey, Covey, Dank, Davis, Deutschendorf, Dorman, Easley, Eddins, Ellis, Gilbert, Graves, Hamilton, Kirby, Lamons, Langmacher, Lindley, McCarter, McClain, Paulk, Reynolds, Rice, Staggs, Sullivan, Toure, Turner, Vaughn, Wilson.--30.

Excused: Pope.--1.

The measure passed.

**SB 583**, together with the conference committee report, thereon, was ordered returned to the Honorable Senate.

#### **PENDING CONSIDERATION OF CCR**

Upon motion of Representative Paulk, the **CCR** on **HB 1512** was rejected and further conference requested. The Speaker named the same conferees:

**HB 1512** – Paulk, Lamons, Nance, Roan, Smith (Hopper)

#### **MESSAGES FROM THE SENATE**

Returning **HBs 1051, 1580** and **1705** 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 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 360** - Coauthored by Senator Reynolds  
**SB 646**  
**SB 715**  
**SB 830**  
**SB 838**

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

**Conferees Unable to Agree**

Advising conferees are unable to agree on **SB 314**.

**CCRs SUBMITTED**

The conference committee reports were read on the following measures:

**HB 1002**  
**HB 1030**  
**HB 1063** (2nd)  
**HB 1174**  
**HB 1175**  
**HB 1176**  
**HB 1177**  
**HB 1178**  
**HB 1183**  
**HB 1184**  
**HB 1189**  
**HB 1191**  
**HB 1193**  
**HB 1197**  
**HB 1200**  
**HB 1222**  
**HB 1229**  
**HB 1231**  
**HB 1233**  
**HB 1234**  
**HB 1249**  
**HB 1300**  
**HB 1301**  
**HB 1358**  
**HB 1362**  
**HB 1396**  
**HB 1406**  
**HB 1412**  
**HB 1440**  
**HB 1484**  
**HB 1650**  
**HB 1670**  
**HB 1676**  
**HB 1744**  
**HJR 1011**

**COMMITTEE REPORT**

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

DO PASS:

**SCR 30** – Appropriations and Budget

Representative Rice moved that when the clerk's desk is clear, the House stand adjourned to reconvene at 8:30 a.m., Thursday, May 15, 2003, which was the order.

Pursuant to the motion of Representative Rice, the House was adjourned at 3:35 p.m., to reconvene Thursday, May 15, 2003, at 8:30 a.m.