

HOUSE JOURNAL

Second Regular Session of the Forty-ninth Legislature

of the State of Oklahoma

Twenty-sixth Legislative Day, Tuesday, March 16, 2004

The House was called to order by Speaker Adair.

The roll was called with 100 Members present.

The following Member was excused: Bengé.—1.

The Speaker declared a quorum present.

Prayer was offered by Pastor Steve Boydston, Missionary Baptist Church, Lindsay.

The Journal for the last legislative day was approved.

RESOLUTION

The following was introduced and read:

HCR 1060 – By McCarter of the House and Cain of the Senate.

A Concurrent Resolution declaring Wednesday, March 24, 2004, as International Student Awareness Day; recognizing international students and commending all persons involved in international student programs; and directing distribution.

ENGROSSED AND ENROLLED MEASURES

HB 1985 was reported correctly enrolled and, after fourth reading, properly signed, in open session, and ordered transmitted to the Honorable Senate.

HAs to SB 587 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 and returning engrossed measure as amended:

HB 2005.

Senate amendments were read on the above numbered measure.

Returning engrossed measure

Announcing the passage of **HB 1894**.

The above-numbered measure was referred for enrollment.

Returning enrolled measure

Announcing that Enrolled **HB 1985** 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.

Transmitting enrolled measure

Advising the signing of and transmitting for signature Enrolled **SCR 39**.

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

SECOND READING

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

SB 811 – Appropriations and Budget

SB 1143 – Government Operations and Agency Oversight and Administrative Rules

SB 1363 – Revenue and Taxation

SB 1434 – Retirement Laws

SB 1474 – Common Education

SB 1486 – Appropriations and Budget

SB 1529 – Commerce, Industry and Labor

SB 1546 – Appropriations and Budget

SB 1565 – Banking and Finance

SJR 47 – Government Operations and Agency Oversight and Administrative Rules

RESOLUTION REFERRED

The following was withdrawn from the Calendar and referred to committee:

SCR 50 – Common Education

MEASURES REASSIGNED

By unanimous consent, the following were reassigned:

SB 840 –Withdrawn from Government Operations and Agency Oversight and Administrative Rules and referred to Common Education.

SB 1109 –Withdrawn from Public Health and referred to Human Services.

RESOLUTION FOR CONSIDERATION

SCR 41 was called up for consideration.

Upon motion of Representative Pettigrew, **SCR 41** was considered and adopted.

SCR 41 was properly signed, in open session, by the Presiding Officer and ordered returned to the Honorable Senate.

MOTION

Representative Rice moved that the House stand at ease until 2:45 p.m., which was the order.

Speaker Adair Presiding

PENDING CONSIDERATION OF SAs

SAs to HB 2007 were called up for consideration.

Representative Wright asked unanimous consent to suspend House Rule 22, Section 1(a) to extend debate time on the **SAs to HB 2007**, to which objection was heard.

Representative Wright pressed adoption of his motion, which motion failed of adoption upon roll call as follows:

Aye: Adkins, Armes, Balkman, Blackwell, Calvey, Cargill, Case, Claunch, Coleman, Dank, Davis, DeWitt, Ericson, Ferguson, Graves, Greenwood, Hiatt, Ingmire, Jones, Liotta, Maddux, Miller (Doug), Morgan (Fred), Nance, Newport, O'Neal, Perry, Peterson (Pam),

Peterson (Ron), Pettigrew, Phillips, Piatt, Reynolds, Roggow, Smaligo, Steele, Sullivan, Tibbs, Trebilcock, Vaughn, Wilt, Winchester, Worthen, Wright, Young.--45.

Nay: Askins, Blackburn, Bonny, Boren, Braddock, Brannon, Carey, Covey, Cox, Deutschendorf, Dorman, Eddins, Ellis, Erwin, Gilbert, Harrison, Hefner, Hutchison, Kirby, Lamons, Langmacher, Leist, Lindley, Mass, McCarter, McClain, McIntyre, Miller (Ray), Mitchell, Morgan (Danny), Nations, Paulk, Plunk, Pope, Rice, Roan, Roberts, Smith, Smithson, Staggs, Stanley, Sweeden, Taylor, Toure, Turner, Tyler, Walker, Wells, Wilson, Mr. Speaker.--50.

Excused: Benge, Easley, Hamilton, Hastings, Hilliard, Peters.--6.

Representative Leist moved that the House concur in the **SAs** to **HB 2007**, which motion was declared adopted upon roll call as follows:

Aye: Askins, Blackburn, Bonny, Boren, Braddock, Brannon, Carey, Covey, Cox, Deutschendorf, Dorman, Easley, Eddins, Ellis, Erwin, Gilbert, Hamilton, Harrison, Hefner, Hutchison, Kirby, Lamons, Langmacher, Leist, Lindley, Mass, McCarter, McClain, McIntyre, Miller (Ray), Mitchell, Morgan (Danny), Nations, Paulk, Plunk, Pope, Rice, Roan, Roberts, Smith, Smithson, Staggs, Stanley, Sweeden, Taylor, Toure, Turner, Tyler, Walker, Wells, Wilson, Mr. Speaker.--52.

Nay: Adkins, Armes, Balkman, Blackwell, Calvey, Cargill, Case, Claunch, Coleman, Dank, Davis, DeWitt, Ericson, Ferguson, Graves, Greenwood, Hiatt, Ingmire, Jones, Liotta, Maddux, Miller (Doug), Morgan (Fred), Nance, Newport, O'Neal, Perry, Peterson (Pam), Peterson (Ron), Pettigrew, Phillips, Piatt, Reynolds, Roggow, Smaligo, Steele, Sullivan, Tibbs, Trebilcock, Vaughn, Wilt, Winchester, Worthen, Wright, Young.--45.

Excused: Benge, Hastings, Hilliard, Peters.--4.

HB 2007, as amended by the Honorable Senate, was read at length for the fourth time and the roll was called on the measure as follows:

Aye: Armes, Askins, Blackburn, Bonny, Boren, Braddock, Brannon, Carey, Covey, Cox, Deutschendorf, Dorman, Easley, Eddins, Ellis, Erwin, Gilbert, Hamilton, Harrison, Hefner, Hutchison, Kirby, Lamons, Langmacher, Leist, Lindley, Mass, McCarter, McClain, McIntyre, Miller (Ray), Mitchell, Morgan (Danny), Nations, Paulk, Plunk, Pope, Rice, Roan, Roberts, Smith, Smithson, Staggs, Stanley, Steele, Sweeden, Taylor, Toure, Turner, Tyler, Walker, Wells, Wilson, Mr. Speaker.--54.

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

Excused: Bengé, Hastings, Hilliard.--3.

The measure passed.

Senate amendments were properly signed, in open session, and the above-numbered measure was referred for enrollment.

GENERAL ORDER

SB 1080 by Morgan et al of the Senate and Mitchell et al of the House was read and considered.

Coauthored by Representative(s) Adkins, Calvey, Case, Claunch, Dank, Greenwood, Maddux, Miller (Doug), Morgan (Fred), Nance, Peters, Peterson (Ron), Vaughn, Winchester, Young

Representative Mitchell moved to amend **SB 1080** by striking the title, the enacting clause and the entire measure and inserting in lieu thereof a floor substitute, which amendment was declared adopted. (Copies for Members)

Representative Blackburn moved that **SB 1080** be advanced from General Order, which motion was declared adopted.

By unanimous consent, upon request of Representative Blackburn, **SB 1080** was considered engrossed and placed on Third Reading and Final Passage.

THIRD READING

SB 1080 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, 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, Hefner, Hiatt, Hutchison, Ingmire, Jones, Kirby, Lamons, Langmacher, Leist, Lindley, Liotta, Maddux, Mass, McCarter, McClain, McIntyre, Miller (Doug), Miller (Ray), Mitchell, Morgan (Danny), Morgan (Fred), Nance, Nations, Newport, O'Neal, Paulk, Perry, Peters, Peterson (Pam), Peterson (Ron), Pettigrew, Phillips, Piatt, Plunk, Pope, Reynolds, Rice, Roan, Roberts, Roggow, Smaligo, Smith, Smithson, Staggs, Stanley, Steele, Sullivan, Sweeden, Taylor, Tibbs, Toure, Trebilcock, Turner, Tyler, Vaughn, Walker, Wells, Wilson, Wilt, Winchester, Worthen, Wright, Young, Mr. Speaker.--98.

Excused: Bengé, Hastings, Hilliard.--3.

The measure and emergency passed.

SB 1080 was referred for engrossment.

RESOLUTION FOR CONSIDERATION

HR 1037 was called up for consideration.

Coauthored by Representative(s) Roan

Representative Perry moved to amend **HR 1037**, Page 3, Lines 27-31 by deleting the following language, which amendment failed of adoption upon a division of the question:

“WHEREAS, the congressional appropriation for Title I costs was \$3.15 billion short of the congressional authorization in 2002, \$4.32 billion short in 2003, and a projected \$6.15 billion short in 2004, for a total shortfall of \$13.2 billion over the three-year period.”

Representative Dank moved to amend **HR 1037**, Page 4, Line 16 by deleting the word “and” after the comma “,” and before the word “to” and Line 17 after the word “Delegation” by adding the language “and to Senator Edward Kennedy”, which amendment was declared adopted.

Upon motion of Representative McCarter, **HR 1037** was considered and adopted.

HR 1037 was referred for enrollment.

ENGROSSED AND ENROLLED MEASURES

HB 2007 was reported correctly enrolled and, after fourth reading, properly signed, in open session, and ordered transmitted to the Honorable Senate.

MESSAGE FROM THE SENATE

Announcing that Enrolled **HB 2007** 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.

COMMITTEE REPORTS

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

DO PASS:

- SB 848** – Energy and Utility Regulation
- SB 850** – Judiciary
- SB 851** – County and Municipal Government
- SB 872** – Judiciary
- SB 873** – County and Municipal Government
- SB 879** – Energy and Utility Regulation
- SB 1142** – Retirement Laws
- SB 1152** – Judiciary
- SB 1165** – Retirement Laws
- SB 1203** – Retirement Laws
- SB 1209** – County and Municipal Government
- SB 1226** – Retirement Laws
- SB 1231** – County and Municipal Government
- SB 1295** – County and Municipal Government
- SB 1389** – Retirement Laws
- SB 1398** – County and Municipal Government
- SB 1400** – County and Municipal Government
- SB 1435** – Judiciary

DO PASS, As Amended:

- CS for SB 874** – Public Safety and Homeland Security, Coauthored by Representative(s) Paulk, Nance, Nations
- CS for SB 1110** – Human Services
- SB 1131** – Retirement Laws
- SB 1134** – Retirement Laws
- CS for SB 1291** – Judiciary
- SB 1335** – Retirement Laws
- SB 1384** – Retirement Laws
- SB 1419** – County and Municipal Government
- CS for SB 1461** – Public Safety and Homeland Security

Representative Rice moved that when the clerk's desk is clear, the House stand adjourned to reconvene at 1:30 p.m., Wednesday, March 17, 2004, which was the order.

Pursuant to the motion of Representative Rice, the House was adjourned at 4:50 p.m., to reconvene Wednesday, March 17, 2004, at 1:30 p.m.