

# HOUSE JOURNAL

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

**Twenty-ninth Legislative Day, Monday, March 22, 2004**

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

The roll was called with 99 Members present.

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

The Speaker Pro Tempore declared a quorum present.

Prayer was offered by Reverend Charles Kriss, First Baptist Church of Cache, Cache.

Upon motion of Representative Armes, Reverend Kriss was confirmed as House Chaplain for this legislative week.

The Journal for the last legislative day was approved.

### ENGROSSED AND ENROLLED MEASURES

**HAs to SB 1461** were reported correctly engrossed, properly signed, in open session, and the measures, as amended, were ordered returned to the Honorable Senate.

**HR 1039** was reported correctly enrolled, properly signed, in open session, and ordered transmitted to the Secretary of State.

### GENERAL ORDER

**SB 873** by Coffee et al of the Senate and Nance of the House was read and considered.

Representative Toure moved to amend **SB 873**, Page 1, Section 1, Line 4 by adding after the comma “,” following the word “municipality” the following language: “provided that said measure shall be first approved by sixty percent (60%) of the voters at a special election.”.

Representative Nance moved to table the Toure amendment, which tabling motion failed of adoption upon roll call as follows:

Aye: Armes, Balkman, Benge, Blackwell, Calvey, Cargill, Claunch, Dank, DeWitt, Ericson, Ferguson, Greenwood, Hiatt, Ingmire, Jones, Liotta, Maddux, Morgan (Fred), Nance, Newport, Peters, Peterson (Pam), Peterson (Ron), Phillips, Piatt, Pope, Reynolds, Roggow, Smaligo, Steele, Sullivan, Tibbs, Trebilcock, Vaughn, Wilt, Wright, Young.--37.

Nay: Askins, Blackburn, Boren, Braddock, Brannon, Carey, Case, Coleman, Covey, Cox, Davis, Deutschendorf, Dorman, Easley, Eddins, Ellis, Erwin, Gilbert, Graves, Harrison, Hastings, Hilliard, Hutchison, Kirby, Lamons, Langmacher, Lindley, Mass, McCarter, McClain, McIntyre, Miller (Ray), Mitchell, Morgan (Danny), Nations, O'Neal, Paulk, Pettigrew, Plunk, Rice, Roan, Roberts, Smith, Smithson, Staggs, Sweeden, Taylor, Toure, Turner, Tyler, Walker, Wells, Wilson, Winchester, Worthen, Mr. Speaker.--56.

Excused: Adkins, Bonny, Hamilton, Hefner, Leist, Miller (Doug), Perry, Stanley.--8.

Representative Toure pressed adoption of his amendment, which amendment was declared adopted upon a division of the question.

Representative Graves moved to amend **SB 873**, Page 1, Section 1, Line 7 by inserting a comma “,” after the word “necessary” and adding the language “except for raising taxes,”, which amendment was declared adopted.

Representative Nance moved that **SB 873** be advanced from General Order, which motion was declared adopted.

By unanimous consent, upon request of Representative Nance, **SB 873** was considered engrossed and placed on Third Reading and Final Passage.

Upon unanimous consent request of Representative Nance, **SB 873** was laid over.

## **GENERAL ORDER**

**SB 1110** by Cain of the Senate and Gilbert et al of the House was read and considered.

Representative Gilbert moved that **SB 1110** be advanced from General Order, which motion was declared adopted.

By unanimous consent, upon request of Representative Gilbert, **SB 1110** was considered engrossed and placed on Third Reading and Final Passage.

### THIRD READING

**SB 1110** 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, Blackwell, 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, Lindley, Liotta, Maddux, Mass, McCarter, McClain, McIntyre, Miller (Doug), Miller (Ray), Mitchell, Morgan (Danny), Morgan (Fred), Nance, Nations, Newport, O'Neal, Paulk, Peters, Peterson (Pam), Peterson (Ron), Pettigrew, Phillips, Piatt, Plunk, Pope, Reynolds, Rice, Roan, Roberts, Roggow, Smaligo, Smith, Smithson, Staggs, Steele, Sullivan, Sweeden, Taylor, Tibbs, Toure, Trebilcock, Turner, Tyler, Vaughn, Walker, Wells, Wilson, Wilt, Winchester, Worthen, Wright, Young, Mr. Speaker.--97.

Excused: Bonny, Leist, Perry, Stanley.--4.

The measure and emergency passed.

**SB 1110** was referred for engrossment.

### GENERAL ORDER

**SB 1165** by Laster of the Senate and Harrison of the House was read and considered.

Representative Harrison moved to amend **SB 1165** by striking the enacting clause, which amendment was declared adopted.

Representative Harrison moved that **SB 1165** be advanced from General Order, which motion was declared adopted.

By unanimous consent, upon request of Representative Harrison, **SB 1165** was considered engrossed and placed on Third Reading and Final Passage.

### THIRD READING

**SB 1165** 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, Boren, Braddock, Brannon, Calvey, Carey, Cargill, Case, Claunch, Covey, Cox, Davis, Deutschendorf, DeWitt, Dorman, Eddins, Ellis, Ericson, Erwin, Ferguson, Gilbert, Hamilton, Harrison, Hastings, Hiatt, Hilliard, Hutchison, Ingmire, Jones, Kirby, Lamons, Maddux, Mass, McCarter, McClain, McIntyre, Miller (Doug), Miller (Ray), Mitchell, Morgan (Danny),

Morgan (Fred), Nations, Newport, O'Neal, Peters, Peterson (Ron), Phillips, Piatt, Plunk, Pope, Rice, Roan, Roggow, Smaligo, Smith, Smithson, Staggs, Steele, Sullivan, Sweeden, Taylor, Toure, Trebilcock, Turner, Tyler, Vaughn, Walker, Wells, Wilson, Wilt, Worthen, Wright, Mr. Speaker.--78.

Nay: Bengé, Coleman, Dank, Easley, Graves, Greenwood, Hefner, Langmacher, Lindley, Liotta, Nance, Paulk, Peterson (Pam), Pettigrew, Reynolds, Roberts, Tibbs, Young.--18.

Excused: Bonny, Leist, Perry, Stanley.--4.

Constitutional Priv: Winchester.--1.

The measure and emergency passed.

**SB 1165** was referred for engrossment.

## GENERAL ORDER

**SB 884** by Laughlin of the Senate and Maddux of the House was read and considered.

Representative Maddux moved that **SB 884** be advanced from General Order, which motion was declared adopted.

By unanimous consent, upon request of Representative Maddux, **SB 884** was considered engrossed and placed on Third Reading and Final Passage.

## THIRD READING

**SB 884** 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, Blackwell, 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, Lindley, Liotta, Maddux, Mass, McCarter, McClain, McIntyre, Miller (Doug), Miller (Ray), Mitchell, Morgan (Danny), Morgan (Fred), Nance, Nations, Newport, O'Neal, Paulk, Peters, Peterson (Pam), Peterson (Ron), Pettigrew, Phillips, Piatt, Plunk, Pope, Reynolds, Rice, Roan, Roberts, Roggow, Smaligo, Smith, Smithson, Staggs, Steele, Sullivan, Sweeden, Taylor, Tibbs, Toure, Trebilcock, Turner, Tyler, Vaughn, Walker, Wells, Wilson, Wilt, Winchester, Worthen, Wright, Young, Mr. Speaker.--97.

Excused: Bonny, Leist, Perry, Stanley.--4.

The measure and emergency passed.

**SB 884** was referred for engrossment.

## GENERAL ORDER

**SB 874** by Coffee of the Senate and Winchester et al of the House was read and considered.

Representative Newport moved to amend **SB 874**, Page 33, Section 1, Line 19 by inserting after the semicolon “;” the following language, which amendment was declared adopted:

“All motor license agents shall display a sample of the Support Education License plate in the area of the business accessed by the public.”

Representative Winchester moved that **SB 874** be advanced from General Order, which motion was declared adopted.

By unanimous consent, upon request of Representative Winchester, **SB 874** was considered engrossed and placed on Third Reading and Final Passage.

## THIRD READING

**SB 874** 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, Blackwell, 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, Lindley, Liotta, Maddux, Mass, McCarter, McClain, McIntyre, Miller (Doug), Mitchell, Morgan (Danny), Morgan (Fred), Nance, Nations, Newport, O'Neal, Paulk, Peters, Peterson (Pam), Peterson (Ron), Pettigrew, Phillips, Piatt, Plunk, Pope, Reynolds, Rice, Roan, Roggow, Smaligo, Smith, Smithson, Staggs, Steele, Sullivan, Sweeden, Taylor, Tibbs, Toure, Trebilcock, Turner, Tyler, Vaughn, Walker, Wells, Wilson, Wilt, Winchester, Worthen, Wright, Young, Mr. Speaker.--95.

Nay: Miller (Ray), Roberts.--2.

Excused: Bonny, Leist, Perry, Stanley.--4.

The measure passed.

**SB 874** was referred for engrossment.

### GENERAL ORDER

**SB 844** by Snyder of the Senate and Phillips of the House was read and considered.

Coauthored by Representative(s) Nance

Representative Phillips moved to amend **SB 844** by striking the enacting clause, which amendment was declared adopted.

Representative Phillips moved that **SB 844** be advanced from General Order, which motion was declared adopted.

By unanimous consent, upon request of Representative Phillips, **SB 844** was considered engrossed and placed on Third Reading and Final Passage.

### THIRD READING

**SB 844** 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, Blackwell, 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, Harrison, Hastings, Hefner, Hiatt, Hilliard, Hutchison, Ingmire, Jones, Kirby, Lamons, Langmacher, Lindley, Liotta, Maddux, Mass, McCarter, McClain, McIntyre, Miller (Doug), Miller (Ray), Mitchell, Morgan (Danny), Morgan (Fred), Nance, Nations, Newport, O'Neal, Paulk, Peters, Peterson (Pam), Peterson (Ron), Pettigrew, Phillips, Piatt, Plunk, Pope, Reynolds, Rice, Roan, Roberts, Roggow, Smaligo, Smith, Smithson, Staggs, Steele, Sullivan, Sweden, Taylor, Tibbs, Toure, Trebilcock, Turner, Tyler, Vaughn, Walker, Wells, Wilson, Wilt, Winchester, Worthen, Wright, Young, Mr. Speaker.--96.

Nay: Hamilton.--1.

Excused: Bonny, Leist, Perry, Stanley.--4.

The measure and emergency passed.

**SB 844** was referred for engrossment.

## GENERAL ORDER

**SB 1231** by Snyder of the Senate and Reynolds of the House was read and considered.

Representative Reynolds moved that **SB 1231** be advanced from General Order, which motion was declared adopted.

Upon request of Representative Reynolds, **SB 1231** was placed on Third Reading and Final Passage.

## THIRD READING

**SB 1231** 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, Blackwell, 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, Lindley, Liotta, Maddux, Mass, McCarter, McClain, McIntyre, Miller (Doug), Miller (Ray), Mitchell, Morgan (Danny), Morgan (Fred), Nance, Nations, Newport, O'Neal, Paulk, Peters, Peterson (Pam), Peterson (Ron), Pettigrew, Phillips, Piatt, Plunk, Pope, Reynolds, Rice, Roan, Roberts, Roggow, Smaligo, Smith, Smithson, Staggs, Steele, Sullivan, Sweeden, Taylor, Tibbs, Toure, Trebilcock, Turner, Tyler, Vaughn, Walker, Wells, Wilson, Wilt, Winchester, Worthen, Wright, Young, Mr. Speaker.--97.

Excused: Bonny, Leist, Perry, Stanley.--4.

The measure and emergency passed.

The Presiding Officer signed, in open session, Engrossed **SB 1231** and ordered same returned to the Honorable Senate.

## GENERAL ORDER

**SB 1236** by Kerr of the Senate and Turner of the House was read and considered.

Representative Turner moved that **SB 1236** be advanced from General Order, which motion was declared adopted.

By unanimous consent, upon request of Representative Turner, **SB 1236** was considered engrossed and placed on Third Reading and Final Passage.

**THIRD READING**

**SB 1236** 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, Blackwell, 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, Lindley, Liotta, Maddux, Mass, McCarter, McClain, McIntyre, Miller (Doug), Miller (Ray), Mitchell, Morgan (Danny), Morgan (Fred), Nance, Nations, Newport, O'Neal, Paulk, Peters, Peterson (Pam), Peterson (Ron), Pettigrew, Phillips, Piatt, Plunk, Pope, Reynolds, Rice, Roan, Roberts, Roggow, Smaligo, Smith, Smithson, Staggs, Steele, Sullivan, Sweeden, Taylor, Tibbs, Toure, Trebilcock, Turner, Tyler, Vaughn, Walker, Wells, Wilson, Wilt, Winchester, Worthen, Wright, Young, Mr. Speaker.--97.

Excused: Bonny, Leist, Perry, Stanley.--4.

The measure and emergency passed.

**SB 1236** was referred for engrossment.

**RESOLUTION FOR CONSIDERATION**

**HR 1031** was called up for consideration.

Coauthored by Representative(s) Vaughn

Upon motion of Representative Roberts, **HR 1031** was considered and adopted.

**HR 1031** was referred for enrollment.

**GENERAL ORDER**

**SB 1383** by Monson of the Senate and Pope et al of the House was read and considered.

Coauthored by Representative(s) Adkins, Blackburn

Representative Pope moved that **SB 1383** be advanced from General Order, which motion was declared adopted.

By unanimous consent, upon request of Representative Pope, **SB 1383** was considered engrossed and placed on Third Reading and Final Passage.

### THIRD READING

**SB 1383** 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, Blackwell, 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, Lindley, Liotta, Maddux, Mass, McCarter, McClain, McIntyre, Miller (Doug), Miller (Ray), Mitchell, Morgan (Danny), Morgan (Fred), Nance, Nations, Newport, O'Neal, Paulk, Peters, Peterson (Pam), Peterson (Ron), Pettigrew, Phillips, Piatt, Plunk, Pope, Reynolds, Rice, Roan, Roberts, Roggow, Smaligo, Smith, Smithson, Staggs, Steele, Sullivan, Sweeden, Taylor, Tibbs, Toure, Trebilcock, Turner, Tyler, Vaughn, Walker, Wells, Wilson, Wilt, Winchester, Worthen, Wright, Young, Mr. Speaker.--97.

Excused: Bonny, Leist, Perry, Stanley.--4.

The measure and emergency passed.

**SB 1383** was referred for engrossment.

### RESOLUTION FOR CONSIDERATION

**HCR 1060** was called up for consideration.

Upon motion of Representative McCarter, **HCR 1060** was considered and adopted.

**HCR 1060** was referred for engrossment.

### MESSAGES FROM THE SENATE

Announcing the passage of the following engrossed measure.

The measure was introduced and read.

**SCR 52** – By Brogdon, Aldridge, Branan, Cain, Capps, Coates, Coffee, Corn, Crutchfield, Dunlap, Easley, Fair, Fisher, Ford, Gumm, Harrison, Helton, Hobson, Horner, Johnson, Kerr, Laster, Laughlin, Lawler, Leftwich, Lerblance, Littlefield, Maddox, Milacek, Monson, Morgan, Myers, Nichols, Price, Pruitt, Rabon, Reynolds, Riley, Robinson, Rozell, Shurden, Smith, Snyder, Taylor, Wilcoxson, Wilkerson, Williams and Williamson of the Senate and Smaligo of the House.

A Concurrent Resolution congratulating Owasso, Oklahoma, upon the occasion of its Centennial; designating March 26, 2004, “Owasso Centennial Day” in the State of Oklahoma; and directing distribution.

**Returning engrossed measure**

Announcing the passage of **HB 2469**.

The above-numbered measure was referred for enrollment.

**COMMITTEE REPORT**

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

DO PASS, As Amended:

**CS for SB 1627** – Common Education, Remove Representative Askins as principal House author and substitute with Representative Gilbert, and Coauthored by Representative(s) Askins

**MESSAGES FROM THE GOVERNOR**

Advising of his approval of **HBs 1985** and **2007** on March 22, 2004.

Representative Roberts moved that when the clerk's desk is clear, the House stand adjourned to reconvene at 1:30 p.m., Tuesday, March 23, 2004, which was the order.

Pursuant to the motion of Representative Roberts, the House was adjourned at 2:25 p.m., to reconvene Tuesday, March 23, 2004, at 1:30 p.m.