

HOUSE JOURNAL

Second Regular Session of the Forty-ninth Legislature

of the State of Oklahoma

Thirtieth Legislative Day, Tuesday, March 23, 2004

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

The roll was called with 100 Members present.

The following Member was excused: Stanley.—1.

The Speaker Pro Tempore declared a quorum present.

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

The Journal for the last legislative day was approved.

ENGROSSED AND ENROLLED MEASURES

HAs to SBs 844, 874, 884, 1110, 1165, 1236 and 1383 were reported correctly engrossed, properly signed, in open session, and the measures, as amended, were ordered returned to the Honorable Senate.

HCR 1060 was reported correctly engrossed, properly signed, in open session, and ordered transmitted to the Honorable Senate.

HB 2469 was reported correctly enrolled and, after fourth reading, properly signed, in open session, and ordered transmitted to the Honorable Senate.

HR 1031 was reported correctly enrolled, properly signed, in open session, and ordered transmitted to the Secretary of State.

MESSAGES FROM THE SENATE

Advising fourth reading of and transmitting for signature Enrolled **SB 1231**.

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

Returning engrossed measure, as amended

Announcing the passage of and returning engrossed measure as amended:

HB 2176 - Coauthored by Senators Brogdon, Coffee, Fair, Gumm, Leftwich, Lerblance, Helton, Capps, Corn, Rabon.

Senate amendments were read on the above numbered measure.

Returning enrolled measure

Announcing that Enrolled **HB 2469** 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.

RESOLUTIONS

The following were introduced and read:

HCR 1062 – By Covey of the House and Price of the Senate.

A Concurrent Resolution declaring April 28, 2004, as 4-H Day at the Legislature; and directing distribution.

HCR 1063 – By Covey of the House and Price of the Senate.

A Concurrent Resolution designating a section of highway on Spur 281 from Exit 108 on Interstate 40 to Pump Station Road as the Jesse Chisholm Memorial Highway; directing the Oklahoma Department of Transportation to place permanent markers; and directing distribution.

CCR SUBMITTED

The conference committee report was read on the following measure:

HB 1418 (2nd) , Remove Senator Easley as principal Senate author and substitute with Senator Shurden

MEASURE REASSIGNED

By unanimous consent, the following was reassigned:

SB 998 – Withdrawn from the Calendar and referred to the Appropriations and Budget Committee.

GENERAL ORDER

SB 1209 by Shurden of the Senate and Nance of the House was read and considered.

Representative Nance moved that **SB 1209** be advanced from General Order, which motion was declared adopted.

Upon request of Representative Nance, **SB 1209** was placed on Third Reading and Final Passage.

THIRD READING

SB 1209 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, 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, 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, Steele, Sullivan, Sweeden, Taylor, Tibbs, Toure, Trebilcock, Turner, Tyler, Vaughn, Walker, Wells, Wilson, Wilt, Winchester, Worthen, Wright, Young, Mr. Speaker.--100.

Excused: Stanley.--1.

The measure and emergency passed.

The Presiding Officer signed, in open session, Engrossed **SB 1209** and ordered same returned to the Honorable Senate.

Representative Roberts Presiding

GENERAL ORDER

SB 1400 by Horner of the Senate and Gilbert of the House was read and considered.

Representative Gilbert moved that **SB 1400** be advanced from General Order, which motion was declared adopted.

Upon request of Representative Gilbert, **SB 1400** was placed on Third Reading and Final Passage.

Representative Rice asked unanimous consent to suspend House Rule 11, Sections 5 and 7 to return **SB 1400** to General Order for purpose of amendment, to which objection was heard.

Representative Rice pressed his motion, which motion was declared adopted upon roll call as follows:

Aye: Adkins, Askins, Blackburn, Bonny, Braddock, Brannon, Carey, Claunch, Coleman, Covey, Cox, Davis, Deutschendorf, Dorman, Easley, Eddins, Ellis, Ericson, Erwin, Ferguson, Gilbert, Graves, Hamilton, Harrison, Hastings, Hefner, Hilliard, Hutchison, Kirby, Lamons, Langmacher, Leist, Lindley, Maddux, Mass, McCarter, McClain, McIntyre, Miller (Doug), Miller (Ray), Mitchell, Morgan (Danny), Morgan (Fred), Nations, O'Neal, Paulk, Perry, Peters, Peterson (Ron), Pettigrew, Piatt, Plunk, Pope, Rice, Roberts, Smaligo, Smith, Smithson, Staggs, Sweeden, Taylor, Toure, Turner, Tyler, Walker, Wells, Wilson, Mr. Speaker.--68.

Nay: Armes, Balkman, Bengé, Blackwell, Calvey, Cargill, Dank, Greenwood, Hiett, Jones, Liotta, Newport, Peterson (Pam), Reynolds, Roggow, Steele, Sullivan, Tibbs, Trebilcock, Vaughn, Wilt, Winchester, Worthen, Wright, Young.--25.

Excused: Boren, Case, DeWitt, Ingmire, Nance, Phillips, Roan, Stanley.--8.

Representative Kirby moved to amend **SB 1400**, Page 2, Section 1, Lines 13-16 by restoring the stricken language "or by imprisonment in the county jail for a term of not less than one (1) day, nor more than thirty (30) days, or by both fine and imprisonment"; by changing the words "county jail" to "juvenile facility"; and by striking the new language "or assigned not more than thirty (30) hours of community service, or both such fine and community service hours", which amendment was declared adopted.

Representative Dorman moved to amend **SB 1400**, Page 2, Section 1, Line 16 1/2 by inserting a new subsection F. to read as follows, which amendment was declared adopted:

"F. If persons convicted under this section fail to comply with subsection E. of this section they shall be held in contempt of court and subject to further penalties administered by the court."

Representative Calvey moved to amend **SB 1400**, Page 2, Section 1, Lines 9-10 by restoring the stricken language “guilty of a misdemeanor and subject to a minimum fine of” and striking the new language “fined an amount not exceeding” and Line 12 by restoring the stricken language “guilty of a misdemeanor and be subject to a fine of up to” and striking the new language “fined an amount not exceeding”, which amendment was declared adopted.

Representative Gilbert moved that **SB 1400** be advanced from General Order, which motion was declared adopted.

By unanimous consent, upon request of Representative Gilbert, **SB 1400** was considered engrossed and placed on Third Reading and Final Passage.

THIRD READING

SB 1400 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, 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, 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, Steele, Sullivan, Sweeden, Taylor, Tibbs, Toure, Trebilcock, Turner, Tyler, Vaughn, Walker, Wells, Wilson, Wilt, Winchester, Worthen, Wright, Young, Mr. Speaker.--100.

Excused: Stanley.--1.

The measure and emergency passed.

SB 1400 was referred for engrossment.

GENERAL ORDER

SB 1152 by Wilkerson of the Senate and Harrison of the House was read and considered.

Coauthored by Representative(s) Blackwell, Dorman

Representative Harrison moved that **SB 1152** be advanced from General Order, which motion was declared adopted.

Upon request of Representative Harrison, **SB 1152** was placed on Third Reading and Final Passage.

THIRD READING

SB 1152 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, 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, 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, Steele, Sullivan, Sweeden, Taylor, Tibbs, Toure, Trebilcock, Turner, Tyler, Vaughn, Walker, Wells, Wilson, Wilt, Winchester, Worthen, Wright, Young, Mr. Speaker.--100.

Excused: Stanley.--1.

The measure passed.

The Presiding Officer signed, in open session, Engrossed **SB 1152** and ordered same returned to the Honorable Senate.

GENERAL ORDER

SB 851 by Crutchfield of the Senate and Braddock of the House was read and considered.

Representative Braddock moved that **SB 851** be advanced from General Order, which motion was declared adopted.

Upon request of Representative Braddock, **SB 851** was placed on Third Reading and Final Passage.

THIRD READING

SB 851 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, 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, 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, Rice, Roan, Roberts, Roggow, Smaligo, Smith, Smithson, Staggs, Steele, Sullivan, Sweeden, Taylor, Tibbs, Toure, Trebilcock, Turner, Tyler, Vaughn, Walker, Wells, Wilson, Wilt, Winchester, Worthen, Young, Mr. Speaker.--98.

Nay: Reynolds, Wright.--2.

Excused: Stanley.--1.

The measure and emergency passed.

The Presiding Officer signed, in open session, Engrossed **SB 851** and ordered same returned to the Honorable Senate.

GENERAL ORDER

SB 1331 by Wilkerson of the Senate and Nance of the House was read and considered.

Representative Nance moved that **SB 1331** be advanced from General Order, which motion was declared adopted.

By unanimous consent, upon request of Representative Nance, **SB 1331** was considered engrossed and placed on Third Reading and Final Passage.

THIRD READING

SB 1331 was read at length for the third time. On passage of the measure, the roll call was as follows:

Aye: Askins, Bengé, Bonny, Boren, Braddock, Brannon, Calvey, Carey, Case, Claunch, Covey, Dank, Davis, Deutschendorf, DeWitt, Dorman, Easley, Ellis, Ericson, Erwin, Ferguson, Graves, Harrison, Hiatt, Hilliard, Hutchison, Ingmire, Jones, Lamons, Langmacher, Maddux, Mass, McClain, Miller (Doug), Mitchell, Morgan (Danny), Morgan (Fred), Nance, Paulk, Perry, Peters, Peterson (Ron), Pettigrew, Phillips, Piatt, Plunk, Rice, Roan, Roberts, Roggow, Smith, Smithson, Staggs, Steele, Taylor, Tibbs, Turner, Tyler, Vaughn, Walker, Wilson, Wilt, Winchester, Wright, Young, Mr. Speaker.--66.

Nay: Adkins, Armes, Balkman, Blackburn, Blackwell, Cargill, Coleman, Cox, Eddins, Gilbert, Greenwood, Hamilton, Hastings, Hefner, Leist, Lindley, Liotta, McIntyre, Miller (Ray), Nations, Newport, O'Neal, Peterson (Pam), Pope, Reynolds, Smaligo, Sullivan, Sweeden, Toure, Trebilcock, Wells.--31.

Excused: Kirby, McCarter, Stanley, Worthen.--4.

The measure passed.

SB 1331 was referred for engrossment.

GENERAL ORDER

SB 883 by Cain of the Senate and Winchester of the House was read and considered.

Coauthored by Representative(s) Adkins

Representative Winchester moved that **SB 883** be advanced from General Order, which motion was declared adopted.

Upon request of Representative Winchester, **SB 883** was placed on Third Reading and Final Passage.

THIRD READING

SB 883 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, 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, 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, Steele, Sullivan, Sweeden, Taylor, Tibbs, Toure, Trebilcock, Turner, Tyler, Vaughn, Walker, Wells, Wilson, Wilt, Winchester, Worthen, Wright, Young, Mr. Speaker.--100.

Excused: Stanley.--1.

The measure and emergency passed.

The Presiding Officer signed, in open session, Engrossed **SB 883** and ordered same returned to the Honorable Senate.

GENERAL ORDER

SJR 54 by Gumm of the Senate and Roan of the House was read and considered.

Coauthored by Representative(s) Calvey, Adkins, Liotta

Representative Roan moved that **SJR 54** be advanced from General Order, which motion was declared adopted.

By unanimous consent, upon request of Representative Roan, **SJR 54** was considered engrossed and placed on Third Reading and Final Passage.

THIRD READING

SJR 54 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, 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, 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, Steele, Sullivan, Sweeden, Taylor, Tibbs, Toure, Trebilcock, Turner, Tyler, Vaughn, Walker, Wells, Wilson, Wilt, Winchester, Worthen, Wright, Young, Mr. Speaker.--100.

Excused: Stanley.--1.

The measure passed.

SJR 54 was referred for engrossment.

RESOLUTION FOR CONSIDERATION

SCR 52 was called up for consideration.

Upon motion of Representative Smaligo, **SCR 52** was considered and adopted.

SCR 52 was properly signed, in open session, by the Presiding Officer and ordered returned to the Honorable Senate.

RESOLUTION FOR CONSIDERATION

HR 1036 was called up for consideration.

Upon motion of Representative McCarter, **HR 1036** was considered and adopted.

HR 1036 was referred for enrollment.

GENERAL ORDER

SB 1374 by Crutchfield et al of the Senate and McCarter of the House was read and considered.

Representative McCarter moved that **SB 1374** be advanced from General Order, which motion was declared adopted.

By unanimous consent, upon request of Representative McCarter, **SB 1374** was considered engrossed and placed on Third Reading and Final Passage.

THIRD READING

SB 1374 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, 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, 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, Steele, Sullivan, Sweeden, Taylor, Tibbs, Toure, Trebilcock, Turner, Tyler, Vaughn, Walker, Wells, Wilson, Wilt, Winchester, Worthen, Wright, Young, Mr. Speaker.--100.

Excused: Stanley.--1.

The measure passed.

SB 1374 was referred for engrossment.

GENERAL ORDER

SB 1389 by Monson of the Senate and Erwin of the House was read and considered.

Coauthored by Representative(s) Dorman, Harrison

Representative Erwin moved to amend **SB 1389** by striking the enacting clause, which amendment was declared adopted.

Representative Erwin moved that **SB 1389** be advanced from General Order, which motion was declared adopted.

By unanimous consent, upon request of Representative Erwin, **SB 1389** was considered engrossed and placed on Third Reading and Final Passage.

THIRD READING

SB 1389 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, 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, 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, Steele, Sullivan, Sweeden, Taylor, Tibbs, Toure, Trebilcock, Turner, Tyler, Vaughn, Walker, Wells, Wilson, Wilt, Winchester, Worthen, Wright, Young, Mr. Speaker.--100.

Excused: Stanley.--1.

The measure and emergency passed.

SB 1389 was referred for engrossment.

MOTION

Upon unanimous consent request of Representative Covey, House Rule 5, Section 2(f) was suspended for 'Ag Day', Wednesday, March 24, 2004.

MESSAGE FROM THE GOVERNOR

Advising of his approval of **HB 1894** on March 23, 2004.

COMMITTEE REPORTS

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

DO PASS:

- SB 450** – Judiciary
- SB 1123** – County and Municipal Government
- SB 1210** – Judiciary
- SB 1219** – Energy and Utility Regulation, Coauthored by Representative(s) McClain
- SB 1267** – Judiciary
- SB 1340** – Judiciary
- SB 1471** – Corrections
- SB 1495** – County and Municipal Government
- SB 1578** – Mental Health
- SB 1583** – Mental Health
- SB 1614** – Corrections
- SJR 41** – Energy and Utility Regulation, Coauthored by Representative(s) McClain

DO PASS, As Amended:

- SB 902** – County and Municipal Government
- CS for SB 1109** – Human Services, Coauthored by Representative(s) Lindley
- CS for SB 1111** – Human Services
- CS for SB 1119** – Energy and Utility Regulation, Coauthored by Representative(s) Peterson (Ron)
- CS for SB 1246** – Mental Health
- CS for SB 1284** – Energy and Utility Regulation
- CS for SB 1405** – Human Services
- CS for SB 1511** – Judiciary
- CS for SJR 48** – Human Services

Representative Rice moved that when the clerk's desk is clear, the House stand adjourned to reconvene at 1:30 p.m., Wednesday, March 24, 2004, which was the order.

Pursuant to the motion of Representative Rice, the House was adjourned at 3:10 p.m., to reconvene Wednesday, March 24, 2004, at 1:30 p.m.