

HOUSE JOURNAL

Second Regular Session of the Forty-ninth Legislature

of the State of Oklahoma

Forty-seventh Legislative Day, Wednesday, April 21, 2004

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

The roll was called with 96 Members present.

The following Members were excused: Coleman, McClain, Stanley, Worthen.—4.

Vacancy: District: 78.—1.

The Speaker Pro Tempore declared a quorum present.

Prayer was offered by Brother Tim Emmons, First Baptist Church, Prague.

The Journal for the last legislative day was approved.

ENGROSSED AND ENROLLED MEASURES

HCR 1075 was reported correctly engrossed, properly signed, in open session, and ordered transmitted to the Honorable Senate.

HAs to SBs 816, 892, 905, 956, 958, 960, 968, 972, 973, 974, 975, 976, 977, 979, 981, 983, 984, 985, 986, 987, 988, 990, 994, 997, 999, 1000, 1001, 1002, 1003, 1004, 1005, 1006, 1007, 1008, 1009, 1010, 1011, 1012, 1013, 1014, 1016, 1018, 1020, 1023, 1024, 1025, 1026, 1027, 1028, 1030, 1032, 1033, 1034, 1035, 1036, 1037, 1038, 1039, 1040, 1041, 1042, 1043, 1044, 1045, 1046, 1047, 1048, 1049, 1050, 1051, 1052, 1054, 1055, 1060, 1061, 1063, 1066, 1067, 1090, 1114, 1143, 1158, 1164, 1172, 1253, 1258, 1265, 1319, 1325, 1345, 1412, 1413, 1422, 1430, 1434, 1478, 1561 and 1592 were reported correctly engrossed, properly signed, in open session, and the measures, as amended, were ordered returned to the Honorable Senate.

HBs 1018, 1577, 2205 and 2568 were reported correctly enrolled and, after fourth reading, properly signed, in open session, and ordered transmitted to the Honorable Senate.

MESSAGES FROM THE SENATE

Advising the signing of and transmitting for signature Enrolled **SCRs 54 and 57**.

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

Advising fourth reading of and transmitting for signature Enrolled **SBs 1381, 1397, 1411 and 1543** and **SJR 47**.

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

Returning enrolled measures

Announcing that Enrolled **HBs 1018, 1577, 2205 and 2568** 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.

PENDING CONSIDERATION OF CCR

The **CCR** on **HB 2321** was called up for consideration.

Coauthored by Representative(s) Boren, Brannon, Morgan (Danny), Turner, Walker

Coauthored by Senator(s) Leftwich

Representative Dank raised a point of order whether the CCR was germane to **HB 2321**.

The Presiding Officer ruled the point not well taken and the CCR germane.

Representative Dank appealed the ruling of the Presiding Officer which appeal did not receive the required 15 seconds.

Representative Dank raised a point of order whether the conference committee had properly met to consider **HB 2321**.

The Presiding Officer ruled the point not well taken and the **CCR** on **HB 2321** in order.

Representative Wilson moved adoption of the **CCR** on **HB 2321**, 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, Covey, Cox, Davis, Deutschendorf, DeWitt, Dorman, Eddins, Ellis, Ericson, Erwin, Ferguson, Gilbert, Graves, Greenwood, Hamilton, Harrison, Hefner, Hiett, Hilliard, Hutchison, Ingmire, Jones, Kirby, Lamons, Langmacher, Leist, Lindley, Liotta, Maddux, Mass, McCarter, McIntyre, Miller (Doug), Miller (Ray), Morgan (Danny), Nance, Nations, Newport, Perry, Peterson (Ron), Pettigrew, Phillips, Piatt, Plunk, Pope, Reynolds, Rice, Roan, Roberts, Roggow, Smaligo, Smith, Smithson, Staggs, Steele, Sweeden, Taylor, Tibbs, Trebilcock, Turner, Tyler, Vaughn, Walker, Wells, Wilson, Wilt, Winchester, Young, Mr. Speaker.--85.

Nay: Dank, Hastings, Morgan (Fred), O'Neal, Paulk, Peters, Peterson (Pam), Sullivan.--8.

Excused: Coleman, McClain, Mitchell, Stanley, Toure, Worthen.--6.

Constitutional Priv: Wright.--1.

Vacancy: Dist. 78.--1.

HB 2321, 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, Bengé, Blackburn, Blackwell, Bonny, Boren, Braddock, Brannon, Calvey, Carey, Cargill, Case, Claunch, Covey, Cox, Davis, Deutschendorf, DeWitt, Dorman, Eddins, Ellis, Ericson, Erwin, Ferguson, Gilbert, Graves, Greenwood, Hamilton, Harrison, Hefner, Hiett, Hilliard, Hutchison, Ingmire, Jones, Kirby, Lamons, Langmacher, Leist, Lindley, Liotta, Maddux, Mass, McCarter, McIntyre, Miller (Doug), Miller (Ray), Morgan (Danny), Nance, Nations, Newport, Perry, Peterson (Ron), Pettigrew, Phillips, Piatt, Plunk, Pope, Reynolds, Rice, Roan, Roberts, Roggow, Smaligo, Smith, Smithson, Staggs, Steele, Sweeden, Taylor, Tibbs, Trebilcock, Turner, Tyler, Vaughn, Walker, Wells, Wilson, Wilt, Winchester, Young, Mr. Speaker.--85.

Nay: Dank, Hastings, Morgan (Fred), O'Neal, Paulk, Peters, Peterson (Pam), Sullivan, Toure.--9.

Excused: Coleman, McClain, Mitchell, Stanley, Worthen.--5.

Constitutional Priv: Wright.--1.

Vacancy: Dist. 78.--1.

The measure and emergency passed.

HB 2321, together with the conference committee report, thereon, was ordered transmitted to the Honorable Senate.

PENDING CONSIDERATION OF SAs

SAs to **HB 2134** were rejected upon motion of Representative Peters. Conferees to be named later.

PENDING CONSIDERATION OF SAs

SAs to **HB 2287** were rejected upon motion of Representative Cox. Conferees to be named later.

PENDING CONSIDERATION OF SAs

SAs to **HB 2332** and **HJR 1063** were rejected upon motion of Representative Staggs. Conferees to be named later.

PENDING CONSIDERATION OF SAs

SAs to **HBs 2336** and **2680** were rejected upon motion of Representative Carey. Conferees to be named later.

PENDING CONSIDERATION OF SAs

SAs to **HB 2379** were rejected upon motion of Representative Rice. Conferees to be named later.

PENDING CONSIDERATION OF SAs

SAs to **HBs 2470** and **2472** were rejected upon motion of Representative Braddock. Conferees to be named later.

PENDING CONSIDERATION OF SAs

SAs to **HB 2554** were rejected upon motion of Representative Nations. Conferees to be named later.

MESSAGES FROM THE SENATE

Advising rejection of **HAs** to **SBs 865, 1254, 1410** and **1490** and requesting conference thereon, the Senate conferees to be named later.

Returning engrossed measures, as amended

Announcing the passage of and returning engrossed measures as amended:

HBs 1571 - Coauthored by Senator Fair, **2164, 2259** - Coauthored by Senators Corn, Williamson, Lawler, **2271, 2416** - (Emergency failed), **2542, 2549, 2577** - Coauthored by Senators Helton, Littlefield, Price, Wilkerson, Capps, Riley, **2612, 2630** - Coauthored by Senator Aldridge, **2632** - Coauthored by Representative Tyler, **2691** and **2718**.

Senate amendments were read on the above numbered measures.

Returning CCR

Returning **HB 2321** together with conference committee report thereon, advising adoption of conference committee report and passage of measure as amended.

The above-numbered measure, as amended by the conference committee report, was referred for enrollment.

Concurrence in HAs

Announcing the concurrence of Senate in **HAs to SB 1460** and **SJR 54** and the passage of said measures, as amended thereby.

Transmitting engrossed measures

Announcing the passage of the following engrossed measures.

The measures were introduced and read.

SCR 60 – By Easley of the Senate and Hutchison of the House.

A Concurrent Resolution designating the Mickey Mantle Memorial Highway; directing the Oklahoma Department of Transportation to place permanent markers; and directing distribution.

SCR 61 – By Kerr, Aldridge, Branan, Brogdon, Cain, Capps, Coates, Coffee, Corn, Crutchfield, Dunlap, Easley, Fair, Fisher, Ford, Gumm, Harrison, Helton, Hobson, Horner, Johnson, 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 Braddock of the House.

A Concurrent Resolution commending the Western Trail Historical Society; designating May 1, 2004, “Great Western Cattle Trail Appreciation Day”; and directing distribution.

Conferees named

Advising naming Senate conferees as follows:

SB 1556 - Crutchfield, Rabon, Helton, Coates

Conference granted

Advising conference granted and the Senate naming conferees later: **HBs 1742, 1823, 2134, 2287, 2332, 2336, 2379, 2470, 2472, 2554** and **2680** and **HJR 1063**

Action rescinded

Advising the Senate is rescinding the rejection of **HAs** to **SB 1236**.

MESSAGES FROM THE GOVERNOR

Advising of his approval of **HBs 2317, 2352, 2355** and **2615** on April 21, 2004.

MOTION EXPIRED

Time expired for consideration of the motion to reconsider the vote whereby **SB 1364** failed.

APPOINTMENTS

The Speaker announced the following appointments:

April 14, 2004 – Representative Wells appointed as a Member of the Electric Restructuring Advisory Committee, replacing Representative Rice. (**SB 440**, Section 4, 2001)

April 15, 2004 – Representative Carey reappointed as a Member of the Oklahoma Advisory Committee on Intergovernmental Relations, replacing former Representative Easley. (O.S. 74-480, **HB 1166**, Section 1, 1995)

Representative Rice moved that when the clerk's desk is clear, the House stand adjourned to reconvene at 8:30 a.m., Thursday, April 22, 2004, which was the order.

Pursuant to the motion of Representative Rice, the House was adjourned at 9:10 a.m., to reconvene Thursday, April 22, 2004, at 8:30 a.m.