

# HOUSE JOURNAL

**Second Regular Session of the Forty-ninth Legislature**

**of the State of Oklahoma**

**Fifty-eighth Legislative Day, Tuesday, May 11, 2004**

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

The roll was called with 99 Members present.

The following Member was excused: Stanley.—1.

Vacancy: District: 78.—1.

The Speaker Pro Tempore declared a quorum present.

Prayer was offered by Pastor Ron Mimms, Knob Hill Baptist Church, Oklahoma City.

The Journal for the last legislative day was approved.

## **ENGROSSED AND ENROLLED MEASURES**

**HB 1694** was reported correctly enrolled and, after fourth reading, properly signed, in open session, and ordered transmitted to the Honorable Senate.

**HR 1045** was reported correctly enrolled, properly signed, in open session, and ordered transmitted to the Secretary of State.

## **MESSAGES FROM THE SENATE**

Advising the signing of and transmitting for signature Enrolled **SCR 63**.

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

Advising fourth reading of and transmitting for signature Enrolled **SBs 649, 884, 1104** and **1580**.

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

### **Returning enrolled measure**

Announcing that Enrolled **HB 1694** 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 engrossed measure**

Announcing the passage of the following engrossed measure.

The measure was introduced and read.

**SCR 35** – By Helton, Maddox, Lawler, Aldridge, Branan, Brogdon, Cain, Capps, Coates, Coffee, Corn, Crutchfield, Dunlap, Easley, Fair, Fisher, Ford, Gumm, Harrison, Hobson, Horner, Johnson, Kerr, Laster, Laughlin, Leftwich, Lerblance, Littlefield, 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 Kirby, Deutschendorf, Askins, McCarter, Armes and Dorman of the House.

A Concurrent Resolution commending the professional and public career of the late Colonel Hardy R. Stone; expressing condolences; and directing distribution.

### **Transmitting CCR**

Transmitting the following measure, together with the conference committee report thereon, advising adoption of conference committee report and passage of measure as amended.

#### **SB 1252**

Conference committee report was read on the above-numbered measure.

### **PENDING CONSIDERATION OF CCR**

The **CCR** on **HB 2643** was called up for consideration.

Coauthored by Representative(s) Braddock, Nations, Roan, Walker

Upon motion of Representative Staggs, the **CCR** on **HB 2643** was adopted.

**HB 2643**, 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, Coleman, Covey, Cox, Dank, Davis, Deutschendorf, DeWitt, Dorman, 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, Wright, Young, Mr. Speaker.--98.

Excused: Stanley.--1.

Constitutional Priv: Worthen.--1.

Vacancy: Dist. 78.--1.

The measure and emergency passed.

**HB 2643**, together with the conference committee report, thereon, was ordered transmitted to the Honorable Senate.

## **RECONSIDERATION**

Representative Langmacher moved to reconsider the vote whereby **HB 1874** failed on fourth reading, which motion prevailed upon roll call as follows:

Aye: Askins, Blackburn, Bonny, Boren, Braddock, Brannon, Carey, Covey, Cox, Deutschendorf, Dorman, Eddins, Ellis, Erwin, Gilbert, Hamilton, Harrison, Hefner, Hilliard, Hutchison, Kirby, Lamons, Langmacher, Leist, Lindley, Maddux, Mass, McCarter, McClain, McIntyre, Miller (Ray), Mitchell, Morgan (Danny), Nations, Paulk, Plunk, Pope, Rice, Roan, Roberts, Smith, Smithson, Staggs, Sullivan, Sweeden, Taylor, Toure, Turner, Tyler, Walker, Wells, Wilson, Mr. Speaker.--53.

Nay: Adkins, Armes, Balkman, Bengé, Blackwell, Calvey, Cargill, Case, Claunch, Coleman, Dank, Davis, DeWitt, Ericson, Ferguson, Graves, Greenwood, Hastings, Jones, Liotta, Miller (Doug), Morgan (Fred), Nance, Newport, O'Neal, Perry, Peters, Peterson (Pam), Peterson (Ron), Pettigrew, Phillips, Piatt, Reynolds, Roggow, Smaligo, Steele, Tibbs, Trebilcock, Vaughn, Wilt, Winchester, Wright, Young.--43.

Excused: Hiatt, Ingmire, Stanley, Worthen.--4.

Vacancy: Dist. 78.--1.

**FOURTH READING**

**HB 1874**, as amended in conference, was read at length for the fourth time and the roll was called on the measure as follows:

Aye: Askins, Blackburn, Bonny, Boren, Braddock, Brannon, Carey, Covey, Cox, Deutschendorf, Dorman, Eddins, Ellis, Erwin, Gilbert, Hamilton, Harrison, Hefner, Hilliard, Hutchison, Kirby, Lamons, Langmacher, Leist, Lindley, Maddux, Mass, McCarter, McClain, McIntyre, Miller (Ray), Mitchell, Nations, Paulk, Plunk, Pope, Rice, Roan, Roberts, Smith, Smithson, Staggs, Sweeden, Taylor, Toure, Turner, Tyler, Walker, Wells, Wilson, Mr. Speaker.--51.

Nay: Adkins, Armes, Balkman, Bengé, Blackwell, Calvey, Cargill, Case, Claunch, Coleman, Dank, Davis, DeWitt, Ericson, Ferguson, Graves, Greenwood, Hastings, Hiatt, Ingmire, Jones, Liotta, Miller (Doug), Morgan (Danny), Morgan (Fred), Nance, Newport, O'Neal, Perry, Peters, Peterson (Pam), Peterson (Ron), Pettigrew, Phillips, Piatt, Reynolds, Roggow, Smaligo, Steele, Sullivan, Tibbs, Trebilcock, Vaughn, Wilt, Winchester, Wright, Young.--47.

Excused: Stanley, Worthen.--2.

Vacancy: Dist. 78.--1.

The measure passed.

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

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

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

Excused: Leist, Stanley, Wells, Worthen.--4.

Vacancy: Dist. 78.--1.

The emergency failed.

**HB 1874**, together with the conference committee report, thereon, was ordered transmitted to the Honorable Senate.

**PENDING CONSIDERATION OF CCR**

The **CCR** on **SB 1207** was called up for consideration.

Coauthored by Representative(s) Winchester

Upon motion of Representative Staggs, the **CCR** on **SB 1207** was adopted.

**SB 1207**, 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, Blackburn, Blackwell, Bonny, Boren, Braddock, Brannon, Calvey, Carey, Cargill, Case, Claunch, Coleman, Covey, Cox, Dank, Davis, Deutschendorf, DeWitt, Dorman, 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, Wright, Young, Mr. Speaker.--98.

Excused: Stanley, Worthen.--2.

Vacancy: Dist. 78.--1.

The measure passed.

**SB 1207**, together with the conference committee report, thereon, was ordered returned to the Honorable Senate.

**RESOLUTION FOR CONSIDERATION**

**HCR 1081** was called up for consideration.

Upon unanimous consent request of Representative Wells, all Members of the House were added as coauthors.

Upon motion of Representative Wells, **HCR 1081** was considered and adopted.

**HCR 1081** was referred for engrossment.

**RESOLUTION FOR CONSIDERATION**

**HCR 1082** was called up for consideration.

Upon unanimous consent request of Representative Wells, all Members of the House were added as coauthors.

Upon motion of Representative Wells, **HCR 1082** was considered and adopted.

**HCR 1082** was referred for engrossment.

**CONFEREES NAMED**

The Speaker named the following conferees:

**HB 2291** – Turner, Deutschendorf, Boren, Maddux, Armes, Jones, Taylor

**HB 2305** – Hamilton, Stanley, Greenwood, Lindley, McIntyre, Adkins, Braddock, Cox, Eddins, Morgan (Fred), Paulk, Piatt, Smithson, Staggs, Vaughn, Winchester, Wright

**HB 2306** – Hamilton, Stanley, Greenwood, Lindley, McIntyre, Adkins, Braddock, Cox, Eddins, Morgan (Fred), Paulk, Piatt, Smithson, Staggs, Vaughn, Winchester, Wright

**HB 2382** – Pettigrew, Stanley, Greenwood, Adkins, Braddock, Cox, Eddins, Lindley, McIntyre, Morgan (Fred), Paulk, Piatt, Smithson, Staggs, Vaughn, Winchester, Wright

**HB 2390** – Calvey, Pope, Nance, Dorman, Hiatt, Kirby, Maddux, Rice, Roberts

**HB 2432** – Miller (Doug), Askins, Leist, Balkman, Sweeden, Langmacher, Wilt, Braddock

**HB 2460** – Smaligo, Ferguson, Brannon, Bengé, Erwin, Roberts, Staggs, Sullivan

**HB 2548** – Sullivan, Stanley, Greenwood, Paulk, Vaughn, Adkins, Braddock, Cox, Eddins, Lindley, McIntyre, Morgan (Fred), Piatt, Smithson, Staggs, Winchester, Wright

**HB 2551** – Leist, Morgan (Danny), Sullivan, Tyler, Plunk, Davis, Case

**HB 2598** – Ellis, Ferguson, Brannon, Bengé, Erwin, Roberts, Staggs, Sullivan, Hilliard

**HB 2690** – Ferguson, Brannon, Roberts, Bengé, Staggs

**HB 2691** – Ferguson, Brannon, Roberts, Bengé, Staggs

**HB 2693** – Ferguson, Brannon, Roberts, Bengé, Staggs

The Speaker named the same conferees on **SB 297**. The conferees are as follow:

**SB 297** – Dorman, Wilt, Miller (Doug), Hamilton, Ellis

## **CONFERENCE GRANTED**

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

**SB 892** – Roan, Pope, Nance, Morgan (Danny), Plunk, Maddux

**SB 901** – Morgan (Fred), Vaughn, Davis, Stanley, Deutschendorf, Lamons, Morgan (Danny), McCarter, Steele

**SB 1016** – Mitchell, Bonny, Adair, Pettigrew, Ferguson

**SB 1114** – Staggs, Vaughn, Wells, Ferguson, Roberts

**SB 1134** – Ferguson, Brannon, Roberts, Bengé, Staggs

**SB 1142** – Ferguson, Brannon, Roberts, Bengé, Staggs

**SB 1145** – Ferguson, Brannon, Roberts, Bengé, Staggs

**SB 1226** – Ferguson, Brannon, Roberts, Bengé, Staggs

**SB 1261** – Ferguson, Brannon, Roberts, Bengé, Staggs

**SB 1280** – Hilliard, Tibbs, Mitchell, Bonny, Ingmire

**SB 1332** – Rice, Covey, Pope, Adair, Maddux, Hastings

**SB 1335** – Ferguson, Brannon, Roberts, Bengé, Staggs

**SB 1384** – Ferguson, Brannon, Roberts, Bengé, Staggs

**SB 1422** – Ferguson, Brannon, Roberts, Bengé, Staggs

**SB 1486** – Morgan (Fred), Vaughn, Davis, Stanley, Deutschendorf, Lamons, Askins, Boren

**SB 1525** – Wilson, Smithson, Coleman, Worthen, Walker

## **CCRs SUBMITTED**

The conference committee reports were read on the following measures:

**HB 1695**

**HB 1889**, Coauthored by Senator(s) Lawler

**HB 2101**

**HB 2102**

**HB 2135**

**HB 2213**

**HB 2441**

**HB 2457**

**HB 2472**

**HB 2630**

**HB 2664**

## **MESSAGES FROM THE GOVERNOR**

Advising of his approval of **HBs 2159, 2270, 2271, 2303, 2385** and **2445** on May 10, 2004.

Representative Rice moved that when the clerk's desk is clear, the House stand adjourned to reconvene at 11:00 a.m., Wednesday, May 12, 2004, which was the order.

Pursuant to the motion of Representative Rice, the House was adjourned at 2:45 p.m., to reconvene Wednesday, May 12, 2004, at 11:00 a.m.