

HOUSE JOURNAL

Second Regular Session of the Forty-ninth Legislature

of the State of Oklahoma

Sixty-third Legislative Day, Wednesday, May 19, 2004

The House was called to order by Representative Langmacher.

The roll was called with 100 Members present.

Vacancy: District: 78.—1.

Representative Langmacher declared a quorum present.

Prayer was offered by Pastor Rodney James, Sequoyah Hills Baptist Church, Tulsa.

The Journal for the last legislative day was approved.

ENGROSSED AND ENROLLED MEASURES

HBs 1695, 1858, 1889, 2036, 2102, 2134, 2141, 2472 (2nd), 2630 and 2680 were reported correctly enrolled and, after fourth reading, properly signed, in open session, and ordered transmitted to the Honorable Senate.

HR 1044 was reported correctly enrolled, properly signed, in open session, and ordered transmitted to the Secretary of State.

Speaker Pro Tempore Hilliard Presiding

MESSAGES FROM THE SENATE

Advising fourth reading of and transmitting for signature Enrolled **SBs 927, 929, 931, 954, 962, 989, 1060, 1105, 1144, 1155 and 1478.**

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 1695, 1858, 1889, 2036, 2102, 2134, 2141, 2472, 2630** and **2680** 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.

Conferees changed

Advising changing Senate conferees as follows:

SB 965 - Remove from GCCA and name Morgan, Capps, Brogdon

HB 2391 - Remove Williams, Corn, Fisher, Rozell, Milacek, Riley, Coates and name GCCA

RESOLUTIONS

The following were introduced and read:

HCR 1085 – By Miller (Ray), Boren, Brannon, Carey, Ellis, Erwin, Harrison, Mass, Roan, Smithson and Stanley of the House and Corn of the Senate.

A Concurrent Resolution commending and honoring Mike Bailey for receiving the Association of Community College Trustees Award for Trustee Leadership for the Western Region; and directing distribution.

HCR 1086 – By Braddock.

A Concurrent Resolution relating to emergency rules of the Oklahoma Strategic Military Planning Commission; allowing emergency rules OAC 457:10-1-1, OAC 457:10-1-2, OAC 457:10—1-3, OAC 457:10-1-4, OAC 457:10-1-5, OAC 457:10-1-6, OAC 457:10-1-7 and OAC 457:10-1-8 to be readopted as emergency rules; stating legislative intent; directing the Oklahoma Strategic Military Planning Commission to publish notice of rulemaking intent in “The Oklahoma Register” to begin the permanent rulemaking process; and directing distribution.

HR 1049 – By Adair.

A House Resolution wishing Kathy Muckala the very best in her retirement years; thanking Kathy Muckala for her years of service and superb work; making a permanent record in the Journal of the Oklahoma House of Representatives; and directing distribution.

RESOLUTION REFERRED

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

HCR 1086 – Government Operations and Agency Oversight and Administrative Rules

CONFEREES NAMED

The Speaker named the following conferees:

HB 1995 – Perry, Blackwell, Deutschendorf, Mitchell, Bonny

HB 2429 – Miller (Doug), Pope, Nance, Paulk, Lamons

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 377 – Rice, Sweeden, Dank, Hutchison, Wilson, Phillips

SB 975 – Mitchell, Bonny, Leist, Eddins, Case, Miller (Doug), Greenwood

SB 1007 – Erwin, Hutchison, Carey, Case, Covey, Davis, Ellis, Graves, Hastings, Hiatt, Maddux, Mass, Morgan (Danny), Peters, Peterson (Pam), Plunk, Smith, Sweeden, Adair, Hilliard

SB 1081 – Pope, Nance, Mitchell, Roberts, Maddux

PENDING CONSIDERATION OF CCR

The **CCR** on **SB 1627** was called up for consideration.

Upon motion of Representative Gilbert, the **CCR** on **SB 1627** was adopted.

SB 1627, 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, Bonny, Boren, Braddock, Brannon, Calvey, Carey, Case, Claunch, Covey, Cox, Dank, Deutschendorf, DeWitt, Dorman, Eddins, Ellis, Ericson, Erwin, Ferguson, Gilbert, Greenwood, Hamilton, Harrison, Hastings, Hefner, Hiatt, Hilliard, Hutchison, Ingmire, Jones, Kirby, Lamons, Langmacher, Lindley, Maddux, Mass, McCarter, McClain, McIntyre, Miller (Doug), Miller (Ray), Mitchell, Morgan (Danny), Morgan (Fred), Nations, Paulk, Perry, Peters, Peterson (Ron), Pettigrew, Piatt, Plunk, Rice, Roan, Roberts, Roggow, Smaligo, Smith, Smithson, Staggs, Steele, Sullivan, Sweeden, Tibbs, Toure, Trebilcock, Turner, Tyler, Vaughn, Walker, Wells, Wilson, Winchester, Worthen, Mr. Speaker.--80.

Nay: Blackwell, Cargill, Coleman, Davis, Graves, Leist, Liotta, Nance, Newport, O'Neal, Peterson (Pam), Phillips, Pope, Reynolds, Wilt, Wright, Young.--17.

Excused: Blackburn, Stanley, Taylor.--3.

Vacancy: Dist. 78.--1.

The measure passed.

SB 1627, together with the conference committee report, thereon, was ordered returned to the Honorable Senate.

PENDING CONSIDERATION OF CCR

The **CCR** on **SB 1556** was called up for consideration.

Coauthored by Representative(s) Adkins

Upon motion of Representative Pope, the **CCR** on **SB 1556** was adopted.

SB 1556, 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, Benge, Blackburn, Blackwell, Bonny, Boren, Braddock, Brannon, Calvey, Carey, Cargill, Case, Claunch, Coleman, 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, Tibbs, Toure, Trebilcock, Turner, Tyler, Vaughn, Walker, Wells, Wilson, Wilt, Winchester, Worthen, Wright, Young, Mr. Speaker.--97.

Excused: Covey, Stanley, Taylor.--3.

Vacancy: Dist. 78.--1.

The measure and emergency passed.

SB 1556, together with the conference committee report, thereon, was ordered returned to the Honorable Senate.

MOTION

Representative Rice moved that the House stand at ease to the Call of the Chair, which was the order.

Speaker Pro Tempore Hilliard Presiding

PENDING CONSIDERATION OF CCR

The **CCR** on **HB 2341** was called up for consideration.

Upon motion of Representative Smith, the **CCR** on **HB 2341** was adopted.

HB 2341, as amended in conference, was read at length for the fourth time and the roll was called on the measure as follows:

Aye: Askins, Balkman, Benge, Blackburn, Bonny, Braddock, Calvey, Carey, Coleman, Cox, Deutschendorf, Dorman, Eddins, Ellis, Ericson, Erwin, Ferguson, Gilbert, Harrison, Hastings, Hefner, Hilliard, Hutchison, Ingmire, Langmacher, Leist, Lindley, Mass, McCarter, McClain, McIntyre, Miller (Ray), Mitchell, Morgan (Danny), Nations, Paulk, Plunk, Rice, Roan, Roberts, Smith, Staggs, Stanley, Sullivan, Sweeden, Toure, Turner, Tyler, Vaughn, Wells, Wilson, Mr. Speaker.--52.

Nay: Adkins, Armes, Blackwell, Boren, Brannon, Cargill, Case, Claunch, Covey, Dank, Davis, DeWitt, Graves, Greenwood, Hamilton, Hiett, Jones, Kirby, Lamons, Liotta, Maddux, Miller (Doug), Morgan (Fred), Nance, Newport, O'Neal, Perry, Peters, Peterson (Pam), Peterson (Ron), Pettigrew, Piatt, Pope, Reynolds, Roggow, Smaligo, Smithson, Steele, Tibbs, Trebilcock, Walker, Wilt, Winchester, Worthen, Wright, Young.--46.

Excused: Phillips, Taylor.--2.

Vacancy: Dist. 78.--1.

The measure passed.

HB 2341, together with the conference committee report, thereon, was ordered transmitted to the Honorable Senate.

SPECIAL RECOGNITION OF REPRESENTATIVE LEONARD SULLIVAN

Representative Sullivan was honored by the Oklahoma House of Representatives for his 18 years of service.

Representative Sullivan addressed the House and introduced his wife, Marilyn Sullivan.

PENDING CONSIDERATION OF CCR

The **CCR** on **SB 1299** was called up for consideration.

Upon motion of Representative Leist, the **CCR** on **SB 1299** was adopted.

SB 1299, 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, Hiett, 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, Roberts, Roggow, Smaligo, Smith, Staggs, Stanley, Steele, Sullivan, Sweden, Tibbs, Toure, Trebilcock, Turner, Tyler, Vaughn, Walker, Wells, Wilson, Wilt, Winchester, Worthen, Wright, Young, Mr. Speaker.--97.

Nay: Roan, Smithson.--2.

Excused: Taylor.--1.

Vacancy: Dist. 78.--1.

The measure and emergency passed.

SB 1299, together with the conference committee report, thereon, was ordered returned to the Honorable Senate.

PENDING CONSIDERATION OF CCR

The **CCR** on **SB 1400** was called up for consideration.

Upon motion of Representative Gilbert, the **CCR** on **SB 1400** was adopted.

SB 1400, 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, Case, Claunch, Coleman, Covey, Dank, Deutschendorf, DeWitt, Dorman, Eddins, Ellis, Ericson, Erwin, Ferguson, Gilbert, Greenwood, Hamilton, Harrison, Hastings, Hiett, 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, O'Neal,

Paulk, Perry, Peters, Peterson (Pam), Peterson (Ron), Pettigrew, Phillips, Piatt, Plunk, Pope, Rice, Roan, Roberts, Roggow, Smaligo, Smith, Smithson, Staggs, Stanley, Steele, Sullivan, Sweeden, Tibbs, Trebilcock, Turner, Tyler, Vaughn, Walker, Wells, Wilson, Wilt, Winchester, Worthen, Wright, Mr. Speaker.--90.

Nay: Cargill, Davis, Graves, Newport, Reynolds, Young.--6.

Excused: Cox, Hefner, Taylor, Toure.--4.

Vacancy: Dist. 78.--1.

The measure and emergency passed.

SB 1400, together with the conference committee report, thereon, was ordered returned to the Honorable Senate.

PENDING CONSIDERATION OF CCR

The **3rd CCR** on **HB 1530** was called up for consideration.

Upon motion of Representative Roberts, the **3rd CCR** on **HB 1530** was adopted.

HB 1530, as amended in conference, was read at length for the fourth time and the roll was called on the measure as follows:

Aye: Askins, Balkman, Benge, Blackburn, Blackwell, Bonny, Boren, Braddock, Brannon, Calvey, Carey, Case, Claunch, Covey, Cox, Dank, Deutschendorf, DeWitt, Dorman, Eddins, Ellis, Ericson, Erwin, Ferguson, Gilbert, Greenwood, Hamilton, Harrison, Hastings, Hefner, Hutchison, Jones, Kirby, Lamons, Langmacher, Leist, Lindley, Maddux, Mass, McCarter, McClain, McIntyre, Miller (Doug), Miller (Ray), Mitchell, Morgan (Danny), Nance, Nations, Newport, O'Neal, Paulk, Perry, Peters, Pettigrew, Phillips, Piatt, Plunk, Pope, Rice, Roan, Roberts, Roggow, Smaligo, Smith, Smithson, Staggs, Stanley, Steele, Sullivan, Sweeden, Trebilcock, Turner, Tyler, Vaughn, Walker, Wells, Wilson, Worthen, Mr. Speaker.--79.

Nay: Adkins, Armes, Cargill, Coleman, Davis, Graves, Hiett, Ingmire, Liotta, Morgan (Fred), Peterson (Pam), Peterson (Ron), Reynolds, Tibbs, Wilt, Winchester, Wright, Young.--18.

Excused: Taylor, Toure.--2.

Constitutional Priv: Hilliard.--1.

Vacancy: Dist. 78.--1.

The measure passed.

HB 1530, together with the conference committee report, thereon, was ordered transmitted to the Honorable Senate.

PENDING CONSIDERATION OF CCR

Upon motion of Representative Morgan (Danny), the **CCR** on **HB 2554** was rejected and further conference requested. Conferees to be named later.

PENDING CONSIDERATION OF CCR

Upon motion of Representative Braddock, the **CCR** on **HB 1427** was rejected and further conference requested. The Speaker named the same conferees:

HB 1427 – Braddock, Roan, Hamilton, Mass, Nance, Hastings, Newport

MOTION

Representative Blackburn asked that the Journal reflect that had she been present in the Chamber, she would have voted aye on **SB 1627**, which was the order.

MESSAGES FROM THE SENATE

Advising rejection of **HAs** to **SB 1398** and requesting conference thereon, the Senate conferees to be named later.

Conferees named

Advising naming Senate conferees as follows:

SB 1527 - Fisher, Rabon, Wilcoxson

Transmitting CCRs

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

SB 1090

SB 1112

SB 1447

SB 1480 - Coauthored by Senator Lerblance and Coauthored by Representative Hutchison

Conference committee reports were read on the above-numbered measures.

Returning CCRs

Returning **HBs 2010, 2014, 2016, 2018, 2020** and **2085** together with conference committee reports thereon, advising adoption of conference committee reports and passage of measures as amended.

The above-numbered measures, as amended by the conference committee reports, were referred for enrollment.

MESSAGE FROM THE GOVERNOR

Advising of his approval of **HB 1418** on May 18, 2004.

COMMITTEE REPORTS

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

DO PASS:

HR 1048 – Public Health
SCR 64 – Higher Education

DO PASS, As Amended:

CS for **SCR 66** – Environment and Natural Resources

CCRs SUBMITTED

The conference committee reports were read on the following measures:

HB 1670 (3rd) , Remove Representative Roggow as principal House author and substitute with Representative Blackwell

HB 1734 (3rd) , Coauthored by Senator(s) Helton, Crutchfield, Lawler

HB 1866

HB 1867

HB 2001

HB 2109

HB 2110 (2nd)

HB 2135 (2nd)

HB 2164 (2nd)

HB 2213 (2nd)

HB 2226, Coauthored by Representative(s) Hilliard

HB 2250
HB 2305
HB 2306
HB 2577
HB 2607
HB 2663 (2nd)

Representative Rice moved that when the clerk's desk is clear, the House stand adjourned to reconvene at 10:30 a.m., Thursday, May 20, 2004, which was the order.

Pursuant to the motion of Representative Rice, the House was adjourned at 2:50 p.m., to reconvene Thursday, May 20, 2004, at 10:30 a.m.