

# HOUSE JOURNAL

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

**of the State of Oklahoma**

**Fifty-first Legislative Day, Tuesday, April 29, 2003**

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

The roll was called with 101 Members present.

The Speaker Pro Tempore declared a quorum present.

Prayer was offered by Dr. Gene Nease, First Foursquare Church of Oklahoma City, Oklahoma City.

The Journal for the last legislative day was approved.

## **ENGROSSED AND ENROLLED MEASURES**

**HBs 1008, 1146, 1268, 1313, 1343, 1393 and 1572** were reported correctly enrolled and, after fourth reading, properly signed, in open session, and ordered transmitted to the Honorable Senate.

**HCRs 1020 and 1022** were reported correctly engrossed, properly signed, in open session, and ordered transmitted to the Honorable Senate.

## **SECOND READING**

The following was read for the second time and referred to committee:

**HJR 1035** – Government Operations and Agency Oversight and Administrative Rules

**RESOLUTION**

The following was introduced and read:

**HCR 1023** – By McCarter of the House and Helton of the Senate.

A Concurrent Resolution designating the Mud Creek Bridges on U.S. Highway 70 as the Faye Moore Bridges; directing the Oklahoma Department of Transportation to place permanent markers; and directing distribution.

**MESSAGES FROM THE SENATE**

Advising the Senate naming conferees as follows:

**SB 4** - Lawler, Corn, Fisher, Morgan, Williamson  
**SB 288** - Gumm, Crutchfield, Wilcoxson, Price, Dunlap, Easley  
**SB 411** - Corn, Fisher, Morgan, Williamson  
**SB 422** - Harrison, Corn, Fisher, Morgan, Williamson  
**SB 439** - Nichols, Hobson, Maddox  
**SB 447** - Lawler, Horner, Crutchfield, Williamson  
**SB 520** - Robinson, Hobson, Rozell  
**SB 602** - Robinson, Morgan, Laster  
**SB 607** - Smith, Hobson, Morgan  
**SB 616** - Smith, Wilkerson, Hobson, Rozell  
**SB 628** - Fisher, Rozell, Crutchfield, Coffee, Riley  
**SB 643** - Corn, Fisher, Morgan, Williamson  
**SB 668** - Corn, Fisher, Morgan, Williamson  
**SB 818** - Wilkerson, Hobson, Rozell, Smith  
**SB 823** - Wilkerson, Hobson, Rozell, Smith

**Conference requested**

Advising rejection of **HAs** to **SBs 213, 216, 274, 294, 308, 317, 350, 353, 379, 383, 407, 442, 492, 512, 535, 543, 546, 566, 601, 661, 667, 704, 713, 760, 803** and **807** and requesting conference thereon, the Senate conferees to be named later.

**Concurrence in HAs**

Announcing the concurrence of Senate in **HAs** to **SBs 192, 231, 395, 452, 478, 534** and **741** and the passage of said measures, as amended thereby.

**Transmitting enrolled measures**

Advising fourth reading of and transmitting for signature Enrolled **SBs 3, 192, 586** and **817**.

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

### **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 175**

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

### **Returning enrolled measures**

Announcing that Enrolled **HBs 1008, 1146, 1268, 1313, 1343, 1393** and **1572** 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.

### **Transmitting engrossed measure**

Announcing the passage of the following engrossed measure.

The measure was introduced and read.

**SCR 28** – By Hobson, Fisher, Williamson, Branan, Aldridge, Brogdon, Cain, Capps, Coates, Coffee, Corn, Crutchfield, Dunlap, Easley, Fair, Ford, Gumm, Harrison, Helton, Horner, Johnson, Kerr, Laster, Laughlin, Lawler, Leftwich, Littlefield, Maddox, Milacek, Monson, Morgan, Myers, Nichols, Price, Pruitt, Rabon, Reynolds, Riley, Robinson, Shurden, Smith, Snyder, Stipe, Taylor, Wilcoxson, Wilkerson and Williams of the Senate and Adair, Hilliard, Rice, Hiatt and Morgan (Fred) of the House.

A Concurrent Resolution praising the life and career of the late Edward L. Gaylord; extending condolences to his family and friends; and directing distribution.

### **MESSAGES FROM THE GOVERNOR**

Advising of his approval of **HB 1457** on April 28, 2003 and **HBs 1072, 1263** and **1721** on April 29, 2003.

### **INTRODUCTION**

Representative Graves introduced Josh Durham to the Members of the House. Josh is 12 years old and spoke to the Leadership Training for Christ in Dallas, Texas, on April 19, 2003. Josh addressed the House and upon unanimous consent request of Representative Graves, his remarks were ordered printed in full as follows:

“Good Afternoon Mr. Speaker and Members of the House. I am here to talk to you today about the word “Go.” When I hear the word go, a few verses stick out in my mind. For example: Mark 16:15... And he said to them “Go into all the world, and preach the gospel to all creation. Another verse that sticks out in my mind is Matthew, chapter 28 verses 18-20...And Jesus came to them and said “All authority on Earth and in Heaven has been given to me. Therefore, Go make disciples of all nations, baptizing them in the name of the Father, and of the Son, and of the Holy Spirit, teaching them to obey everything I have commanded you. And surely I am with you always, to the very end of the age.” When I hear these two verses, I think of two questions: Who should go, and when should they go. I will try to answer these two questions today!

The first question I mentioned earlier was who should go. I would like to quote a verse from the book of Isaiah chapter 6:8. “And I heard the voice of the Lord saying - Whom should I send? And who...Will go for us?” And I answered: “Here am I, Send me!” When I hear this verse, the answer is very clear to me. The Lord needs me to go, and the Lord needs you to go, the Lord needs every one of us to answer his call. When the Lord was looking for someone, Isaiah didn’t stare at the ground and hope someone else would stand up. He answered...Send me, Send me, I’m the one who needs to go! We need more of that attitude today. The Lord has given each one of us abilities, and if we do not use those abilities, no matter what they are, there may be a life out there, that will now, not be reached.

The second question I mentioned was when should they go. I would like to quote a passage from the book of Matthew chapter 4 verses 18-20...”And walking by the Sea of Galilee, he saw two brothers. Simon, who was called Peter, and Andrew, casting a net out to the sea, for they were fishermen. And he said to them - Follow me, and I will make you fishers...of men.” And they immediately, left their nets, and followed him. The word that sticks out to me in this passage is immediately. God needs me, to go NOW! He doesn’t want me to wait until it’s more convenient, or in my case, until I grow up. He needs us, and he needs us now. If we’re waiting for our life to slow down, or if we’re waiting to become more “spiritually mature” before we get involved in the Lord’s work, then that day, will never come. Whether it’s showing someone Christ by the way we live our lives, or sharing the Gospel with someone we might work with, or even go to school with. The time to go is NOW! There may be some people here, who don’t think they have what it takes to go. But the Lord needs me to go, and the lord needs you to go. The Lord needs every one of us to answer his call. And if we will all be open to his will, then he can use each and every one of us. Thank you for taking the time to listen to me today.”

## **PENDING CONSIDERATION OF SAs**

**SAs to HB 1522** were called up for consideration.

Upon motion of Representative Easley, the House concurred in the **SAs to HB 1522**.

**HB 1522**, as amended by the Honorable Senate, was read at length for the fourth time and the roll was called on the measure follows:

Aye: Adkins, Armes, Askins, Balkman, Benge, Blackburn, Blackwell, Bonny, Boren, Braddock, Brannon, Calvey, Carey, Cargill, Case, Claunch, Coleman, Covey, 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, Lerblance, Lindley, Liotta, Maddux, McCarter, McClain, McIntyre, Miller (Ray), Mitchell, Morgan (Danny), Morgan (Fred), Nance, Nations, Newport, O'Neal, Paulk, Perry, Peters, Peterson, Pettigrew, Phillips, Piatt, Plunk, Pope, Reynolds, Rice, Roan, Roberts, Roggow, Smaligo, Smith (Dale), Smith (Hopper), Smithson, Staggs, Stanley, Steele, Sullivan, Sweeden, Taylor, Tibbs, Toure, Trebilcock, Turner, Tyler, Vaughn, Walker, Wells, Wilson, Wilt, Winchester, Worthen, Wright, Young, Mr. Speaker.--99.

Excused: Cox, Miller (Doug).--2.

The measure passed.

Senate amendments were properly signed, in open session, and the above-numbered measure was referred for enrollment.

#### **PENDING CONSIDERATION OF SAs**

**SAs to HB 1335** were called up for consideration.

Representative Morgan (Danny) asked a ruling of the Presiding Officer whether the Senate Amendments were germane to **HB 1335**.

The Presiding Officer ruled the point well taken and the Senate Amendments nongermane.

Representative Adkins moved to suspend House Rule 3, Section 2(b) for consideration of the **SAs to HB 1335**, which motion failed of adoption upon roll call as follows:

Aye: Adkins, Armes, Balkman, Blackwell, Calvey, Cargill, Case, Claunch, Coleman, DeWitt, Ericson, Ferguson, Greenwood, Hamilton, Hastings, Hiatt, Jones, Liotta, Maddux, McCarter, Miller (Doug), Morgan (Fred), Nance, Newport, O'Neal, Perry, Peters, Peterson, Pettigrew, Phillips, Piatt, Pope, Reynolds, Roggow, Smaligo, Smith (Hopper), Steele, Taylor, Tibbs, Trebilcock, Walker, Wilt, Winchester, Wright, Young.--45.

Nay: Askins, Blackburn, Bonny, Boren, Braddock, Brannon, Carey, Covey, Cox, Dank, Davis, Deutschendorf, Dorman, Easley, Eddins, Ellis, Erwin, Gilbert, Graves, Harrison, Hefner, Hilliard, Hutchison, Ingmire, Kirby, Lamons, Langmacher, Leist, Lerblance, Lindley, McClain, McIntyre, Miller (Ray), Mitchell, Morgan (Danny), Nations, Paulk, Plunk, Rice, Roan, Roberts, Smith (Dale), Smithson, Staggs, Stanley, Sullivan, Sweeden, Toure, Turner, Tyler, Vaughn, Wells, Wilson, Mr. Speaker.--54.

Excused: Benge, Worthen.--2.

**SAs to HB 1335** were rejected upon motion of Representative Adkins. Conferees to be named later.

### **RESOLUTION FOR CONSIDERATION**

**SCR 28** was called up for consideration.

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

Upon motion of Speaker Adair, **SCR 28** was considered and adopted.

**SCR 28** was properly signed, in open session, by the Presiding Officer and ordered returned to the Honorable Senate.

### **PENDING CONSIDERATION OF SAs**

**SAs to HB 1445** were called up for consideration.

Upon motion of Representative Stanley, the House concurred in the **SAs to HB 1445**.

**HB 1445**, as amended by the Honorable Senate, 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, 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, Lerblance, Lindley, Liotta, Maddux, McCarter, McClain, McIntyre, Miller (Doug), Miller (Ray), Mitchell, Morgan (Danny), Morgan (Fred), Nance, Nations, Newport, O'Neal, Paulk, Perry, Peters, Peterson, Pettigrew, Phillips, Piatt, Plunk, Pope, Reynolds, Rice, Roan, Roberts, Roggow, Smaligo, Smith (Dale), Smith (Hopper), Smithson, Staggs, Stanley, Steele, Sullivan, Sweeden, Taylor, Tibbs, Toure, Trebilcock, Turner, Tyler, Vaughn, Walker, Wells, Wilson, Wilt, Winchester, Worthen, Wright, Young, Mr. Speaker.--101.

The measure and emergency passed.

Senate amendments were properly signed, in open session, and the above-numbered measure was referred for enrollment.

### **PENDING CONSIDERATION OF SAs**

**SAs to HB 1443** were called up for consideration.

Upon motion of Representative Stanley, the House concurred in the **SAs to HB 1443**.

**HB 1443**, as amended by the Honorable Senate, 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, Easley, Eddins, Ellis, Ericson, Erwin, Ferguson, Gilbert, Graves, Greenwood, Hamilton, Harrison, Hastings, Hefner, Hiatt, Hilliard, Hutchison, Ingmire, Jones, Lamons, Langmacher, Leist, Lerblance, Lindley, Liotta, Maddux, McCarter, McClain, McIntyre, Miller (Doug), Miller (Ray), Mitchell, Morgan (Danny), Morgan (Fred), Nance, Nations, Newport, O'Neal, Paulk, Perry, Peters, Peterson, Pettigrew, Phillips, Piatt, Plunk, Pope, Reynolds, Rice, Roan, Roberts, Roggow, Smaligo, Smith (Dale), Smith (Hopper), Smithson, Staggs, Stanley, Steele, Sullivan, Sweeden, Taylor, Tibbs, Toure, Trebilcock, Turner, Tyler, Vaughn, Walker, Wells, Wilson, Wilt, Winchester, Worthen, Wright, Young, Mr. Speaker.--100.

Excused: Kirby.--1.

The measure and emergency passed.

Senate amendments were properly signed, in open session, and the above-numbered measure was referred for enrollment.

## **PENDING CONSIDERATION OF SAs**

**SAs to HB 1575** were called up for consideration.

Representative Dorman moved adoption of the **SAs to HB 1575**, which motion prevailed upon a division of the question.

**HB 1575**, as amended by the Honorable Senate, was read at length for the fourth time and the roll was called on the measure as follows:

Aye: Adkins, Armes, Askins, Blackburn, Bonny, Boren, Braddock, Brannon, Carey, Covey, Cox, Deutschendorf, DeWitt, Dorman, Easley, Eddins, Ellis, Erwin, Ferguson, Gilbert, Hamilton, Harrison, Hastings, Hefner, Hilliard, Hutchison, Ingmire, Kirby, Lamons, Langmacher, Leist, Lerblance, Lindley, McCarter, McClain, McIntyre, Miller (Doug), Miller (Ray), Mitchell, Morgan (Danny), Nations, Newport, Paulk, Plunk, Pope, Rice, Roan, Roberts, Smith (Dale), Smithson, Staggs, Stanley, Sweeden, Taylor, Toure, Turner, Tyler, Walker, Wells, Wilson, Mr. Speaker.--61.

Nay: Balkman, Bengé, Blackwell, Calvey, Cargill, Case, Claunch, Coleman, Dank, Davis, Ericson, Graves, Greenwood, Hiatt, Jones, Liotta, Maddux, Morgan (Fred), Nance, O'Neal, Perry, Peters, Peterson, Pettigrew, Phillips, Piatt, Reynolds, Roggow, Smaligo, Smith (Hopper), Steele, Sullivan, Tibbs, Trebilcock, Vaughn, Wilt, Winchester, Worthen, Wright, Young.--40.

The measure passed.

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

Aye: Adkins, Armes, Askins, Blackburn, Bonny, Boren, Braddock, Brannon, Carey, Covey, Cox, Deutschendorf, Dorman, Easley, Eddins, Ellis, Erwin, Gilbert, Hamilton, Harrison, Hastings, Hefner, Hilliard, Hutchison, Ingmire, Kirby, Lamons, Langmacher, Leist, Lerblance, Lindley, McCarter, McClain, McIntyre, Miller (Doug), Miller (Ray), Mitchell, Morgan (Danny), Nations, Newport, Paulk, Phillips, Plunk, Pope, Rice, Roan, Roberts, Smith (Dale), Smithson, Staggs, Stanley, Sweeden, Taylor, Toure, Trebilcock, Turner, Tyler, Walker, Wells, Wilson, Mr. Speaker.--61.

Nay: Balkman, Benge, Blackwell, Calvey, Cargill, Case, Claunch, Coleman, Dank, Davis, DeWitt, Ericson, Ferguson, Graves, Greenwood, Hiatt, Jones, Liotta, Maddux, Morgan (Fred), Nance, O'Neal, Perry, Peters, Peterson, Pettigrew, Piatt, Reynolds, Roggow, Smaligo, Smith (Hopper), Steele, Sullivan, Tibbs, Vaughn, Wilt, Winchester, Worthen, Wright, Young.--40.

The emergency failed.

Senate amendments were properly signed, in open session, and the above-numbered measure was referred for enrollment.

## **PENDING CONSIDERATION OF SAs**

**SAs to HB 1368** were called up for consideration.

Upon motion of Representative Jones, the House concurred in the **SAs to HB 1368**.

**HB 1368**, as amended by the Honorable Senate, 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, Easley, Eddins, Ellis, Ericson, Erwin, Ferguson, Gilbert, Graves, Greenwood, Hamilton, Harrison, Hastings, Hefner, Hiatt, Hilliard, Hutchison, Ingmire, Jones, Kirby, Lamons, Langmacher, Leist, Lerblance, Lindley, Liotta, Maddux, McCarter, McClain, McIntyre, Miller (Doug), Miller (Ray), Mitchell, Morgan (Danny), Morgan (Fred), Nance, Nations, Newport, O'Neal, Paulk, Perry, Peters, Peterson, Pettigrew, Phillips, Piatt, Plunk, Pope, Reynolds, Rice, Roan, Roberts, Roggow, Smaligo, Smith (Dale), Smith (Hopper), Smithson, Staggs, Stanley, Steele, Sullivan, Sweeden, Taylor, Tibbs, Toure, Trebilcock, Turner, Tyler, Vaughn, Walker, Wells, Wilson, Wilt, Winchester, Worthen, Wright, Young, Mr. Speaker.--101.

The measure passed.

Senate amendments were properly signed, in open session, and the above-numbered measure was referred for enrollment.

**PENDING CONSIDERATION OF SAs**

**SAs to HB 1562** were called up for consideration.

Upon motion of Representative Perry, the **SAs to HB 1562**, were laid over.

**PENDING CONSIDERATION OF SAs**

**SAs to HB 1724** were rejected upon motion of Representative Braddock. Conferees to be named later.

**PENDING CONSIDERATION OF SAs**

**SAs to HB 1587** were rejected upon motion of Representative Leist. Conferees to be named later.

**PENDING CONSIDERATION OF SAs**

**SAs to HB 1611** were rejected upon motion of Representative Wilt. Conferees to be named later.

**PENDING CONSIDERATION OF SAs**

**SAs to HBs 1465 and 1580** were rejected upon motion of Representative Askins. Conferees to be named later.

**PENDING CONSIDERATION OF SAs**

**SAs to HBs 1577 and 1635** were rejected upon motion of Representative Dorman. Conferees to be named later.

**MESSAGE FROM THE SENATE**

Advising the signing of and transmitting for signature Enrolled **SCR 28**.

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

Representative Rice moved that when the clerk's desk is clear, the House stand adjourned to reconvene at 8:30 a.m., Wednesday, April 30, 2003, which was the order.

Pursuant to the motion of Representative Rice, the House was adjourned at 2:55 p.m., to reconvene Wednesday, April 30, 2003, at 8:30 a.m.