

# HOUSE JOURNAL

## Second Regular Session of the Forty-ninth Legislature

### of the State of Oklahoma

#### Twenty-eighth Legislative Day, Thursday, March 18, 2004

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

The roll was called with 94 Members present.

The following Members were excused: Adair, Bengé, Easley, McClain, Perry, Stanley, Worthen.—7.

The Speaker Pro Tempore declared a quorum present.

Prayer was offered by Pastor Steve Boydston, Missionary Baptist Church, Lindsay.

The Journal for the last legislative day was approved.

#### REMARKS

Upon unanimous consent request of Representative Mitchell, the remarks of Pastor Boydston were ordered printed in full as follows:

“It has been a great honor to be invited and again I believe it’s a great honor for our Lord that you recognize Him by having a Chaplain. I must admit, I’m kind of nervous because, you know, I got this letter of acceptance when Brother Bill asked me to come and then I got the letter saying, Okay, 10:00 o’clock. Then yesterday I was told 8:00 o’clock and I’m not used to preaching for two hours but I will do my best.

But as we look at God’s Word, just touching a bunch of scattered pieces and tying them all together. Someone has said that the best proof of the inspiration of the Bible is it was doing so much preaching. And sometimes that’s true. When we try to comment on God’s Word instead of just relying upon Him and sometimes I feel like a cut and paste preacher, because I want God’s Word to be most important. But I do believe there are so many illustrations that we can use. Romans 10:14: “How then shall they call on Him of Whom they have not believed and how they shall believe in Him of Whom they have not

heard. And how shall they hear without a preacher?" And I believe that's the greatest message we have and the freedom we have in America that we can share that. We can talk about our Lord and Savior Jesus Christ. We don't have to be worried to be about persecution. We don't have to worry about laws that keep us from doing that. And, again I thank you that you have the opportunity here to proclaim God's Word, even in this solemn assembly as you have met to make laws and things, yet still you set a time to have the Word of God.

God said He would have all men to be saved and to come to the knowledge of the truth. Many people don't understand that the truth of God's law is something not to scoff at, it's something that should challenge us and I believe that every time God's Word is read it challenges us. It makes a conviction in our heart and we have to make that decision. And, the Bible says in Proverbs 3:5, "Trust in the Lord with all thine heart and lean not unto thine own understanding. In all thy ways acknowledge Him and He shall direct thy paths." When we recognize that God is the one that is truly in charge, we might think, well I have the right to vote the way I want to, for the person I want to, I have the right to decide what color tie I want to wear and things of this nature. But in all reality God is in complete control. He works in a very special way as He allows us those decisions that change our lives and changes other peoples lives. Our lives touch other people in so many ways and sometimes if I try to think about what God has to do in a given minute, to make the world function like it does. Even the bombings that He allows to happen affects and molds and changes the world His way. And if we try to decide, you know, God why did you let the bomb happen? I know that is a question that we have. Why did you let this evil thing happen? And it's only because God says I have a different plan than you do. I have a specific way that will change people's lives and will make a difference and will turn people toward me and that's why he allows things to happen. To say, God made the bomb, no.

God knows that there is a Satan that there is someone evil that will come and try to destroy and try to annihilate the human race. But God uses that evil in a good way. And that's something hard to comprehend. But, yet, James says "Draw nigh to God and He will draw nigh to you. Cleanse your hands, you sinners and purify your hearts ye double-minded." To realize that we make that choice. We have to take a stand. We are making a choice, whether we are listening this morning or daydreaming, or napping. You know, it's early this morning. It might be kind of hard to stay awake. I don't know. It's kind of interesting to realize, again, the opportunity that knocks in our lives.

There was a South African tribe. I found an illustration that they went and they did some research on this South African tribe. It seems like the members of this community were dying at a very early age. Of course the scientist and the doctors, they wanted to go in and find out exactly what was happening. They began to do some research and they found that inside that their sod houses were little beetles. Somehow these little beetles were causing diseases and things that affected the individuals living in those houses. So the scientists explained this to this tribe. "You know, your houses are killing you." They were faced with a decision. Tear down their houses and start building something new, maybe not out of dirt. Or move away to an entirely different place in a different area so they would be away from these little bugs, insignificant little creatures. And yet, the story goes on, they decided to stay where they were because that was the comfortable place. That was their home.

How sad it is when we get comfortable with where we are and we forget that there are changes daily in our lives. I believe you men and women here on the floor, you recognize that there are things that happen, very spontaneously and change your plans. Change what

you had in mind for this day. And yet, God says, "I'm in all this. I'm in all this. Are you going to follow me?" Proverbs 9:10, says, "The fear of the Lord is the beginning of wisdom." This week I have always tried to pray for wisdom for you. I think it is God's blessing we can have wisdom to make decisions. But, to recognize the fear of the Lord, the reverence of the Lord, the respect of God, Jehovah and Jesus Christ is the beginning of wisdom. And the knowledge of the holy is understanding.

Colossians 3:2, says "Set your affection on things above, not on things on earth." I'm sure, that's very difficult at times when there are those pressing decisions that have to be made to affect this state, to affect who we are. But, if we look toward and realize that God is control and we pray about it beforehand, then I believe God will lead us through those decisions.

I'm in the public school. I'm a Bi-vocational preacher. In teaching, many times if I'm not careful I get so intense upon the problems of one of my students. Without thinking I start looking at the student's problem instead of the student. And I get so intense upon this idea "I've got to change the attitude of this child" and before too long, if I'm not careful, I find the flaw in myself, that I don't think about God. I don't think about what I can do to win this child to a better understanding of their role and without mentioning Jesus Christ and God before the child, because that's against the law, but, the idea of molding and shaping this child to look for better things, it's a human response, I believe, to just open up and to use our way, instead of God's way. Set your affection on things above, not on things on earth. God says, just look. Jesus said to the Jews, in John 8:31, "If you continue in My Word, then are ye my disciples, indeed, and ye shall know the truth and the truth shall make you free." To know God is the answer. I'm not saying that there are not other things that we have to use in our own bodies to make us work the way we should but to recognize that God is that leading Spirit within us. Let every soul be subject unto the higher powers. For there is no power but of God. The powers that be ordained of God, whosoever therefore resisteth the power, resisteth the ordinance of God and they that resist shall receive to themselves damnation. There are consequences.

I believe we recognize that. There are consequences. And to say that there is not a Devil, that there is not a consequence that God inscribes is, really, quite silly and ludicrous. But to recognize that those consequences are maybe what we desire, or what we can use to motivate our lives. God says there are consequences. You can choose Me or you can choose Death. You can choose the right way, the light way, the narrow way, or you can go on about your business. Hebrews 10:25, "Not forsaking the assembling of yourselves together." I want to encourage you. This is not a church service, this is a preaching time, to be faithful to your church.

To recognize that the better understanding you have of God through your preaching time, through your Sunday Schools and your different things of this nature, that motivates you, that inspires you, that gets you going. Too much of the world thinks, Well, if I can kind of hit and miss, maybe turn into a radio station and hear a preacher every once in awhile, or read a good book. I believe God instituted the New Testament Church for a very special purpose, to get us all together. To have that fellowship. To have that encouragement. The Bible says that it is teaching us that to deny ungodliness and worldly lust, we should live soberly, righteously, and godly in the present world. Blessed is the man that walketh not in the counsel of the ungodly, nor standeth in the way of sinners. Nor sitteth in the seat of the scornful. I recognize we can encourage. We can have a great encouragement in the people around us, or we can be that scornful. We can be that one that brings people down.

The Bible says, again, that the consequence, because they knew not God, they glorified Him not as God. Neither were thankful but became vain in their imaginations and their foolish heart was darkened, professing themselves to be wise, they became fools. Again, being in the classroom that leadership role, too many times it becomes “my” wisdom instead of God’s wisdom. And then when I recognize how foolish that is, and how empty I become, in a days time, it amazes me how that, you know, I believe I have been called to preach and called to pastor, and I believe God is working in my life, but there are those days when, you know, I get drained out in a very short time period. To recognize it is a continual thing. See then that you walk circumspectly. It is an effort. God gives us the opportunity to make that effort to stand strong. Circumspectly, not as fools but as wise, redeeming the time, because the days are evil. Wherefore be ye not unwise but understanding what the will of the Lord is.

There is a story of the Statue of Liberty. And, I believe his name is Barthold, the one that built, designed the Statue of Liberty and brought it across the sea. As he began to put it up, they started to raise the head and some noticed that he had even been so intricate, that he designed the cap, the head of this statue. And even though it’s hundred’s of feet above people and no one would ever see it, he designed it. He completed it. He could have easily put on a tin roof. He could have easily put something that would just keep the rain out, but he designed and completed the statue, even though no one would ever see it. And then a few years later the Wright Brothers come up with this neat invention. And now, I believe, most people are more likely to see the top of that Statue of Liberty than they are those that ride the ferry and ride up inside it.

To realize, you know, that the completeness that we can reach is sometimes not something that we can see. Not something that we recognize that will be attained but to recognize that whatever duties we have, to complete them fully. We have to make sure that we are complete in what we do. Complete. For God hath not given us the spirit of fear but of power and of love and of a sound mind.

Would you stand with me and we’ll have a prayer. Dear Heavenly Father, we thank you again, for this great opportunity to share of your Word, and God, I know there are Christians here, there are people here that are very faithful to their churches and God, I just praise your Name for their testimony. God, my prayer is always, if there is someone here that has thought about Jesus Christ and realizes that they have never accepted Jesus Christ as their Saviour, maybe they have seen the play, the movie, and in seeing how atrocious your Son was treated for our sins, but also the Resurrection, that time to prove the power of Jesus Christ. God, if there someone here who has not accepted that, very world truth, has not accepted Jesus Christ as their Savior, God, that would be a convicting time. God, we thank you, again for wisdom, we thank you for the earnestness of these, your people, as they do your bidding. In Jesus Name, we pray. Amen.”

## **MESSAGE FROM THE SENATE**

Advising fourth reading of and transmitting for signature Enrolled **SBs 848, 879** and **890**.

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

## **RESOLUTION REFERRED**

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

**HCR 1061** – Public Health

## **MOTION**

Representative Armes asked that the Journal reflect that had he been present in the Chamber on March 17, 2004, he would have voted aye on **SBs 848, 879 and 890** which was the order.

## **MOTION**

Representative Nance asked that the Journal reflect that had he been present in the Chamber on March 17, 2004, he would have voted aye on **SBs 848, 879 and 890** which was the order.

## **MOTION**

Representative Roan asked that the Journal reflect that had he been present in the Chamber on March 17, 2004, he would have voted aye on **SBs 848 and 879** which was the order.

## **GENERAL ORDER**

**SB 1461** by Williamson of the Senate and Peters of the House was read and considered.

Representative Peters moved to amend **SB 1461** by striking the title, which amendment was declared adopted.

Representative Dank moved to amend **SB 1461**, Page 1, Section 1, Line 6 by adding after the word “street” the language “if the City Council approves”, which amendment was declared adopted.

Representative Peters moved that **SB 1461** be advanced from General Order, which motion was declared adopted.

By unanimous consent, upon request of Representative Peters, **SB 1461** was considered engrossed and placed on Third Reading and Final Passage.

**THIRD READING**

**SB 1461** 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, Blackburn, Blackwell, Boren, Braddock, Brannon, Calvey, Carey, Cargill, Claunch, Covey, Dank, Davis, Deutschendorf, DeWitt, Dorman, Eddins, Ellis, Ericson, Erwin, Ferguson, Gilbert, Graves, Hamilton, Harrison, Hastings, Hefner, Hiatt, Hilliard, Hutchison, Ingmire, Jones, Lamons, Langmacher, Leist, Lindley, Liotta, McCarter, McIntyre, Miller (Doug), Miller (Ray), Mitchell, Morgan (Danny), Morgan (Fred), Nance, Nations, Newport, O'Neal, Peters, Peterson (Pam), Peterson (Ron), Pettigrew, Phillips, Piatt, Plunk, Pope, Reynolds, Rice, Roan, Roggow, Smaligo, Smith, Smithson, Staggs, Steele, Sullivan, Sweeden, Taylor, Tibbs, Toure, Trebilcock, Turner, Tyler, Vaughn, Walker, Wells, Wilson, Wilt, Winchester, Wright, Young.--84.

Nay: Coleman, Greenwood, Kirby, Mass, Paulk, Roberts.--6.

Excused: Benge, Bonny, Case, Cox, Easley, Maddux, McClain, Perry, Stanley, Worthen, Mr. Speaker.--11.

The measure and emergency passed.

**SB 1461** was referred for engrossment.

**RESOLUTION FOR CONSIDERATION**

**HR 1039** was called up for consideration.

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

Upon motion of Representative Steele, **HR 1039** was considered and adopted.

**HR 1039** was referred for enrollment.

Upon unanimous consent request of Representative Steele, **HR 1039** was ordered printed in full as follows:

**HR 1039** By Steele, Adair, 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, Stanley, Sullivan, Sweeden, Taylor, Tibbs, Toure, Trebilcock, Turner, Tyler, Vaughn, Walker, Wells, Wilson, Wilt, Winchester, Worthen, Wright and Young.

A Resolution creating awareness for the third Thursday in March as Vietnam Veterans Day; and directing distribution.

WHEREAS, the State of Oklahoma took the initiative to recognize and honor all Vietnam veterans in 1998 by passing legislation that proclaimed every year that the third Thursday in March would be proclaimed as “Vietnam Veterans Day”; and

WHEREAS, this law not only called for designation for such day, but urged all state agencies, interested organizations, groups, and individuals to fly the flag of the United States at half-staff; and

WHEREAS, this resolution shall serve to promote awareness of Vietnam Veterans Day to all citizens of this state and to rekindle thoughts and prayers to those individuals that proudly served and sacrificed in our armed forces and to those that gave their lives for this nation so that we may have our freedom.

NOW, THEREFORE, BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES OF THE 2ND SESSION OF THE 49TH OKLAHOMA LEGISLATURE:

THAT the Oklahoma House of Representatives takes great pride in the legislation passed in 1998 that created Vietnam Veterans Day.

THAT the Oklahoma House of Representatives will demonstrate this pride and continued deep appreciation for Vietnam veterans by setting forth this resolution and taking all steps necessary to ensure that our citizenry is made aware of the third Thursday in March.

THAT a copy of this resolution be distributed to the Governor and the Speaker of the House of Representatives.

## COMMITTEE REPORTS

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

DO PASS:

**SB 840** – Common Education

**SB 969** – Transportation

**SB 1115** – Common Education

**SB 1128** – Common Education

**SB 1129** – Common Education

**SB 1206** – Science and Technology, Coauthored by Representative(s) Perry

**SB 1271** – Common Education, Coauthored by Representative(s) Greenwood, Dank, Coleman

**SB 1523** – Transportation

**SB 1537** – Science and Technology, Coauthored by Representative(s) Perry

**SB 1608** – Transportation

**SJR 50** – Transportation

DO PASS, As Amended:

**CS for SB 1374** – Criminal Justice

Representative Toure moved that when the clerk's desk is clear, the House stand adjourned to reconvene at 1:30 p.m., Monday, March 22, 2004, which was the order.

Pursuant to the motion of Representative Toure, the House was adjourned at 8:40 a.m., to reconvene Monday, March 22, 2004, at 1:30 p.m.