

# HOUSE JOURNAL

## Second Regular Session of the Forty-ninth Legislature of the State of Oklahoma

**Thirty-seventh Legislative Day, Monday, April 5, 2004**

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

The roll was called with 95 Members present.

The following Members were excused: Blackburn, Easley, Harrison, Nations, Stanley, Trebilcock.—6.

The Speaker Pro Tempore declared a quorum present.

Prayer was offered by Pastor Jim Winslow, Living Word Family Church, Nowata.

Upon motion of Representative Taylor, Pastor Winslow was confirmed as House Chaplain for this legislative week.

The Journal for the last legislative day was approved.

### ENGROSSED AND ENROLLED MEASURES

**HAs to SBs 889, 1111, 1340 and 1385** were reported correctly engrossed, properly signed, in open session, and the measures, as amended, were ordered returned to the Honorable Senate.

### GENERAL ORDER

**SB 1134** by Corn et al of the Senate and Ferguson of the House was read and considered.

Coauthored by Representative(s) Askins, Braddock, Covey, Deutschendorf, Gilbert, Miller (Ray), Staggs

Representative Ferguson moved to amend **SB 1134** by striking the enacting clause, which amendment was declared adopted.

Representative Ferguson moved that **SB 1134** be advanced from General Order, which motion was declared adopted.

By unanimous consent, upon request of Representative Ferguson, **SB 1134** was considered engrossed and placed on Third Reading and Final Passage.

### **THIRD READING**

**SB 1134** 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, Bengé, Blackwell, Bonny, Boren, Braddock, Brannon, Calvey, Carey, Claunch, Coleman, Covey, Dank, Davis, Deutschendorf, DeWitt, Dorman, Eddins, Ellis, Erwin, Ferguson, Gilbert, Greenwood, Hefner, Hiatt, Hilliard, Hutchison, Jones, Kirby, Lamons, Langmacher, Leist, Lindley, Liotta, Mass, McCarter, McClain, Miller (Doug), Miller (Ray), Mitchell, Morgan (Danny), Morgan (Fred), Nance, O'Neal, Paulk, Peters, Peterson (Pam), Peterson (Ron), Pettigrew, Phillips, Piatt, Plunk, Pope, Reynolds, Rice, Roan, Roberts, Roggow, Smaligo, Smith, Smithson, Staggs, Sullivan, Taylor, Tibbs, Turner, Tyler, Walker, Wells, Wilson, Winchester, Wright, Young, Mr. Speaker.--77.

Excused: Blackburn, Cargill, Case, Cox, Easley, Ericson, Graves, Hamilton, Harrison, Hastings, Ingmire, Maddux, McIntyre, Nations, Newport, Perry, Stanley, Steele, Sweeden, Toure, Trebilcock, Vaughn, Wilt, Worthen.--24.

The measure and emergency passed.

**SB 1134** was referred for engrossment.

### **MOTION**

Representative Rice moved that the House stand at ease until 1:30 p.m., which was the order.

**Speaker Pro Tempore Hilliard Presiding**

## GENERAL ORDER

**SB 908** by Capps of the Senate and Jones of the House was read and considered.

Representative Jones moved that **SB 908** be advanced from General Order, which motion was declared adopted.

Upon request of Representative Jones, **SB 908** was placed on Third Reading and Final Passage.

## THIRD READING

**SB 908** 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, Benge, Blackwell, Bonny, Boren, Braddock, Brannon, Calvey, Carey, Cargill, Claunch, Coleman, Covey, Cox, Dank, Davis, Deutschendorf, DeWitt, Dorman, Eddins, Ellis, Ericson, Erwin, Ferguson, Gilbert, Graves, Greenwood, Hamilton, Hastings, Hefner, Hielt, Hilliard, Hutchison, Ingmire, Jones, Lamons, Leist, Lindley, Liotta, Maddux, Mass, McCarter, McClain, Miller (Doug), Miller (Ray), Mitchell, Morgan (Danny), Morgan (Fred), Nance, Newport, O'Neal, Paulk, Perry, Peters, Peterson (Pam), Peterson (Ron), Pettigrew, Phillips, Piatt, Plunk, Reynolds, Rice, Roan, Roberts, Roggow, Smaligo, Smith, Smithson, Staggs, Steele, Sullivan, Sweeden, Taylor, Tibbs, Toure, Turner, Tyler, Vaughn, Walker, Wells, Wilson, Wilt, Winchester, Worthen, Wright, Young, Mr. Speaker.--90.

Excused: Blackburn, Case, Easley, Harrison, Kirby, Langmacher, McIntyre, Nations, Pope, Stanley, Trebilcock.--11.

The measure and emergency passed.

The Presiding Officer signed, in open session, Engrossed **SB 908** and ordered same returned to the Honorable Senate.

## GENERAL ORDER

**SB 1226** by Coffee of the Senate and Ferguson of the House was read and considered.

Representative Ferguson moved to amend **SB 1226** by striking the enacting clause, which amendment was declared adopted.

Representative Ferguson moved that **SB 1226** be advanced from General Order, which motion was declared adopted.

By unanimous consent, upon request of Representative Ferguson, **SB 1226** was considered engrossed and placed on Third Reading and Final Passage.

### **THIRD READING**

**SB 1226** 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, Bengé, 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, Hamilton, 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, 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, Turner, Tyler, Vaughn, Walker, Wells, Wilson, Wilt, Winchester, Worthen, Wright, Young, Mr. Speaker.--94.

Excused: Blackburn, Easley, Harrison, Nations, Stanley, Trebilcock.--6.

Constitutional Priv: Greenwood.--1.

The measure and emergency passed.

**SB 1226** was referred for engrossment.

### **GENERAL ORDER**

**SB 1271** by Coffee of the Senate and Winchester et al of the House was read and considered.

Representative Winchester moved that **SB 1271** be advanced from General Order, which motion was declared adopted.

Upon request of Representative Winchester, **SB 1271** was placed on Third Reading and Final Passage.

### **THIRD READING**

**SB 1271** 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, Bengé, 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, 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, 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, Turner, Tyler, Vaughn, Walker, Wells, Wilson, Wilt, Winchester, Worthen, Wright, Young, Mr. Speaker.--94.

Excused: Blackburn, Easley, Harrison, Hastings, Nations, Stanley, Trebilcock.--7.

The measure and emergency passed.

The Presiding Officer signed, in open session, Engrossed **SB 1271** and ordered same returned to the Honorable Senate.

### **GENERAL ORDER**

**SB 1227** by Milacek of the Senate and Roggow of the House was read and considered.

Coauthored by Representative(s) Covey

Representative Roggow moved that **SB 1227** be advanced from General Order, which motion was declared adopted.

Upon request of Representative Roggow, **SB 1227** was placed on Third Reading and Final Passage.

### **THIRD READING**

**SB 1227** was read at length for the third time. On passage of the measure, the roll call was as follows:

Aye: Adkins, Armes, Askins, Balkman, Benge, 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, 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, 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, Turner, Tyler, Vaughn, Walker, Wells, Wilson, Wilt, Winchester, Worthen, Wright, Young, Mr. Speaker.--94.

Excused: Blackburn, Easley, Hamilton, Harrison, Nations, Stanley, Trebilcock.--7.

The measure passed.

The Presiding Officer signed, in open session, Engrossed **SB 1227** and ordered same returned to the Honorable Senate.

### **GENERAL ORDER**

**SB 1160** by Helton of the Senate and Askins et al of the House was read and considered.

Representative Askins moved that **SB 1160** be advanced from General Order, which motion was declared adopted.

By unanimous consent, upon request of Representative Askins, **SB 1160** was considered engrossed and placed on Third Reading and Final Passage.

### **THIRD READING**

**SB 1160** 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, Benge, 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, 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, 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, Turner, Tyler, Vaughn, Walker, Wells, Wilson, Wilt, Winchester, Worthen, Wright, Young, Mr. Speaker.--95.

Excused: Blackburn, Easley, Harrison, Nations, Stanley, Trebilcock.--6.

The measure and emergency passed.

**SB 1160** was referred for engrossment.

## GENERAL ORDER

**SB 1447** by Helton of the Senate and Askins et al of the House was read and considered.

Coauthored by Representative(s) Peters, Balkman, Peterson (Ron), Cargill

Representative Askins moved to amend **SB 1447** by striking the enacting clause, which amendment was declared adopted.

Representative Askins moved to amend **SB 1447**, Page 18, Section 1, Lines 21-22 by restoring the stricken language as follows: “or a person convicted of any felony who has a prior conviction for an offense listed in this subsection”, which amendment was declared adopted.

Representative Askins moved to amend **SB 1447** by deleting Section 4 as follows, and renumbering subsequent sections, which amendment was declared adopted:

“SECTION 4. AMENDATORY 74 O.S. 2001, Section 150.27, as amended by Section 3, Chapter 235, O.S.L. 2002 (74 O.S. Supp. 2003, Section 150.27), is amended to read as follows:

Section 150.27 A. There shall be established within the Oklahoma State Bureau of Investigation (OSBI) a deoxyribonucleic acid (DNA) laboratory for the purpose of determining DNA profiles to be used for evidence in criminal proceedings. The OSBI shall coordinate the use of this laboratory and equipment with federal, state, county, and municipal law enforcement agencies. All county sheriff ~~departments~~ offices and all police departments for municipalities may participate in this laboratory. The OSBI shall establish standards and guidelines for the deoxyribonucleic acid (DNA) laboratory and shall comply with any regulations applicable to DNA testing, sampling and laboratory standards.

B. The OSBI may make a DNA profile of any blood or saliva specimen received for any purpose by the Bureau and place the DNA profile in its DNA population database specified in Section 150.27a of this title. The DNA population database shall not be indexed by donor name, and the Bureau shall promulgate rules to protect the privacy of the DNA donors.”

Representative Askins moved to amend **SB 1447**, Page 21, Section 3, Line 21 by changing the figure “150.27” to “150.27a”, which amendment was declared adopted.

Representative Askins moved that **SB 1447** be advanced from General Order, which motion was declared adopted.

By unanimous consent, upon request of Representative Askins, **SB 1447** was considered engrossed and placed on Third Reading and Final Passage.

**THIRD READING**

**SB 1447** 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, Bengé, 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, 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, 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, Turner, Tyler, Vaughn, Walker, Wells, Wilson, Wilt, Winchester, Worthen, Wright, Young, Mr. Speaker.--95.

Excused: Blackburn, Easley, Harrison, Nations, Stanley, Trebilcock.--6.

The measure and emergency passed.

**SB 1447** was referred for engrossment.

**PENDING CONSIDERATION OF CCR**

The **2nd CCR** on **HB 1418** was called up for consideration.

Upon motion of Representative Hutchison, the **2nd CCR** on **HB 1418** was adopted.

**HB 1418**, 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, 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, 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, Newport, O'Neal, Paulk, Perry, Peters, Peterson (Ron), Pettigrew, Phillips, Piatt, Plunk, Pope, Rice, Roan, Roberts, Roggow, Smaligo, Smith, Smithson, Staggs, Steele, Sullivan, Sweeden, Taylor, Tibbs, Toure, Turner, Tyler, Vaughn, Walker, Wells, Wilson, Wilt, Winchester, Worthen, Young, Mr. Speaker.--92.

Nay: Peterson (Pam), Reynolds, Wright.--3.

Excused: Blackburn, Easley, Harrison, Nations, Stanley, Trebilcock.--6.

The measure and emergency passed.

**HB 1418**, together with the conference committee report, thereon, was ordered transmitted to the Honorable Senate.

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

**SAs to HB 2528** were rejected upon motion of Representative Vaughn. Conferees to be named later.

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

**SAs to HB 2643** were rejected upon motion of Representative Staggs. Conferees to be named later.

#### **MOTION**

Representative McIntyre asked that the Journal reflect that had she been present in the Chamber, she would have voted aye on **SBs 908** and **1134**, which was the order.

#### **INTRODUCTIONS AND REMARKS**

Representative Vaughn introduced the 2004 Oklahoma Mother of the Year Cheri Fuller and the 2004 Oklahoma Young Mother of the Year Allison Delaine Plum.

Upon unanimous consent request of Representative Vaughn, the remarks of Cheri Fuller were ordered printed in full as follows:

“Thank you for this honor and the opportunity to represent mothers of our state and to address you today. I=ve had the privilege to teach and work with many children the last eighteen years and to encourage and equip parents to nurture their kids and unlock the tremendous potential within each of them, and I look forward to continuing to do that as Oklahoma Mother of the Year. I want to thank you for serving our state and considering the needs of families as you vote.

Thank you for investing in the Oklahoma Marriage Initiative because a strong, committed traditional marriage and a loving, trusting relationship with a mom and dad are the best foundation for the healthy development of our children.

I know for us parenting as a team in all the good times and difficulties we=ve faced in our 34 years of marriage was vital. Having a husband who is a faithful, loving father as Holmes has made all the difference to me as a mother in nurturing the lives of our children.

Let me encourage you to protect the lives of Oklahoma=s unborn babies, the next generation, who will be the future of our state and nation B and to support character-based

abstinence education so our young people will move into adulthood and their own marriages with a clean slate.

Thank you for all the legislation that you've passed that supports foster children and assists and funds foster parents to provide the best home possible and to be advocates for their foster children in court hearings and with DHS.

Let me encourage you to continue to support family-friendly legislation, and to fund education and teachers so our Oklahoma schools will be the best in the country.

Jeremiah 33:3 says, "Call to me and I will answer you and show you great and mighty things that you do not know." This is a great invitation! God invites you to consult Him and to seek Him — not just your colleagues or lobbyists — when you consider legislation and face decisions — and He promises He will answer. He is the source of all wisdom and knowledge and prayer needs to be our first resource, not a last resort.

When Treasure Tytanicz and I led children in a Prayer Walk here at the Capitol several years ago, the kids prayed for all the leaders of our state, especially you congressmen and women as they stood beside your chairs. Afterward we asked the children to draw pictures of what they felt God was doing as they prayed. The majority of kids (without knowing what the others were drawing) drew tears coming down from heaven. They explained that it represented God's love and blessing pouring out on the leaders and people of Oklahoma.

That is also my prayer for you - that you will experience God's love and seek His wisdom in prayer as He strengthens you for the challenges ahead.

Thank you and God bless you and your families."

Upon unanimous consent request of Representative Vaughn, the remarks of Allison Delaine Plum were ordered printed in full as follows:

"Thank you so much for the opportunity to represent young mothers and share with you today. We are thankful for all your hard work in serving our state and thinking of mothers, children, and families — especially young families and moms as you vote. There is a great need to nurture young mothers and assure that they can be at home with their infants and small children in their earliest, formative years and have the support and skills to raise healthy kids who will have a bright future.

Thank you for all you do to make that possible."

## MESSAGES FROM THE GOVERNOR

Advising of his approval of **HBs 1851, 2126, 2128, 2199, 2211, 2263, 2311, 2316, 2374, 2431, 2530, 2561, 2677** and **2706** on April 1, 2004.

## RESOLUTIONS

The following were introduced and read:

**HCR 1067** – By Hilliard of the House and Crutchfield of the Senate.

A Concurrent Resolution honoring Cassie John Jackson on her outstanding achievements and wishing her future success; and directing distribution.

**HCR 1068** – By Plunk and Hilliard.

A Concurrent Resolution authorizing the Board of Regents of Oklahoma Colleges, acting on behalf of East Central University, to issue certain revenue bonds pursuant to Section 4002 of Title 70 of the Oklahoma Statutes; and directing distribution.

**HCR 1069** – By Covey, Kirby, Askins, Deutschendorf, Armes, Blackburn, Blackwell, Dorman, Braddock, Bonny, Maddux, Roggow, Pope, McCarter, Langmacher, Winchester and Walker of the House and Myers, Laughlin and Kerr of the Senate.

A Concurrent Resolution expressing legislative support for a sign identifying the Great Plains Trail of Oklahoma and for exclusive use of the sign for the Great Plains Trail of Oklahoma; and directing distribution.

## **MESSAGES FROM THE SENATE**

Announcing the passage of the following engrossed measures.

The measures were introduced and read.

**SCR 53** – By Corn of the Senate and Brannon of the House.

A Concurrent Resolution designating Teresa Farrington the State's Okie Caricature Artist; and directing distribution.

**SCR 54** – By Hobson and Nichols of the Senate and Nations of the House.

A Concurrent Resolution authorizing the Board of Regents of the University of Oklahoma, acting on behalf of the University of Oklahoma, to issue certain revenue bonds pursuant to Sections 4001 through 4017 of Title 70 of the Oklahoma Statutes; and directing distribution.

## **Transmitting enrolled measure**

Advising fourth reading of and transmitting for signature Enrolled **SB 1295**.

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

## **Returning engrossed measures**

Announcing the passage of **HBs 2106, 2294, 2308, 2327, 2417, 2419, 2506, 2550, 2608 and 2666** and **HCR 1059** - Coauthored by Senator Gumm and all other members of the Senate.

The above-numbered measures were referred for enrollment.

**COMMITTEE REPORTS**

Pursuant to **SCR 5** (2001-02 Extraordinary Session), the following were reported by the committees named, ordered printed and placed on the Calendar unless otherwise indicated:

DO PASS, As Amended:

- CS for SB 1104** – Rules
- CS for SB 1346** – Rules
- CS for SB 1348** – Rules

**APPOINTMENT**

The Speaker announced the following appointment:

March 31, 2004 – Representative Sweeden appointed as a Member of the Energy Council. (Pursuant to the provisions of the bylaws of the Energy Council)

Representative Rice moved that when the clerk's desk is clear, the House stand adjourned to reconvene at 1:30 p.m., Tuesday, April 6, 2004, which was the order.

Pursuant to the motion of Representative Rice, the House was adjourned at 2:20 p.m., to reconvene Tuesday, April 6, 2004, at 1:30 p.m.