

# HOUSE JOURNAL

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

**of the State of Oklahoma**

**Fifty-sixth Legislative Day, Thursday, May 6, 2004**

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

The roll was called with 96 Members present.

The following Members were excused: McClain, O'Neal, Perry, Stanley.—4.

Vacancy: District: 78.—1.

The Speaker Pro Tempore declared a quorum present.

Prayer was offered by Reverend Terry Jones, Frontier Hospice, Mustang.

The Journal for the last legislative day was approved.

## **REMARKS**

Upon unanimous consent request of Representative Winchester, the remarks of Reverend Jones were ordered printed in full as follows:

“Thank you Mr. Speaker, Representative Winchester, you're a wonderful and august-body – the House of Representatives.

It's been my privilege to have been here this week. And almost two years to the day, I was privileged to be here, and I'm in much better health than I was two years ago. So I thank you for your prayers. I have told Representative Deutschendorf how much I appreciated his prayer at the close of that session and have never forgotten. And he's, from what I've learned, quite an unforgettable man., We appreciate you so much and thank you.

I have found that a message or a speech does not have to be eternal to be immortal. I feel that this is kind of a heavenly place every morning when I hear Reader Mike call the roll, I know some day that roll will be called.

The gospel of John, Chapter 14, Jesus starts out the words by saying, "Let not your hearts be troubled, do you believe in God, believe also in me. And my Father's House of many mansions, if it were not so, I would have told you. I go prepare a place, if I go, I will come again. Receive you unto myself that where I am, you may also be."

This is a wonderful, wonderful, passage, and I think if there is ever a day in government and the legislature, any areas of government service, we need the message of "let not your hearts be troubled. You believe in God, believe also in me."

These are troubling days. And as we face these days, there are times that you come to the position of your job and certain legislation bills work even in dealing with the national scene, we think about the tremendous tasks that are ahead of us and many times we have a physical reaction that kind of goes like this.

"Huh". Ever done that?

Do you know what the worst sound in all the world is? It is not the sound of a chainsaw with the Chainsaw Massacre Guy, it is not necessarily the alarm clock at 5:00 in the morning. It is not the call from the Internal Revenue, but really one of the worst sounds in all the world is after a busy, busy day, you go home and lay your head on the pillow, and your spouse -- everything is quiet, and then all of the sudden, in my case, she sighs. And I lean over and I ask her, "Honey, what's the matter?" And you know what she does? She tells me. And she tells me, and she tells me, and she tells me. And I just wished I could say, please go to sleep, I've got a hard day, I am dealing with wonderful people at the House of Representatives tomorrow, I've got to speak, I don't want to hear about it tonight, just bottle it up, put it away. But if you men ask your wife what's wrong, you know, they usually will tell you. And I have learned that if you ask, you have to be man enough to wait until they finish, even though it may take a while.

But there was a time in the life of Christ that he had a need in front of him. There was a man that could not speak and could not hear. He reached down and spat upon the ground, touched the clay and put it in his mouth and upon his ears and just before he offered prayer to his Heavenly Father, the Bible says that he looked up in the Heavens and Jesus sighed.

I can imagine a God that commands a God that claps, a God that does so many things - - calms the storms but I cannot imagine a God that sighs.

Jesus had all power. And we know that after he touched and after he lifted his head, the Greek word for that is *Epatha*, which means being opened. Just before he did that he sighed a sigh. That helps me to understand how precious my Lord is to myself and to all of us. Because here is a God that is concerned about the everyday needs of our life. And if Jesus can sigh, then that certainly gives us license to do so.

I want to tell you three things. I am so glad that I went to the University of Three's. Many Ministers have four, five, six or seven points, you know, but I am glad for the rule of three's.

Sighing literally means recognition of pain never intended or hope deferred. This is something that we can remember. Sometimes sighing is good, sometimes it is not.

But the three things I want to tell you very briefly today is, I want you to know: Make a difference in the frontiers of relationships. Everything that we do comes down to relationships, the relationships that you have with each other in the House and with your constituents back home. But I have learned that I am always inadequate for the task that God lines out for me.

But there's three things in this first point. I understand that my life is not futile, that there is some thing, some purpose, some reason that I am here. And I know that in many occasions, those that are elected officials, we have such wonderful reasons to feel good

about ourselves. But the task is so great and the decisions are so awesome, sometimes we feel like, what's the use? Am I really making a difference. And I can assure you that you are. Your life is not futile.

I am not sure that anyone has ever made a mistake in this room. Probably, we have, being human. But I want you to know that your failures are not final. I had many failures growing up. My father died when I was a baby. My grandparents took me to a farm there. I had a lot of great things happen. I remember I burned the hay barn down on the 4th of July with a stray firecracker, when I was 5 years of age. They watched me pretty close after that time.

I did have an occasion to step on a watermelon rind. How many of you have a 5 gallon bucket at your house? Let me see your hand. All right, I feel so much better. And there was a 5 gallon bucket outside the back porch and we would scrape the scraps from breakfast and supper in there. We had watermelon the night before, and I was taking the watermelon rinds out to the chicken house to pick the rest of the red or green vine, and a watermelon rind fell out of the bucket, and they had been working on the septic tank, not one of these nice fiberglass jobs. In those days it was just a hole in the ground with the tar paper shed roof over it. And Erma Bombeck said, "The grass is always greener on the other side of the septic tank," but how would she know, she never fell in one. I did. It created a very fertile mind. God was good.

Representative Newport -- it wasn't long after that my mother remarried, went all through school -- all my school years except for the first year, in Ponca City Schools and my heart kind of burst with pride there when you brought the Pom Squad, the other day.

But my failures are not final and my future is forever. I want to tell you that excellence is an inside job. You may sigh over the needs of your life but only with the power of God working inside of you.

"Let not your hearts be troubled," Jesus said. Excellence is an inside job. We cannot solve all the problems of the State in one session or in one term, but if you change enough of the little pictures, you'll find that you have changed the big picture for our State and for our Nation. So make a difference in the frontiers of relationships.

Secondly, make a difference in the frontiers of recognition. We are entering into a day, and my work as a Hospice Chaplain and Motivational Speaker, that caring for geriatrics -- and I am one now, I am old enough to get the break at McDonald's for coffee and some other things. I am 59 this year and it's a pretty good age. I think I'll just stay right there. But every day for the next 17 years, 11,000 baby-boomers will turn age 50. What an awesome challenge as we look at social security and we look at other retirement benefits. So recognize our opportunity and also the challenges that are ahead of us. But also recognize the personal value of each constituent.

Common ground begins with absolutes. Sometimes we have people that we have served with that we want to bury the hatchet, but many times they leave the handle sticking out where it's easy to grab it. And that's really not what Jesus had in mind. As we work with our constituents, we begin to understand that their story is so important and we need not to try and top it, don't bring in extra, it is material. Don't forget about confidentiality, but do stoop to serve. Thank them for sharing their story and show them only genuine emotion. Recognize the value of your co-workers. Try to use words that work. Like my mother -- isn't it amazing what mother's say? She used to always tell me, wear clean underwear in case you get run over by a truck. I don't know how she would have known or whoever would have known the difference, but anyway, she said things like this. Words that work. Thank you, forgive me.

There are three gates of gold that always works with fellow employees or constituents or legislators as is our case here today. One of my tests is, is it true, is it needful, is it kind? I try to remember these things at home as well. They don't always work as well, but I try to remember.

The last thing I want to tell you -- and isn't that wonderful words from a Minister in conclusion. Sometimes I tell them that I am not on the landing strip yet, but the airport is in sight, and I think we're getting close to there.

Make a difference in the frontiers of personal recovery. There will be problems that will come in to your life and as these problems come, I want you to celebrate the crisis. Celebrate the crisis. We're going to have some kind of a crisis before the day is out, we're not celebrating the fact that there are problems, but we can celebrate the fact that through Christ -- I can do all things through Him, which strengthens me.

As we come to this close, Louise Mealcott said, "I am not afraid of the storm for I am learning how to sail my ship." Reader Mike, would you step over here for just a second. I want you to hold up this magazine for me. Many of you do know that I have had Lou Gehrig's disease, I am one of the longest survivors. And coincidentally, last night, I received in the mail from Hilton Head South Carolina, this book - *The Best of Golf*. Does anyone take that magazine? It's one of the best golf magazines going. On page 28, in this nationally distributed magazine is the story they have on me and my relationship with Tom Watson and his caddie, Bruce Edwards. Have you heard in watching the News and I think it was four weeks ago, Monday, that Bruce Edwards died.

A year ago in January, I received a call from the PGA Tour, actually from Brian Litsky, Bruce Litsky's brother, who is his caddie and he told me the story of how Bruce Edwards, Tom Watson's caddie for 30 years, had been diagnosed with Lou Gehrig's disease and he wanted me to minister to him. For the last 14 months I have had the privilege from time-to-time -- in fact the picture that's in this magazine was exactly a year ago today in Austin, Texas, at the Kinko's Classic. And I watched this strong man with so many attributes, literally fade and melt away. And Tom Watson has become the spokesman for Lou Gehrig's disease like we have never seen in days past. And I am privileged and humbled by the fact that I was able to be there to help out.

But I want you to know my life is not futile, nor is yours. As we come to the close and come to the time of really trying to make a difference in the world, we see the storms. As I leave you today, I want to tell you this, anchor deep, hold on, and trust your captain. Many times when the storm comes, we would think that we would bring our ships in and tie them up close to port, and put them there on the dock, on the cove, but we have found that the great ships that are tied in at port, when the hurricanes and the storm comes, they are dashed against the rocks and pillions and the ship is destroyed.

The very best way you can survive a storm is to go out into the midst of the depths, anchor deep, because your anchor will hold if you trust it. You can ride out the storms with the anchor of Christ. Anchor deep. Hold on.

I wish I could tell you that my life was always easy, but it's not. I wish I could say that your life is always easy, but it's not. I was visiting briefly with Representative Bonny this morning and my heart goes out to those of you that are term-limited. I know that as we stand, Jesus said, in my Father's House, I think of this as the Father's House, not a church but the Fathers of Oklahoma have provided this House. It will not be an easy thing, Representative Bonny. My heart goes out to you and to the others. But hold on.

And finally, trust your captain. Understand that Christ is still at the control of our life, if you allow Him. There will be storms. Celebrate the crisis. If you change enough of the

little pictures, you'll change the big picture. Excellence is an inside job. And I'd like to thank you for being such hard working men and women. Our State is in good hands. Our House is in good hands. It is my privilege to have been with you and if we could pray, briefly.

Our Father, thank you for the relationships that have been formed and brought fresh anew again today and this week. Thank you for our leadership of this august body and for the Members. Bless them, their families and as we do important work today, may this be a day that we will never forget. Help us to know that there are going to be problems but we anchor deep, hold on, we trust you as our Captain. You said, let not our hearts be troubled, we believe that today and we trust in you. Amen.”

### **ENGROSSED AND ENROLLED MEASURES**

**HBs 2129, 2488 and 2552** were reported correctly enrolled and, after fourth reading, properly signed, in open session, and ordered transmitted to the Honorable Senate.

**HR 1043** was reported correctly enrolled, properly signed, in open session, and ordered transmitted to the Secretary of State.

### **MESSAGES FROM THE SENATE**

Advising fourth reading of and transmitting for signature Enrolled **SBs 1503, 1507 and 1526**.

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 2129, 2488 and 2552** 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.

### **RESOLUTION REFERRED**

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

**SCR 65** – Higher Education

**PENDING CONSIDERATION OF CCR**

The **2nd CCR** on **HB 1874** was called up for consideration.

Representative Langmacher moved adoption of the **2nd CCR** on **HB 1874**, which motion prevailed upon a division of the question.

**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, Deutschendorf, Dorman, Eddins, Ellis, Erwin, Gilbert, Hamilton, Harrison, Hefner, Hilliard, Hutchison, Kirby, Lamons, Langmacher, Leist, Lindley, Mass, McCarter, McIntyre, Miller (Ray), Mitchell, Morgan (Danny), Nations, Paulk, Plunk, Pope, Rice, Roan, Roberts, Smith, Smithson, Staggs, Sweeden, Taylor, Toure, Turner, Tyler, Walker, Wells, Wilson, Mr. Speaker.--49.

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 (Fred), Newport, Peters, Peterson (Pam), Peterson (Ron), Pettigrew, Phillips, Piatt, Roggow, Smaligo, Steele, Sullivan, Tibbs, Trebilcock, Vaughn, Wilt, Winchester, Worthen, Wright, Young.--43.

Excused: Cox, Maddux, McClain, Nance, O'Neal, Perry, Reynolds, Stanley.--8.

Vacancy: Dist. 78.--1.

The measure failed.

Representative Langmacher served notice to reconsider the vote whereby **HB 1874** failed.

**RESOLUTION FOR CONSIDERATION**

**HR 1046** was called up for consideration.

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

Upon motion of Representative Lamons, **HR 1046** was considered and adopted.

**HR 1046** was referred for enrollment.

**PENDING CONSIDERATION OF SAs**

**SAs to HB 2121** were called up for consideration.

Coauthored by Representative(s) Blackburn

Upon motion of Representative Worthen, the House concurred in the **SAs to HB 2121**.

**HB 2121**, 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, Eddins, Ellis, Ericson, Erwin, Ferguson, Gilbert, Graves, Greenwood, Hamilton, Harrison, Hastings, Hefner, Hiett, Hilliard, Hutchison, Ingmire, Jones, Lamons, Langmacher, Leist, Lindley, Liotta, Mass, McCarter, McIntyre, Miller (Doug), Miller (Ray), Mitchell, Morgan (Danny), Morgan (Fred), Nations, Newport, Paulk, Peters, Peterson (Pam), Peterson (Ron), Pettigrew, Phillips, Piatt, Plunk, Pope, Rice, Roan, Roberts, Roggow, Smaligo, Smith, Smithson, Staggs, Steele, Sullivan, Sweeden, Taylor, Tibbs, Toure, Trebilcock, Turner, Tyler, Vaughn, Walker, Wells, Wilson, Wilt, Winchester, Worthen, Wright, Young, Mr. Speaker.--92.

Excused: Kirby, Maddux, McClain, Nance, O'Neal, Perry, Reynolds, Stanley.--8.

Vacancy: Dist. 78.--1.

The measure passed.

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

**RESOLUTION FOR CONSIDERATION**

**HR 1038** was called up for consideration.

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

Upon motion of Representative Claunch, **HR 1038** was considered and adopted.

**HR 1038** was referred for enrollment.

**MESSAGES FROM THE SENATE**

Advising conference granted and the Senate naming conferees as follows:

**HB 1018** - Shurden, Smith, Fisher, Morgan

**HB 1756** - Rozell, Williams, Ford, Brogdon, Crutchfield

**HB 2085** - GCCA

**HB 2305** - Shurden, Cain, Monson, Harrison, Horner, Williamson, Coffee, Laughlin, Coates

**HB 2341** - Shurden, Cain, Monson, Snyder, Pruitt

**HB 2551** - Crutchfield, Taylor, Nichols

**HB 2556** - Nichols, Morgan, Hobson

**Transmitting engrossed measure**

Announcing the passage of the following engrossed measure.

The measure was introduced and read.

**SCR 67** – By Morgan of the Senate and Ingmire and Wells of the House.

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

**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 1207**

**SB 1254**

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

**Concurrence in HAs**

Announcing the concurrence of Senate in **HAs** to **SBs 1434** and **1516** and the passage of said measures, as amended thereby.

**Conferees named**

Advising naming GCCA as conferees as follows: **SBs 1156** and **1565**.

Advising naming Senate conferees as follows:

**SB 727** - Smith, Coffee, Laster, Lawler, Lerblance  
**SB 747** - Williams, Horner, Ford  
**SB 1210** - Robinson, Smith, Williamson, Laster, Cain  
**SB 1275** - Smith, Laster, Lerblance, Williamson, Taylor  
**SB 1480** - Wilkerson, Taylor, Crutchfield, Aldridge, Riley  
**SB 1525** - Shurden, Rabon, Myers, Laughlin, Corn  
**SB 1560** - Shurden, Cain, Monson, Snyder, Pruitt  
**SB 1592** - Monson, Shurden, Cain, Harrison, Horner, Williamson, Coffee, Laughlin, Coates  
**HB 1427** - Wilkerson, Laster, Rozell, Smith, Nichols  
**HB 1530** - Lerblance, Gumm, Horner, Aldridge  
**HB 2102** - Riley, Cain, Monson  
**HB 2140** - Smith, Robinson, Lerblance  
**HB 2141** - Smith, Robinson, Lerblance  
**HB 2187** - Gumm, Smith, Laster, Coates, Rozell  
**HB 2223** - Pruitt, Smith, Laster, Cain, Lerblance, Williamson, Morgan  
**HB 2365** - Coffee, Smith, Lerblance, Laster, Morgan  
**HB 2462** - Brogdon, Morgan, Taylor  
**HB 2472** - Helton, Lerblance, Kerr, Milacek, Aldridge  
**HB 2548** - Aldridge, Lerblance, Horner, Monson, Riley  
**HB 2683** - Nichols, Crutchfield, Lawler  
**HB 2714** - Monson, Smith, Snyder, Laster, Rozell

**Conferee added**

Advising adding Senate conferee:

**HB 2429** - Add Coffee

**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 756** – Roberts, Staggs, McCarter, Ferguson, Blackburn, Case  
**SB 1144** – Covey, Ellis, Lindley, Worthen, Wright, Sweeden, Dank, Cox  
**SB 1158** – Mass, Kirby, Hefner, Hastings, Sweeden, Dank  
**SB 1232** – Winchester, Ericson, Greenwood, Eddins, Mitchell, Bonny, Leist, Gilbert  
**SB 1325** – Ericson, Nance, Balkman, Lamons, Steele, Carey, Mitchell, Bonny, Harrison, Askins  
**SB 1413** – Newport, Miller (Doug), Erwin, Wilt, Hefner, Roan, Hamilton, Leist

**SB 1534** – Peterson (Pam), Staggs, Ferguson, Vaughn, Miller (Ray), Blackburn, Brannon, Dorman

**SB 1539** – Covey, Dorman, McClain, Nance, Tibbs, Paulk, Lamons, Maddux

### **FURTHER CONFERENCE GRANTED**

Upon motion of Representative Rice, the House granted the request of the Honorable Senate for further conference on **HB 1530**. The Speaker removed Lerblance, Peterson (Ron), showed Roberts as 1st conferee and added Peterson (Pam), Morgan (Danny). The conferees are as follows:

**HB 1530** – Roberts, Cox, Winchester, Peterson (Pam), Morgan (Danny)

### **CONFEREES NAMED**

The Speaker named the following conferees:

**HB 1018** – Leist, Gilbert, Ferguson, Sweeden, Dank

**HB 1830** – Leist, Roberts, Vaughn, Ferguson, Brannon, Smithson, Dank, Wells

**HB 2577** – Newport, Morgan (Fred), Phillips, Carey, Hefner, Paulk, Lamons, Askins

### **CONFEREES ADDED**

The Speaker added Bonny as conferee on **HB 1882** and Boren as conferee on **HB 2660**. The conferees are as follows:

**HB 1882** – Smith, Leist, Hutchison, Rice, Ericson, Maddux, Armes, Bonny

**HB 2660** – Adair, Pope, Nance, Rice, Maddux, Roberts, Boren

### **CONFEREES CHANGED**

The Speaker added Blackwell as 1st conferee and removed Roggow as conferee on **HB 1670**. The conferees are as follows:

**HB 1670** – Blackwell, Roberts, Morgan (Danny), Harrison, Maddux, Ferguson, Staggs, Brannon

## **RESOLUTION**

The following was introduced and read:

**HCR 1084** – By Lindley and Gilbert of the House and Cain of the Senate.

A Concurrent Resolution declaring May to be Mental Health Month in the State of Oklahoma; and providing for distribution.

## **CCRs SUBMITTED**

The conference committee reports were read on the following measures:

**HB 2359**

**HB 2643**

## **MESSAGES FROM THE GOVERNOR**

Advising of his approval of **HBs 1832, 1843, 1896, 1965, 2023, 2025, 2028, 2032, 2034, 2041, 2042, 2044, 2077, 2079, 2081, 2083, 2087, 2089, 2194, 2252, 2451 and 2627** on May 5, 2004.

Representative Rice moved that when the clerk's desk is clear, the House stand adjourned to reconvene at 1:30 p.m., Monday, May 10, 2004, which was the order.

Pursuant to the motion of Representative Rice, the House was adjourned at 9:50 a.m., to reconvene Monday, May 10, 2004, at 1:30 p.m.