

# HOUSE JOURNAL

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

Sixtieth Legislative Day, Thursday, May 13, 2004

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

The roll was called with 98 Members present.

The following Members were excused: Stanley, Sullivan.—2.

Vacancy: District: 78.—1.

The Speaker Pro Tempore declared a quorum present.

Prayer was offered by Pastor Ron Mimms, Knob Hill Baptist Church, Oklahoma City

The Journal for the last legislative day was approved.

### REMARKS

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

Good morning. Mr. Speaker, distinguished House Members, it has been my joy and privilege to be with you this week. Several of you have complemented me that Representative Blackwell has behaved himself this week. You have to watch him, he really gets out of line.

The Lord has led me to share some scripture with you that has blessed my heart and challenged my heart for many, many years. In the 5<sup>th</sup> Chapter of the Gospel of John, there is the story told of Jesus healing the man at the pool of Bethesda. This man had been lying by the pool for 38 years. The scripture tells us that when the waters were stirred by an Angel that people would enter the pool and they would be healed or believed they would be

healed. This man said “I’ve been here for 38 years and every time the water is stirred, someone gets in before me.”

And Jesus asked him, “Do you want to be healed? Do you want to be made well?”

He said, “Sir, I have no one to put me in the pool when the water is stirred . While I am trying to get in, someone else goes down ahead of me.”

The Lord reminds me on a regular basis that there are so many that have no one to help them. And that we as God’s people, must be ever vigilant as we go through this life, to help others. I believe with all of my heart, that God has put us each in this world to make a difference. And the greatest difference we can make, is helping our fellowman, one person at a time.

I know that you, that serve here, serve to make a difference. We want to thank you for that. As I think of that, then I am reminded of the book of James. When I retired from the United States Air Force in 1986 and I was pastoring my first Church and going to school, my life had taken a drastic change. I didn’t have to decide what I was going to wear that day. In fact, my wife stood me before the closet and said, see all of those clothes in there? I am not going to decide what you have to wear today. If it’s not enough, let’s go to the store and buy some more. And my life had so drastically changed and there I am pastoring my first Church and going to school and all of those things and I was just overwhelmed with a sense of lack, that I could not do it, that I was just inadequate to fulfill the task that God had called me to do. And so then I opened my Bible and I went to the Book of James and right away, the Lord led me to this verse.

And it says, “But be doers of the Word, and not hearers only, deceiving yourself.” James 1:22. And the Lord threshed upon my heart that everyday in my life that I must strive to do what the Word of God says. I have not always accomplished that. But God is forgiving and gives us another day, day-after-day.

For if we truly believe that the Bible is the Word of God, then we as God’s people must strive to be doers of the Word, to be loving, to be forgiving, to be compassionate, to know and believe that all life is sacred, to know and believe that Jesus is the only one, that God is the only one. Because no one would help that man there but the author, the one with authority of Life, the giver of Life, passed by. I believe that we, as people, should help in anyway that we can. But most of all to introduce them to the man that really can, Jesus Christ. He is the only one that can heal many of the ills that are in our land. I believe that with all my heart.

So I, as a pastor, I as a member of Knob Hill Baptist Church, and God’s Family, and as a resident of the State of Oklahoma – Oklahoma is now my home. I used to be a Tennessee boy. But I’ve lived in Oklahoma longer than I have any place else after I retired from the United States Air Force. I pray that we, as God’s people, we as Oklahomans, strive to be doers of the Word.

Let us pray.

Heavenly Father, we come in the name of Jesus Christ thanking you Dear Lord for your Word, thanking you Dear Lord that you came by that pool that day and told that man to just pick up his bed and walk. That you helped him, Dear Lord, where nobody else would, or couldn’t.

And Lord, I just pray Dear God, that we as your people, Dear Lord, will have your same compassion and heart. And that we will help those, Lord, that truly cannot help themselves. That we’ll do it in your power and your strength, Dear Lord, to your glory, to your honor. And Lord, I praise you and give you thanks for our State and our Nation. But

Lord, right now, our Nation is in such difficulties. Our men and women stand in harm's way, Dear Lord. We pray that they be protected and brought home safe.

And we pray Dear Lord, that as they serve, that really and truly in a miracle, realize this is an action of war that keeps the war from our own streets and homes. And Heavenly Father, we just pray that all of these other difficulties, Dear Lord, all of this thing with the prison scandal, and all of that Dear Lord, will just be taken care of. And we believe that those that are really accountable will be held responsible. And we pray that that be done, Lord. We pray for that Berg Family, Dear Lord, with their son, what a horrible, horrible act that was.

But Lord, I pray especially this morning, for this House and I thank you for them. And I ask you to bless them. I thank you for all the support staff, Dear Lord, that works so hard in helping these Representatives do the job that you have called them to do.

Lord, bless this place and bless each individual. And we'll be thankful Lord, as your people, to give you the praise. In Jesus' Name, amen.

## **ENGROSSED AND ENROLLED MEASURES**

**HCRs 1083 and 1084** were reported correctly engrossed, properly signed, in open session, and ordered transmitted to the Honorable Senate.

**HBs 2464, 2639 and 2643** were reported correctly enrolled and, after fourth reading, properly signed, in open session, and ordered transmitted to the Honorable Senate.

**HCR 1068** was reported correctly enrolled, properly signed, in open session, and ordered transmitted to the Honorable Senate.

**HR 1047** 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 1252, 1254 and 1483**.

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

### **Returning enrolled measures**

Announcing that Enrolled **HCR 1068** has been signed by the Presiding Officer of Senate, in open session.

The above measure was ordered filed with the Secretary of State.

Announcing that Enrolled **HBs 2464, 2639** and **2643** 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.

#### **PENDING CONSIDERATION OF CCR**

The **CCR** on **HB 2663** was called up for consideration.

Speaker Adair asked that the **CCR** on **HB 2663** be laid over, which was the order.

#### **RESOLUTION FOR CONSIDERATION**

**SCR 69** was called up for consideration.

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

Upon motion of Representative Covey, **SCR 69** was considered and adopted.

**SCR 69** was properly signed, in open session, by the Presiding Officer and ordered returned to the Honorable Senate.

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

**SAs** to **HB 1855** were called up for consideration.

Coauthored by Representative(s) Winchester

Upon motion of Representative Peterson (Ron), the House concurred in the **SAs** to **HB 1855**.

**HB 1855**, 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: 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, 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, Sweeden, Taylor, Tibbs, Toure,

Turner, Tyler, Vaughn, Walker, Wells, Wilson, Wilt, Winchester, Worthen, Wright, Young, Mr. Speaker.--96.

Nay: Adkins, Trebilcock.--2.

Excused: Stanley, Sullivan.--2.

Vacancy: Dist. 78.--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 CCR**

The **CCR** on **HB 2102** was called up for consideration.

Upon motion of Representative Carey, the **CCR** on **HB 2102** was adopted.

**HB 2102**, 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, Covey, 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, Peters, Peterson (Pam), Peterson (Ron), Pettigrew, Phillips, Piatt, Plunk, Pope, Reynolds, Rice, Roan, Roberts, Roggow, Smaligo, Smith, Smithson, Staggs, Steele, Sweeden, Taylor, Tibbs, Toure, Trebilcock, Turner, Tyler, Vaughn, Walker, Wells, Wilson, Wilt, Winchester, Worthen, Wright, Young, Mr. Speaker.--96.

Nay: Coleman, Perry.--2.

Excused: Stanley, Sullivan.--2.

Vacancy: Dist. 78.--1.

The measure and emergency passed.

**HB 2102**, together with the conference committee report, thereon, was ordered transmitted to the Honorable Senate.

**PENDING CONSIDERATION OF CCR**

The **CCR** on **HB 1889** was called up for consideration.

Coauthored by Representative(s) Hilliard

Upon motion of Representative Ellis, the **CCR** on **HB 1889** was adopted.

**HB 1889**, 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, Blackburn, Blackwell, Bonny, Boren, Braddock, Brannon, Calvey, Carey, Case, 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, Leist, Lindley, Liotta, Maddux, McCarter, McClain, McIntyre, Miller (Doug), Miller (Ray), Morgan (Danny), Nance, Nations, Newport, Paulk, Peters, Peterson (Ron), Pettigrew, Piatt, Plunk, Pope, Rice, Roan, Roberts, Roggow, Smaligo, Smith, Smithson, Staggs, Steele, Sweeden, Taylor, Tibbs, Toure, Trebilcock, Turner, Tyler, Walker, Wells, Wilson, Winchester, Worthen, Wright, Mr. Speaker.--82.

Nay: Cargill, Claunch, Coleman, Davis, Graves, Mitchell, Morgan (Fred), O'Neal, Perry, Peterson (Pam), Phillips, Reynolds, Vaughn, Wilt, Young.--15.

Excused: Mass, Stanley, Sullivan.--3.

Vacancy: Dist. 78.--1.

The measure passed.

**HB 1889**, together with the conference committee report, thereon, was ordered transmitted to the Honorable Senate.

**PENDING CONSIDERATION OF CCR**

The **CCR** on **HB 1018** was called up for consideration.

Upon motion of Representative Leist, the **CCR** on **HB 1018** was adopted.

**HB 1018**, 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, Covey, 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, 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, Sweeden, Taylor, Tibbs, Toure, Trebilcock, Turner, Tyler, Vaughn, Walker, Wells, Wilson, Wilt, Winchester, Worthen, Wright, Young, Mr. Speaker.--97.

Excused: Mass, Stanley, Sullivan.--3.

Vacancy: Dist. 78.--1.

The measure and emergency passed.

**HB 1018**, together with the conference committee report, thereon, was ordered transmitted to the Honorable Senate.

#### **PENDING CONSIDERATION OF CCR**

Upon motion of Representative Roberts, the **2nd CCR** on **SB 713** was rejected and further conference requested. Conferees to be named later.

#### **PENDING CONSIDERATION OF CCR**

Upon motion of Representative Piatt, the **CCR** on **HB 2213** was rejected and further conference requested. The Speaker named the same conferees:

**HB 2213** — Piatt, Carey, Rice, Hilliard, Eddins, Balkman, Pope, Nance

#### **CONFEREES NAMED**

The Speaker named the following conferees:

**HB 2416** – Stanley, Hilliard, Pettigrew, Mass, Armes, Roberts, Maddux

#### **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 727** – Paulk, Worthen, Roan, Lamons, Nance

**SB 862** – Roggow, Armes, Pope, Nations, Dorman, Nance

**SB 874** – Winchester, Lamons, DeWitt, Paulk

**SB 917** – Blackburn, McCarter, Brannon, Calvey, Deutschendorf, DeWitt, Ferguson, Ingmire, Jones, Miller (Doug), Miller (Ray), Perry, Peterson (Ron), Pope, Roberts, Staggs, Wells, Winchester, Adair, Hilliard

**SB 1001** – Erwin, Hutchison, Carey, Case, Covey, Davis, Ellis, Graves, Hastings, Hiatt, Maddux, Mass, Morgan (Danny), Peters, Peterson (Pam), Plunk, Smith, Sweeden, Adair, Hilliard

**SB 1020** – Erwin, Hutchison, Carey, Case, Covey, Davis, Ellis, Graves, Hastings, Hiatt, Maddux, Mass, Morgan (Danny), Peters, Peterson (Pam), Plunk, Smith, Sweeden, Adair, Hilliard

**SB 1077** – Erwin, Hutchison, Carey, Case, Covey, Davis, Ellis, Graves, Hastings, Hiatt, Maddux, Mass, Morgan (Danny), Peters, Peterson (Pam), Plunk, Smith, Sweeden, Adair, Hilliard

**SB 1088** – Walker, Turner, Jones, Roan, DeWitt

**SB 1185** – Smithson, Adkins, Calvey, Roan, Newport, Braddock, Hamilton, Hastings, Ingmire, Lamons, Mass

**SB 1319** – Nance, Adair, Pope, Case, Rice

**SB 1328** – Carey, Calvey, Langmacher, Wilt, Sweeden, Armes, Leist

**SB 1419** – Erwin, Mass, Hutchison, Taylor, Case, Maddux, Young

**SB 1494** – Erwin, Mass, Hutchison, Case, Vaughn, Mitchell, Bonny, Peters

**SB 1527** – McClain, Pope, Peters, Nance, Dorman

**SJR 30** – Pope, Nance, Case, Roberts, Dorman

## **CONFEREES CHANGED**

The Speaker changed conferees on **HB 1530** by removing Morgan (Danny), Winchester and adding Mass, Ingmire, **HB 2314** by removing Jones, Eddins, Steele, and adding Askins, Greenwood, Ingmire and **SB 713** by removing Harrison, Morgan (Danny), Gilbert, Adkins, Hastings, Miller (Ray), Jones. The conferees are as follows:

**HB 1530** – Roberts, Cox, Peterson (Pam), Mass, Ingmire

**HB 2314** – Lindley, Gilbert, Hamilton, Balkman, Askins, Greenwood, Ingmire

**SB 713** – Roberts, Staggs, Vaughn, Blackburn, Peters

## MESSAGES FROM THE SENATE

Announcing the passage of the following engrossed measures.

The measures were introduced and read.

**SCR 66** – By Rabon of the Senate and Sweeden and Braddock of the House.

A Concurrent Resolution creating a Waste Tire Recycling Indemnity Fund Joint Task Force; stating membership; stating duties; providing for appointments by certain date; stating time period for written reports or recommendations; providing for staffing; providing for certain reimbursement; and providing for distribution.

**SCR 70** – By Shurden of the Senate and Leist of the House.

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

**SCR 71** – By Robinson of the Senate and Staggs of the House.

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

**SCR 72** – By Kerr of the Senate and Braddock and Covey of the House.

A Concurrent Resolution directing the Department of Transportation to provide signage for historic cattle drives; requesting the Western Trail Historical Society to assist; 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 925**

**SB 927**

**SB 929**

**SB 931**

**SB 954**

**SB 962**

**SB 989**

**SB 1060**

**SB 1105**

**SB 1135**

**SB 1155**  
**SB 1556**  
**SB 1627**

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

#### **Conferees named**

Advising naming Senate conferees as follows:

**SB 1407** - Coffee, Smith, Lerblance, Laster, Cain

#### **Further conference requested**

Advising rejection of **4th CCR** to **SB 835** and requesting further conference thereon, the Senate naming same conferees as follows:

**SB 835** – Shurden, Wilkerson, Gumm, Williamson, Smith

#### **Concurrence in HAs**

Announcing the concurrence of Senate in **HAs** to **SB 1366** and the passage of said measure, as amended thereby.

#### **Further conference granted**

Advising further conference granted and the Senate naming same conferees as follows:

**SB 713** - Williams, Horner, Leftwich, Pruitt, Wilcoxson

**HB 1734** - Robinson, Smith, Monson

**HB 2102** - Helton, Horner, Leftwich, Shurden, Crutchfield, Coffee, Coates, Snyder

**HB 2213** – GCCA

#### **Returning CCR**

Returning **HB 2664** together with conference committee report thereon, advising adoption of conference committee report and passage of measure as amended.

The above-numbered measure, as amended by the conference committee report, was referred for enrollment.

#### **Returning engrossed measures**

Announcing the passage of **HCRs 1044** - Coauthored by all members of the Senate, **1061** - Coauthored by all members of the Senate and **1079** - Coauthored by all members of the Senate.

The above-numbered measures were referred for enrollment.

## **FURTHER CONFERENCE GRANTED**

Upon motion of Representative Rice, the House granted the request of the Honorable Senate for further conference on the following measure and the Speaker named the same conferees:

**SB 835** – Erwin, Leist, Hutchison, Plunk, Hastings, Pettigrew, Roan, Newport

## **COMMITTEE REPORTS**

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

DO PASS:

**HR 1044** – Government Operations and Agency Oversight and Administrative Rules, Coauthored by Representative(s) Newport

DO PASS, As Amended:

**CS for SCR 53** – Government Operations and Agency Oversight and Administrative Rules

## **CCRs SUBMITTED**

The conference committee reports were read on the following measures:

**HB 1853**  
**HB 1882**  
**HB 2101** (2nd)  
**HB 2299**  
**HB 2332**  
**HB 2341**  
**HB 2557**  
**HB 2616**

Representative Paulk moved that when the clerk's desk is clear, the House stand adjourned to reconvene at 11:00 a.m., Monday, May 17, 2004, which was the order.

Pursuant to the motion of Representative Paulk, the House was adjourned at 9:40 a.m., to reconvene Monday, May 17, 2004, at 11:00 a.m.