

HOUSE JOURNAL

Second Regular Session of the Forty-ninth Legislature

of the State of Oklahoma

Eighth Legislative Day, Thursday, February 12, 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: Easley, Hastings, Stanley.—3.

The Speaker Pro Tempore declared a quorum present.

Prayer was offered by Pastor Jerry Lemley, Faith Center Church of Sulphur, Sulphur.

The Journal for the last legislative day was approved.

THURMAN HAYES

Speaker Pro Tempore Hilliard made the following announcement:

Perhaps some of you have heard by now that we have a member of our family who was a Sergeant-at-Arms at the House of Representatives. His name is Thurman Hayes. Thurman could have been found on a daily basis in the coffee shop area. Always had a smile on his face and a song in his heart. He was killed last evening in a car accident. Needless to say, our hearts are heavy, especially our Sergeants who worked so closely with him. I want to ask that all of our Sergeants, if you would like, to come onto the floor at this time. If you would like, to come up into the gallery. We are going to have a special moment of silence in memory of Thurman Hayes at this time. After we have a moment of silence, I will ask Pastor Jerry Limley to have a special prayer on behalf of the Thurman Hayes Family.

Let's stand for a moment of silence.

REMARKS

Upon unanimous consent request of Speaker Pro Tempore Hilliard, the remarks of Pastor Lemly were ordered printed in full as follows:

Father, it's at the moment of death that we realize how important people are in our lives. Father, we are so thankful for Thurman Hayes and the time that we had him on the face of this earth. Father, I pray for his family today. I lift them up before you and I ask in Jesus' name that you give them a peace that passes all understanding. Father, I ask that you give them a grace that only you can give to get them through this time of grief, and time of loss. Father, we are saddened today over the loss of Thurman Hayes' life and we ask you, in Jesus' name, Lord, for there to just be an understanding throughout the Capitol today in reverence in his behalf. In Jesus' name, I pray. Amen.

Ladies and Gentlemen, it is such an honor to be able to come up here. I told Danny every day I'm in awe of what you guys do, and ladies, what you do. And I think that every citizen in the State of Oklahoma ought to come and sit, at least through one of these. Gentlemen, Ladies you are to be honored and I am so thankful that we have people like you, that can laugh, and they can cut-up and then turn right around and get serious and get the business done at hand. I've got just a few things I'd like to say you. And I'm thankful that you would give me this time to do this.

I'm honored to have been Chaplain of the Week, and I'm certainly honored, Mr. Speaker, for inviting me and it's humbling to me to ask me to come and pray over a great bunch of people as you are because you are our elected representatives. That means everybody thinks highly of you. And, Representatives, I want to say this, you are exceptional leaders today. The Lord Jesus was the greatest Teacher of all and when He got ready to teach leadership, He got up from the Supper Table, He girded Himself with a towel, dropped down at the disciples feet and said, "Let me show you how to lead." And Jesus started washing dirty feet. Because the greatest way to train for leadership is through submission and servitude. And, by the way, Jesus called men and women of action to serve under Him. He never called a lazy person. They always had another job, they were always doing a job and that's who he called, those who were men of action.

When people over you respect you for how you serve, you move to promotions. And when people over you say that you are a great person, it means something. Now, I know all your kids think you are great. They think you can lift a car but you can't. But until somebody over you points you out and says you are exceptional, it means nothing at all, because oil flows down from the top not up. A greater one than you has to bless you or you are not blessed at all. The Bible says your gift will make room for you and set you before great men. So, if you are going to be exceptional, you cannot just walk with ordinary people. You have to walk with somebody who challenges you. And don't be intimidated around greater people than you, because they can confer honor on you. You need to be around somebody whose excellency and their anointing makes you feel silly because it will make you go home and pray. And let me say, if you don't have anything or anybody in your life that creates a thirst in you that makes you want to be better, you lose your edge. Because it's only he that hungers and thirsts that shall be filled. And ladies and gentlemen, integrity means everything. Your integrity means more than money. Because if you've got a good name, you can get some more money. But all the money in the world will not buy you a good name. Never compromise your integrity for a dollar. It's simply not worth it. I see you today as great leaders of our State of Oklahoma, but you are men and women, but

you're worth your weight in gold to our State but. Somewhere between ordinary and exceptional there will always be a 'but'. There will always be trouble. Trouble is the usher that causes you to cross over a bridge in to exceptional. Because without trouble you are ordinary. A conflict, a contradiction makes you exceptional. If you don't have a 'but' somewhere in your life, you are just ordinary. Ladies and Gentlemen, exceptional leaders of the House of Representatives, Mr. Speaker, I thank you for allowing me to speak to you. May God bless you. Amen.

ENGROSSED AND ENROLLED MEASURES

HBs 2076 and **2132** 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:

HB 2725 – Direct To Calendar

RESOLUTIONS REFERRED

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

HCR 1049 – Rules

HCR 1050 – Appropriations and Budget

HCR 1051 – Transportation

MEASURES REASSIGNED

By unanimous consent, the following were reassigned:

HB 2104 –Withdrawn from Revenue and Taxation and referred to Rules.

HB 2448 –Withdrawn from Rules and referred to Revenue and Taxation.

HB 2670 –Withdrawn from Appropriations and Budget and referred to Public Health.

MESSAGE FROM THE SENATE

Announcing the passage of the following engrossed measures.

The measures were introduced and read for the first time.

SB 848 – By Price, Harrison, Coates, Morgan, Helton, Littlefield, Taylor, Wilkerson, Johnson, Lerblance, Myers, Capps and Maddox of the Senate and Ferguson, Peters, Sullivan, Phillips, McCarter, Hilliard, Rice, Adair, Askins, Armes, Pope, Kirby, Deutschendorf, Braddock, Nations, Morgan (Danny), Dorman, Miller (Ray), Hutchison, Smithson, Ellis, Jones, Mitchell, Bonny, Miller (Doug), DeWitt, Roan, Covey, Walker, Adkins, Wells, Newport, Harrison, Boren, Steele, Sweeden, Plunk and Piatt of the House.

An Act relating to electric cooperatives; amending 17 O.S. 2001, Section 158.27, as amended by Section 1, Chapter 281, O.S.L. 2002 (17 O.S. Supp. 2003, Section 158.27), which relates to electric cooperatives; authorizing all electric cooperatives to vote on exemption from certain Corporation Commission rate regulation; and declaring an emergency.

SB 959 – By Morgan and Robinson of the Senate and Mitchell and Bonny of the House.

An Act relating to the Ethics Commission; amending Section 2, Chapter 314, O.S.L. 2003, which relates to budget limits for the Ethics Commission; modifying budget limits; and declaring an emergency.

SB 992 – By Morgan and Robinson of the Senate and Mitchell and Bonny of the House.

An Act relating to the Office of Handicapped Concerns; amending Section 2, Chapter 250, O.S.L. 2003, which relates to budget limits for the Office of Handicapped Concerns; modifying budget limits; and declaring an emergency.

SB 996 – By Morgan and Robinson of the Senate and Mitchell and Bonny of the House.

An Act relating to the Oklahoma Indian Affairs Commission; amending Section 2, Chapter 252, O.S.L. 2003, which relates to budget limits for the Oklahoma Indian Affairs Commission; modifying budget limits; and declaring an emergency.

SB 1056 – By Morgan and Robinson of the Senate and Mitchell and Bonny of the House.

An Act relating to the Court of Criminal Appeals; amending Section 2, Chapter 311, O.S.L. 2003, which relates to budget categories; changing category amounts; and declaring an emergency.

SB 1058 – By Morgan and Robinson of the Senate and Mitchell and Bonny of the House.

An Act relating to the District Attorneys Council; amending Section 5, Chapter 276, O.S.L. 2003, which relates to budget categories; changing category amounts; and declaring an emergency.

RESOLUTION FOR CONSIDERATION

HCR 1047 was called up for consideration.

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

Representative Graves moved to amend **HCR 1047**, Page 2, Line 13 by inserting after the word “to” and before the word “principal” the language “Superintendent of Bethany Public Schools Dr. Kent Shellenberger”, which amendment was declared adopted.

Upon motion of Representative Graves, **HCR 1047** was considered and adopted.

HCR 1047 was referred for engrossment.

GENERAL ORDER

HB 2565 by Greenwood of the House and Wilcoxson of the Senate was read and considered.

Representative Greenwood moved that **HB 2565** be advanced from General Order, which motion was declared adopted.

By unanimous consent, upon request of Representative Greenwood, **HB 2565** was considered engrossed and placed on Third Reading and Final Passage.

THIRD READING

HB 2565 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, Blackburn, Blackwell, Bonny, Boren, Braddock, Brannon, Calvey, Carey, Cargill, Case, Claunch, Coleman, Covey, Cox, Dank, Davis, Deutschendorf, DeWitt, Dorman, Ellis, Ericson, Erwin, Ferguson, Gilbert, Graves, Greenwood, Hamilton, Harrison, Hefner, Hilliard, Hutchison, Ingmire, Jones, Kirby, Lamons, Langmacher, Leist, Lindley, Liotta, Mass, McCarter, McClain, McIntyre, Miller (Doug), Miller (Ray), Morgan (Danny), Morgan (Fred), Nance, Nations, Newport, 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, Trebilcock, Turner, Tyler, Vaughn, Walker, Wells, Wilson, Wilt, Winchester, Worthen, Wright, Young, Mr. Speaker.--92.

Excused: Easley, Eddins, Hastings, Hiett, Maddux, Mitchell, O'Neal, Stanley, Toure.--9.

The measure passed.

HB 2565 was referred for engrossment.

RECONSIDERATION

Representative Erwin moved to reconsider the vote whereby the emergency on **HB 1950** failed, which motion prevailed upon roll call as follows:

Aye: Adkins, Armes, Askins, Benge, Blackburn, Blackwell, Bonny, Boren, Braddock, Brannon, Calvey, Carey, Case, Covey, Cox, Dank, Deutschendorf, Dorman, Ellis, Erwin, Ferguson, Gilbert, Hamilton, Harrison, Hefner, Hilliard, Hutchison, Ingmire, Kirby, Lamons, Langmacher, Leist, Lindley, Mass, McCarter, McClain, McIntyre, Miller (Doug), Miller (Ray), Mitchell, Morgan (Danny), Morgan (Fred), Nance, Nations, Newport, Paulk, Peterson (Ron), Pettigrew, Piatt, Plunk, Pope, Rice, Roan, Roberts, Smaligo, Smith, Smithson, Staggs, Steele, Sweeden, Taylor, Trebilcock, Turner, Tyler, Vaughn, Walker, Wells, Wilson, Mr. Speaker.--69.

Nay: Balkman, Cargill, Claunch, Coleman, Davis, DeWitt, Ericson, Graves, Greenwood, Jones, Liotta, Perry, Peterson (Pam), Reynolds, Roggow, Sullivan, Tibbs, Wilt, Worthen, Wright, Young.--21.

Excused: Easley, Eddins, Hastings, Hiatt, Maddux, O'Neal, Peters, Phillips, Stanley, Toure, Winchester.--11.

On passage of the emergency, the roll call was as follows:

Aye: Adkins, Armes, Askins, Balkman, Benge, Blackburn, Blackwell, Bonny, Boren, Braddock, Brannon, Calvey, Carey, Cargill, Case, Covey, Cox, Deutschendorf, DeWitt, Dorman, Ellis, Ericson, Erwin, Ferguson, Gilbert, Hamilton, Harrison, Hefner, Hilliard, Hutchison, Ingmire, Jones, Kirby, Lamons, Langmacher, Leist, Lindley, Mass, McCarter, McClain, McIntyre, Miller (Doug), Miller (Ray), Mitchell, Morgan (Danny), Nance, Nations, Paulk, Peters, Peterson (Ron), Pettigrew, Piatt, Plunk, Pope, Rice, Roan, Roberts, Roggow, Smaligo, Smith, Smithson, Staggs, Steele, Sweeden, Taylor, Trebilcock, Turner, Tyler, Walker, Wells, Wilson, Winchester, Mr. Speaker.--73.

Nay: Claunch, Coleman, Dank, Davis, Graves, Greenwood, Liotta, Morgan (Fred), Newport, Perry, Peterson (Pam), Reynolds, Sullivan, Tibbs, Vaughn, Wilt, Worthen, Wright, Young.--19.

Excused: Easley, Eddins, Hastings, Hiatt, Maddux, O'Neal, Phillips, Stanley, Toure.--9.

The emergency passed.

HB 1950 was referred for engrossment.

RESOLUTION FOR CONSIDERATION

HCR 1048 was called up for consideration.

Coauthored by Representative(s) Adkins, Askins, Blackwell, Boren, Braddock, Brannon, Calvey, Carey, Covey, Deutschendorf, Ellis, Erwin, Gilbert, Hamilton, Hilliard, Hutchison, Langmacher, McCarter, McClain, McIntyre, Miller (Ray), Morgan (Danny), Nations, Paulk, Pope, Roan, Roberts, Smith, Smithson, Staggs, Sullivan, Sweeden, Turner, Tyler, Walker, Wells, Wilson

Upon motion of Representative Lindley, **HCR 1048** was considered and adopted.

HCR 1048 was referred for engrossment.

COMMITTEE REPORTS

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

DO PASS:

HB 1835 – Public Health, Authored by Senator Cain (principal Senate author)

HB 1847 – Public Health, Coauthored by Representative(s) Adkins, Braddock, Cox, Greenwood, Hamilton, Lindley, McIntyre, Morgan (Fred), Paulk, Piatt, Smithson, Staggs, Stanley, Vaughn, Wright, and Authored by Senator Monson (principal Senate author)

HB 1854 – Public Health, Authored by Senator Snyder (principal Senate author)

HB 1855 – Common Education, Coauthored by Representative(s) Ferguson, and Authored by Senator Riley (principal Senate author)

HB 2282 – Public Health, Authored by Senator Wilkerson (principal Senate author)

HB 2302 – Common Education, Authored by Senator Wilcoxson (principal Senate author)

HB 2308 – Commerce, Industry and Labor, Authored by Senator Littlefield (principal Senate author)

HB 2316 – Transportation, Authored by Senator Lerblance (principal Senate author)

HB 2493 – Public Health, Authored by Senator Coffee (principal Senate author)

HB 2494 – Transportation, Coauthored by Representative(s) Rice, and Authored by Senator Coffee (principal Senate author)

HB 2546 – Transportation, Authored by Senator Fisher (principal Senate author)

HB 2579 – Common Education, Authored by Senator Dunlap (principal Senate author)

HB 2663 – Common Education, Coauthored by Representative(s) Ferguson, and Authored by Senator Corn (principal Senate author)

HB 2667 – Public Health, Authored by Senator Monson (principal Senate author)

HCR 1051 – Transportation

DO PASS, As Amended:

CS for HB 1694 – Transportation, Remove Senator Stipe as principal Senate author and substitute with Senator Leftwich

CS for HB 1695 – Transportation, Remove Senator Stipe as principal Senate author and substitute with Senator Leftwich

CS for HB 2163 – Common Education, Authored by Senator Helton (principal Senate author)

CS for HB 2164 – Economic Development, Authored by Senator Monson (principal Senate author), and Coauthored by Senator(s) Coffee

CS for HB 2194 – Common Education, Authored by Senator Williams (principal Senate author)

CS for HB 2294 – Common Education, Authored by Senator Laughlin (principal Senate author)

CS for HB 2305 – Public Health, Coauthored by Representative(s) Piatt, Lindley, Vaughn, Adkins, and Authored by Senator Shurden (principal Senate author)

CS for HB 2306 – Public Health, Coauthored by Representative(s) Lindley, Greenwood, Vaughn, Cox, Paulk, Adkins, Piatt, Wright, Staggs, Winchester, Smithson, Braddock, and Authored by Senator Shurden (principal Senate author)

CS for HB 2379 – Revenue and Taxation, Coauthored by Representative(s) Pettigrew, Kirby, Maddux, and Authored by Senator Williams (principal Senate author)

CS for HB 2390 – Revenue and Taxation, Authored by Senator Aldridge (principal Senate author)

CS for HB 2421 – Revenue and Taxation, Coauthored by Representative(s) Kirby, Nance, Langmacher, and Authored by Senator Rabon (principal Senate author)

CS for HB 2572 – Common Education, Coauthored by Representative(s) Ferguson, and Authored by Senator Williams (principal Senate author)

CS for HB 2642 – Career and Technology Education, Authored by Senator Corn (principal Senate author)

CS for HB 2723 – Public Health, Authored by Senator Coffee (principal Senate author)

Representative Rice moved that when the clerk's desk is clear, the House stand adjourned to reconvene at 1:30 p.m., Monday, February 16, 2004, which was the order.

Pursuant to the motion of Representative Rice, the House was adjourned at 10:55 a.m., to reconvene Monday, February 16, 2004, at 1:30 p.m.