

HOUSE JOURNAL

Second Regular Session of the Fifty-first Legislature

of the State of Oklahoma

Fourteenth Legislative Day, Tuesday, February 26, 2008

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

The roll was called with 101 Members present.

The Speaker Pro Tempore declared a quorum present.

Prayer was offered by Reverend David Grothe, Grothe Family Ministries, Tulsa.

The Journal for the last legislative day was approved.

ENGROSSED AND ENROLLED MEASURES

HBs 2241, 2469, 2694, 2725, 2974, 3124 and **HJR 1082** were reported correctly engrossed, properly signed, in open session, and ordered transmitted to the Honorable Senate.

MESSAGE FROM THE SENATE

Announcing the passage of the following engrossed measures.

The measures were introduced and read for the first time.

SB 1178 – By Brown of the Senate and Peterson (Ron) of the House.

An Act relating to public safety; amending 63 O.S. 2001, Section 4030, as last amended by Section 102, Chapter 1, O.S.L. 2005 (63 O.S. Supp. 2007, Section 4030), which relates to the Oklahoma Vessel and Motor Registration Act; requiring development of certain numbering system by the Oklahoma Tax Commission; authorizing development of certain numbering system by certain tribes; requiring conformation of certain numbers to certain regulations; providing system effective date; requiring certain recordation of

permanent vessel numbers issued by certain tribes; providing specifications for placement of certain decals and numbers; providing specifications for composition of certain decals and numbers; and providing an effective date.

SB 1405 – By Brown of the Senate and Wright of the House.

An Act relating to children; amending Section 1, Chapter 185, O.S.L. 2007 (10 O.S. Supp. 2007, Section 1430.42), which relates to the Advantage Waiver and Developmental Disability Services Rate Review Committee; expanding membership of the Committee; and providing an effective date.

SB 1468 – By Schulz of the Senate and Billy of the House.

An Act relating to corrections; amending 57 O.S. 2001, Section 510, as last amended by Section 3, Chapter 151, O.S.L. 2007 (57 O.S. Supp. 2007, Section 510), which relates to penal institutions; lowering minimum age of correctional officer; providing an effective date; and declaring an emergency.

SB 1609 – By Wilson of the Senate and Brown of the House.

[state government - State and Education Employees Group Insurance Board - dependent coverage – repealer - effective date - emergency]

SB 1645 – By Anderson and Johnson (Constance) of the Senate and Jackson of the House.

[public health and safety - collection of information on birth defects - codification - effective date]

SB 1674 – By Wilson and Rice of the Senate and Brown of the House.

An Act relating to schools; amending 70 O.S. 2001, Section 11-103.6, as last amended by Section 3, Chapter 173, O.S.L. 2007 (70 O.S. Supp. 2007, Section 11-103.6), which relates to high school graduation requirements; authorizing certain students to participate in work-study program; providing an effective date; and declaring an emergency.

SB 1685 – By Wilson of the Senate and Jones of the House.

[property and public finance - modifying provisions - Uniform Unclaimed Property Act - emergency]

SB 1793 – By Brown of the Senate and Adkins of the House.

An Act relating to motor vehicles; amending 42 O.S. 2001, Sections 91, as last amended by Section 1, Chapter 247, O.S.L. 2006 and Section 2, Chapter 477, O.S.L. 2005, as amended by Section 2, Chapter 247, O.S.L. 2006 (42 O.S. Supp. 2007, Sections 91 and 91A), which relate to liens on personal property; providing for application of certain provisions relating to utility vehicles under certain circumstances; amending Section 16, Chapter 418, O.S.L. 2004 and Section 1, Chapter 124, O.S.L. 2007 (47 O.S. Supp. 2007, Sections 11-1116 and 11-1117), which relate to miscellaneous motor vehicle rules; providing circumstances where operation of utility vehicles on streets and highways is permitted; modifying definition; amending 47 O.S. 2001, Sections 1102, as last amended by Section 1, Chapter 177, O.S.L. 2007, 1105, as last amended by Section 1, Chapter 202, O.S.L. 2007, 1107.2, as amended by Section 3, Chapter 284, O.S.L. 2007, 1113, as last amended by Section 4, Chapter 284, O.S.L. 2005, Section 5, Chapter 284, O.S.L. 2005 and 1132, as amended by Section 6, Chapter 284, O.S.L. 2005 (47 O.S. Supp. 2007, Sections 1102, 1105, 1107.2, 1113, 1115.3 and 1132), which relate to the Oklahoma Vehicle License and Registration Act; modifying definition and defining term; requiring a certificate of title for certain utility vehicles under specified circumstances; excepting utility vehicles from certain inspection requirements; excepting utility vehicles from requirement relating to odometer disclosure statement; requiring the Oklahoma Tax Commission to assign a

certificate of registration and yearly decals for utility vehicles; requiring registration of utility vehicles within specified time period from purchase if purchased after specified date; permitting registration of utility vehicles purchased prior to specified date; establishing nonrecurring registration fee for utility vehicles and providing for distribution of such fee; exempting utility vehicles from certain fee; amending 68 O.S. 2001, Sections 2101, as amended by Section 8, Chapter 284, O.S.L. 2005, 2102, as amended by Section 9, Chapter 284, O.S.L. 2005 and 2103, as last amended by Section 8, Chapter 295, O.S.L. 2006 (68 O.S. Supp. 2007, Sections 2101, 2102 and 2103), which relate to revenue and taxation; modifying term and defining term; providing for apportionment of certain revenue; providing for levy of excise tax on transfers of ownership of certain utility vehicles and providing procedures therefor; providing an effective date; and declaring an emergency.

SB 1794 – By Laster of the Senate and Derby of the House.

[public health and safety - sale of dextromethorphan - codification - effective date]

Announcing the passage of the following engrossed measure.

The measure was introduced and read.

SCR 54 – By Eason McIntyre, Adelson, Aldridge, Anderson, Ballenger, Barrington, Bass, Bingman, Branan, Brogdon, Brown, Burrage, Coates, Coffee, Corn, Crain, Crutchfield, Easley, Ford, Garrison, Gumm, Ivester, Johnson (Constance), Johnson (Mike), Jolley, Justice, Lamb, Laster, Laughlin, Leftwich, Lerblance, Mazzei, Morgan, Myers, Nichols, Paddack, Rabon, Reynolds, Rice, Riley, Schulz, Sparks, Sweeden, Sykes, Wilcoxson, Williamson, Wilson and Wyrick of the Senate and Shelton of the House.

A Concurrent Resolution praising the life of Marques Haynes; designating February 27, 2008, “Marques Haynes Appreciation Day” in the State of Oklahoma; and directing distribution.

GENERAL ORDER

HB 2784 by Jackson et al of the House and Gumm of the Senate was read and considered.

Coauthored by Representative(s) Sherrer, Denney, Hickman, Faught

Representative Jackson moved that **HB 2784** be advanced from General Order, which motion was declared adopted.

THIRD READING

HB 2784 was read at length for the third time. On passage of the measure, the roll call was as follows:

Aye: Adkins, Armes, Auffet, Banz, BigHorse, Billy, Blackwell, Braddock, Brannon, Brown, Cannaday, Carey, Cargill, Collins, Coody, Cooksey, Covey, Cox, Denney, Derby, DeWitt, Dorman, Ellis, Enns, Faught, Gilbert, Glenn, Hamilton, Harrison, Hilliard, Hoskin, Hyman, Ingmire, Inman, Jackson, Jett, Johnson (Dennis), Johnson (Rob), Jones, Jordan, Joyner, Kern, Kiesel, Lamons, Liebmann, Lindley, Luttrell, Martin (Scott), Martin (Steve), McAffrey, McCarter, McCullough, McDaniel (Jeannie), McMullen, McNiel, McPeak, Miller, Morgan, Nations, Peters, Peterson (Pam), Peterson (Ron), Piatt, Pittman, Proctor, Pruett, Renegar, Roan, Rousselot, Schwartz, Sears, Shannon, Sherrer, Shoemake, Shumate, Smithson, Steele, Sullivan, Terrill, Thompson, Thomsen, Tibbs, Turner, Walker, Watson, Winchester, Worthen, Wright, Mr. Speaker.--89.

Nay: Dank, Duncan, Key, McDaniel (Randy), Morrisette, Murphey, Reynolds, Shelton, Wesselhoft.--9.

Excused: Hickman, Richardson, Trebilcock.--3.

The measure passed.

HB 2784 was referred for engrossment.

GENERAL ORDER

HB 2557 by Liebmann of the House was read and considered.

Authored by Senator Aldridge (principal Senate author)

Representative Liebmann moved that **HB 2557** be advanced from General Order, which motion was declared adopted.

THIRD READING

HB 2557 was read at length for the third time. On passage of the measure and emergency, the roll call was as follows:

Aye: Adkins, Armes, Auffet, Banz, BigHorse, Blackwell, Braddock, Brannon, Brown, Cannaday, Carey, Cargill, Collins, Coody, Cooksey, Cox, Dank, Denney, Derby, DeWitt, Dorman, Ellis, Enns, Faught, Gilbert, Glenn, Hamilton, Harrison, Hilliard, Hoskin, Hyman, Ingmire, Inman, Jackson, Jett, Johnson (Dennis), Johnson (Rob), Jones, Jordan, Joyner, Kern, Key, Kiesel, Lamons, Liebmann, Lindley, Luttrell, Martin (Scott), Martin (Steve), McAffrey, McCarter, McCullough, McDaniel (Jeannie), McDaniel (Randy), McMullen, McNiel, McPeak, Miller, Morgan, Morrisette, Murphey, Nations, Peters, Peterson (Pam),

Peterson (Ron), Piatt, Pittman, Proctor, Pruett, Renegar, Reynolds, Roan, Rousselot, Schwartz, Sears, Shannon, Shelton, Sherrer, Shoemake, Shumate, Smithson, Steele, Sullivan, Terrill, Thompson, Thomsen, Tibbs, Turner, Walker, Watson, Wesselhoft, Winchester, Worthen, Wright, Mr. Speaker.--95.

Nay: Covey, Duncan.--2.

Excused: Billy, Hickman, Richardson, Trebilcock.--4.

The measure and emergency passed.

HB 2557 was referred for engrossment.

GENERAL ORDER

HB 2695 by Roan of the House and Garrison of the Senate was read and considered.

Representative Roan moved that **HB 2695** be advanced from General Order, which motion was declared adopted.

THIRD READING

HB 2695 was read at length for the third time. On passage of the measure and emergency, the roll call was as follows:

Aye: Adkins, Armes, Auffet, Banz, BigHorse, Billy, Blackwell, Braddock, Brannon, Brown, Cannaday, Carey, Cargill, Collins, Coody, Cooksey, Covey, Cox, Dank, Denney, Derby, DeWitt, Dorman, Duncan, Ellis, Enns, Faught, Gilbert, Glenn, Hamilton, Harrison, Hickman, Hilliard, Hoskin, Hyman, Ingmire, Inman, Jackson, Jett, Johnson (Dennis), Johnson (Rob), Jones, Jordan, Joyner, Kern, Key, Kiesel, Lamons, Liebmann, Lindley, Luttrell, Martin (Scott), Martin (Steve), McAffrey, McCarter, McCullough, McDaniel (Jeannie), McDaniel (Randy), McMullen, McNiel, McPeak, Miller, Morgan, Morrissette, Murphey, Nations, Peters, Peterson (Pam), Peterson (Ron), Piatt, Pittman, Proctor, Pruett, Renegar, Reynolds, Richardson, Roan, Rousselot, Schwartz, Sears, Shannon, Shelton, Sherrer, Shoemake, Shumate, Smithson, Steele, Sullivan, Terrill, Thompson, Thomsen, Tibbs, Turner, Walker, Watson, Wesselhoft, Winchester, Worthen, Wright, Mr. Speaker.--100.

Excused: Trebilcock.--1.

The measure and emergency passed.

HB 2695 was referred for engrossment.

GENERAL ORDER

HB 3098 by Banz et al of the House and Aldridge of the Senate was read and considered.

Coauthored by Representative(s) Collins, Jackson

Representative Banz moved that **HB 3098** be advanced from General Order, which motion was declared adopted.

THIRD READING

HB 3098 was read at length for the third time. On passage of the measure, the roll call was as follows:

Aye: Adkins, Armes, Auffet, Banz, BigHorse, Billy, Blackwell, Braddock, Brannon, Brown, Cannaday, Carey, Cargill, Collins, Coody, Cooksey, Covey, Cox, Dank, Denney, DeWitt, Dorman, Ellis, Enns, Faught, Gilbert, Glenn, Harrison, Hickman, Hilliard, Hoskin, Hyman, Ingmire, Inman, Jackson, Jett, Johnson (Dennis), Johnson (Rob), Jones, Jordan, Joyner, Kern, Kiesel, Lamons, Liebmann, Luttrell, Martin (Scott), Martin (Steve), McAffrey, McCarter, McCullough, McDaniel (Jeannie), McDaniel (Randy), McMullen, McNiel, McPeak, Miller, Morgan, Nations, Peters, Peterson (Pam), Peterson (Ron), Piatt, Pittman, Proctor, Pruett, Renegar, Richardson, Roan, Rousselot, Schwartz, Sears, Shannon, Shelton, Sherrer, Shoemake, Shumate, Smithson, Steele, Sullivan, Terrill, Thompson, Thomsen, Tibbs, Turner, Walker, Watson, Winchester, Wright, Mr. Speaker.--90.

Nay: Derby, Duncan, Hamilton, Key, Lindley, Morrissette, Murphey, Reynolds, Wesselhoft, Worthen.--10.

Excused: Trebilcock.--1.

The measure passed.

HB 3098 was referred for engrossment.

RESOLUTION FOR CONSIDERATION

HCR 1058 was called up for consideration.

Coauthored by Representative(s) Shelton

Authored by Senator Paddack (principal Senate author)

Upon motion of Representative Cox, **HCR 1058** was considered and adopted.

HCR 1058 was referred for engrossment.

PENDING CONSIDERATION OF CCR

The **2nd CCR** on **SB 45** was called up for consideration.

Coauthored by Representative(s) Faught

Upon motion of Representative Sears, the **2nd CCR** on **SB 45** was adopted upon roll call as follows:

Aye: Armes, Auffet, Banz, BigHorse, Billy, Blackwell, Braddock, Brannon, Brown, Cannaday, Carey, Collins, Coody, Dank, Denney, DeWitt, Dorman, Enns, Faught, Glenn, Harrison, Hilliard, Hoskin, Hyman, Inman, Jackson, Jett, Johnson (Dennis), Johnson (Rob), Jones, Jordan, Kiesel, Lamons, Liebmann, Luttrell, Martin (Scott), Martin (Steve), McCarter, McCullough, McDaniel (Jeannie), McDaniel (Randy), McMullen, McNiel, Miller, Morgan, Murphey, Peters, Peterson (Pam), Piatt, Pittman, Proctor, Pruett, Renegar, Reynolds, Richardson, Roan, Rousselot, Schwartz, Sears, Sherrer, Shoemake, Shumate, Sullivan, Terrill, Thomsen, Tibbs, Turner, Watson, Winchester, Wright, Mr. Speaker.--71.

Nay: Covey, Cox, Duncan, Gilbert, Lindley, Shannon.--6.

Excused: Adkins, Cargill, Cooksey, Derby, Ellis, Hamilton, Hickman, Ingmire, Joyner, Kern, Key, McAffrey, McPeak, Morrisette, Nations, Peterson (Ron), Shelton, Smithson, Steele, Thompson, Trebilcock, Walker, Wesselhoft, Worthen.--24.

SB 45, 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, Auffet, Banz, BigHorse, Billy, Blackwell, Braddock, Brannon, Brown, Cannaday, Carey, Cargill, Collins, Coody, Cooksey, Covey, Denney, Derby, DeWitt, Dorman, Ellis, Enns, Faught, Gilbert, Glenn, Harrison, Hickman, Hilliard, Hoskin, Hyman, Ingmire, Inman, Jackson, Jett, Johnson (Dennis), Johnson (Rob), Jones, Jordan, Kern, Key, Kiesel, Lamons, Liebmann, Luttrell, Martin (Scott), Martin (Steve), McAffrey, McCarter, McCullough, McDaniel (Jeannie), McDaniel (Randy), McMullen, McNiel, McPeak, Miller, Morgan, Murphey, Nations, Peters, Peterson (Pam), Peterson (Ron), Piatt, Pittman, Proctor, Pruett, Renegar, Reynolds, Richardson, Roan, Rousselot, Schwartz, Sears, Sherrer, Shoemake, Shumate, Smithson, Steele, Sullivan, Terrill, Thompson, Thomsen, Tibbs, Turner, Walker, Watson, Wesselhoft, Winchester, Worthen, Wright, Mr. Speaker.--91.

Nay: Cox, Dank, Duncan, Hamilton, Joyner, Lindley, Morrisette, Shannon, Shelton.--9.

Excused: Trebilcock.--1.

The measure passed.

SB 45, together with the conference committee report, thereon, was ordered returned to the Honorable Senate.

GENERAL ORDER

HB 3122 by Jones et al of the House and Jolley of the Senate was read and considered.

Coauthored by Representative(s) Hickman, Terrill

Representative Jones moved to amend **HB 3122** by striking the title, the enacting clause and the entire measure and inserting in lieu thereof a floor substitute, which amendment was declared adopted.

Representative Miller moved to amend the floor substitute by striking the title, which amendment was declared adopted.

Representative Jones moved that **HB 3122** be advanced from General Order, which motion was declared adopted.

THIRD READING

HB 3122 was read at length for the third time. On passage of the measure, the roll call was as follows:

Aye: Adkins, Auffet, Banz, Billy, Blackwell, Brannon, Cannaday, Cargill, Coody, Cooksey, Cox, Dank, Denney, Derby, DeWitt, Duncan, Enns, Faught, Hickman, Hilliard, Hyman, Ingmire, Jackson, Jett, Johnson (Dennis), Johnson (Rob), Jones, Jordan, Joyner, Kern, Key, Lamons, Liebmann, Luttrell, Martin (Scott), Martin (Steve), McCarter, McCullough, McDaniel (Randy), McMullen, McPeak, Miller, Murphey, Peters, Peterson (Pam), Peterson (Ron), Piatt, Renegar, Reynolds, Richardson, Schwartz, Sears, Sherrer, Shoemake, Shumate, Steele, Sullivan, Terrill, Thompson, Thomsen, Tibbs, Watson, Wesselhoft, Winchester, Worthen, Wright, Mr. Speaker.--67.

Nay: Armes, BigHorse, Braddock, Brown, Carey, Collins, Covey, Dorman, Ellis, Gilbert, Glenn, Hamilton, Harrison, Hoskin, Inman, Kiesel, Lindley, McAffrey, McDaniel (Jeannie), McNiel, Morgan, Morrissette, Nations, Pittman, Proctor, Pruett, Roan, Rousselot, Shannon, Shelton, Smithson, Turner, Walker.--33.

Excused: Trebilcock.--1.

The measure passed.

HB 3122 was referred for engrossment.

MOTION

Representative Hickman asked that the Journal reflect that had he been present in the Chamber, he would have voted aye on **HB 2784**, which was the order.

MESSAGES FROM THE SENATE

Announcing the passage of **HB 2297**, Coauthored by Senator(s) Jolley and Sweeden.

The above-numbered measure was referred for enrollment.

Conference requested

Advising rejection of **HAs** to **SB 926** and requesting conference thereon, the Senate naming conferees later.

COMMITTEE REPORTS

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

DO PASS:

HB 2663 – General Government and Transportation

HB 2675 – General Government and Transportation

HB 2765 – Human Services, Coauthored by Representative(s) Pittman

HB 2811 – Human Services, Coauthored by Representative(s) Pittman

HB 3024 – General Government and Transportation, Authored by Senator Jolley
(principal Senate author)

HB 3132 – General Government and Transportation

DO PASS, As Amended:

CS for **HB 2464** – General Government and Transportation

CS for **HB 2466** – General Government and Transportation

CS for **HB 2547** – Natural Resources, Authored by Senator Schulz (principal Senate author)

CS for **HB 2573** – General Government and Transportation

CS for **HB 2585** – Natural Resources

CS for **HB 2667** – Natural Resources, Authored by Senator Ford (principal Senate author)

CS for **HB 2682** – Judiciary and Public Safety, Authored by Senator Johnson
(Constance) (principal Senate author)

CS for **HB 2771** – Judiciary and Public Safety, Coauthored by Representative(s) Cooksey, McCullough, Tibbs, and Authored by Senator Lamb (principal Senate author)

CS for **HB 2891** – Judiciary and Public Safety, Coauthored by Representative(s) Sherrer

CS for **HB 2939** – Judiciary and Public Safety, Authored by Senator Sparks (principal Senate author)

CS for **HB 2970** – Natural Resources, Coauthored by Representative(s) Kiesel, Renegar, and Authored by Senator Burrage (principal Senate author)

CS for HB 3006 – General Government and Transportation

CS for HB 3194 – Judiciary and Public Safety, Coauthored by Representative(s) Billy, Cooksey, McCullough, Roan, Sullivan, Wesselhoft

CS for HB 3239 – Energy and Technology, Coauthored by Representative(s) Banz, Jackson, Pittman, Shannon

CS for HB 3336 – Judiciary and Public Safety

CS for HJR 1080 – Rules, Coauthored by Representative(s) Dorman, and Authored by Senator Paddack (principal Senate author)

CS for HCR 1049 – Rules, Coauthored by Representative(s) Tibbs

Representative Piatt moved that when the clerk's desk is clear, the House stand adjourned to reconvene at 1:30 p.m., Wednesday, February 27, 2008, which was the order.

Pursuant to the motion of Representative Piatt, the House was adjourned at 11:10 a.m., to reconvene Wednesday, February 27, 2008, at 1:30 p.m.