

HOUSE JOURNAL

First Regular Session of the Fifty-second Legislature

of the State of Oklahoma

Ninth Legislative Day, Thursday, February 12, 2009

The House was called to order by Representative Hickman.

The roll was called with 100 Members present.

The following Member was excused: Enns.—1.

Representative Hickman declared a quorum present.

Prayer was offered by Bishop Donald O'Neil Tyler, Greater Grace Temple, Tulsa. Bishop Tyler was sponsored by Representatives Scott and Shumate.

Upon motion of Representative Thompson, Bishop Tyler was confirmed as House Chaplain for this legislative day

The Journal for the last legislative day was approved.

ENGROSSED AND ENROLLED MEASURES

HBs 1049, 1064, 1074, 1360, 1601, 1647, 1698 and **HJR 1004** were reported correctly engrossed, properly signed, in open session, and ordered transmitted to the Honorable Senate.

HR 1001 was reported correctly enrolled, properly signed, in open session, and ordered transmitted to the Secretary of State.

MEASURE REASSIGNED

The following measure was reassigned:

HB 1748 –Withdrawn from Rules and referred to Judiciary.

GENERAL ORDER

HB 1070 by Banz of the House was read and considered.

Coauthored by Representative(s) Sullivan

Authored by Senator Ford (principal Senate author)

Representative Banz moved that **HB 1070** be advanced from General Order, which motion was declared adopted.

THIRD READING

HB 1070 was read at length for the third time. On passage of the measure and emergency, the roll call was as follows:

Aye: Armes, Auffet, Bailey, Banz, Billy, Blackwell, Brannon, Brown, Buck, Cannaday, Carey, Christian, Collins, Coody, Cooksey, Cox, Dank, Denney, DeWitt, Dorman, Duncan, Faught, Fields, Glenn, Hamilton, Harrison, Hickman, Hilliard, Holland, Hoskin, Inman, Jackson, Jett, Johnson, Jones, Jordan, Joyner, Kern, Kiesel, Kirby, Kouplen, Lamons, Liebmann, Luttrell, Martin (Scott), Martin (Steve), McAffrey, McCullough, McDaniel (Jeannie), McDaniel (Randy), McMullen, McNiel, McPeak, Miller, Moore, Morgan, Morrissette, Murphey, Nations, Nelson, Ortega, Osborn, Ownbey, Peters, Peterson, Pittman, Proctor, Pruett, Renegar, Reynolds, Richardson, Ritze, Roan, Rousselot, Sanders, Schwartz, Scott, Sears, Shannon, Shelton, Sherrer, Shoemake, Smithson, Steele, Sullivan, Terrill, Thompson, Thomsen, Tibbs, Walker, Watson, Williams, Wright (Harold), Wright (John), Mr. Speaker.--95.

Excused: Derby, Enns, Key, Shumate, Trebilcock, Wesselhoft.--6.

The measure and emergency passed.

HB 1070 was referred for engrossment.

GENERAL ORDER

HB 2027 by Steele et al of the House was read and considered.

Coauthored by Representative(s) Brown, Faught, Reynolds, Ownbey, Wesselhoft, Jones, Terrill, McNiel, Nelson, Walker, Martin (Steve), Sears, Martin (Scott), McDaniel (Jeannie), Cooksey, Bailey

Authored by Senator Justice (principal Senate author)

Representative Steele moved to amend **HB 2027** by striking the title, the enacting clause and the entire measure and inserting in lieu thereof a floor substitute.

Representative Steele moved to amend the floor substitute 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 asked unanimous consent to amend the floor substitute by striking the title.

Representative Dorman raised a point of inquiry as to whether the Miller amendment to the floor substitute to strike the title was in order pursuant to House Rules.

The Presiding Officer ruled the amendment in order pursuant to House Rule 8.6(g).

Representative Dorman followed up with an additional point of inquiry as to whether the Chair of the Appropriations and Budget Committee is required to verbalize the motion to strike the title.

The Presiding Officer stated that it has been the practice of the House that the motion to amend a measure by striking the title is often done by unanimous consent and without recognizing the member who is offering the amendment.

Representative Miller pressed his motion to amend the floor substitute by striking the title, which amendment was declared adopted upon a division of the question.

Representative Steele moved adoption of the floor substitute, as amended, which amendment was declared adopted.

Representative Steele moved that **HB 2027** be advanced from General Order, which motion was declared adopted.

THIRD READING

HB 2027 was read at length for the third time. On passage of the measure, the roll call was as follows:

Aye: Armes, Auffet, Bailey, Banz, Billy, Blackwell, Brannon, Brown, Buck, Cannaday, Carey, Christian, Collins, Coody, Cooksey, Cox, Denney, Derby, DeWitt, Dorman, Duncan, Faught, Fields, Glenn, Hamilton, Harrison, Hickman, Hilliard, Holland, Hoskin, Inman, Jackson, Jett, Johnson, Jones, Jordan, Joyner, Kern, Key, Kiesel, Kirby, Kouplén, Lamons, Liebmann, Luttrell, Martin (Scott), Martin (Steve), McAffrey, McCullough, McDaniel (Jeannie), McDaniel (Randy), McMullen, McNiel, McPeak, Miller, Moore, Morgan, Morrissette, Murphey, Nations, Nelson, Ortega, Osborn, Ownbey, Peters, Peterson, Pittman, Proctor, Pruett, Renegar, Reynolds, Richardson, Ritze, Roan, Rousselot, Sanders, Schwartz, Scott, Sears, Shannon, Shelton, Sherrer, Shoemake, Shumate, Smithson, Steele, Sullivan, Terrill, Thompson, Thomsen, Tibbs, Walker, Watson, Wesselhoft, Williams, Wright (Harold), Wright (John), Mr. Speaker.--98.

Excused: Dank, Enns, Trebilcock.--3.

The measure passed.

HB 2027 was referred for engrossment.

RESOLUTION FOR CONSIDERATION

HR 1008 was called up for consideration.

Coauthored by Representative(s) Terrill, Sullivan, Tibbs, Faught, Peterson, Cooksey, Derby, Martin (Scott), Schwartz, Jones, Thomsen, Denney, Thompson, Hickman, Osborn, McDaniel (Randy), Ritze

Representative Brown moved to amend **HR 1008**, Page 2, Line 3 by changing the word “terrorists” to the word “detainees”.

Representative Harrison raised a point of order that a member was referring to another member by name.

The Presiding Officer ruled the point not well taken and stated that the custom of the House was to allow reference by name during questions, but not during debate.

Representative Brown pressed adoption of his amendment, which amendment failed of adoption upon roll call as follows:

Aye: Auffet, Bailey, Brannon, Brown, Buck, Cannaday, Collins, Glenn, Hamilton, Harrison, Hoskin, Kiesel, Kouplen, Luttrell, McAffrey, McPeak, Morgan, Morrissette, Nations, Pruett, Renegar, Roan, Rousselot, Scott, Shelton, Shoemake, Smithson, Williams.-28.

Nay: Armes, Banz, Billy, Blackwell, Carey, Christian, Coody, Cooksey, Cox, Denney, Derby, DeWitt, Dorman, Duncan, Faught, Fields, Hickman, Hilliard, Holland, Inman, Jackson, Jett, Johnson, Jones, Jordan, Joyner, Kern, Key, Kirby, Lamons, Liebmann, Martin (Scott), Martin (Steve), McCullough, McDaniel (Randy), McMullen, McNiel, Miller, Moore, Murphey, Nelson, Ortega, Osborn, Ownbey, Peters, Peterson, Pittman, Proctor, Reynolds, Richardson, Ritze, Sanders, Schwartz, Sears, Shannon, Sherrer, Shumate, Steele, Sullivan, Terrill, Thompson, Thomsen, Tibbs, Watson, Wesselhoft, Wright (Harold), Wright (John), Mr. Speaker.--68.

Excused: Dank, Enns, McDaniel (Jeannie), Trebilcock, Walker.--5.

Representative Reynolds moved to amend **HR 1008**, Page 3, Line 5 by changing the word “detainees” to the word “terrorists”, which amendment was declared adopted upon a division of the question.

Representative Shannon moved adoption of **HR 1008**, which motion was declared adopted upon roll call as follows:

Aye: Armes, Auffet, Banz, Billy, Blackwell, Brannon, Carey, Christian, Collins, Coody, Cooksey, Cox, Denney, Derby, DeWitt, Dorman, Duncan, Faught, Fields, Glenn, Hamilton, Hickman, Hilliard, Holland, Hoskin, Inman, Jackson, Johnson, Jones, Jordan, Joyner, Kern, Key, Kirby, Kouplen, Lamons, Liebmann, Luttrell, Martin (Scott), Martin (Steve), McCullough, McDaniel (Randy), McNiell, Miller, Moore, Morgan, Morrissette, Murphey, Nelson, Ortega, Osborn, Ownbey, Peters, Peterson, Pittman, Proctor, Pruett, Reynolds, Richardson, Ritze, Rousselot, Sanders, Schwartz, Sears, Shannon, Sherrer, Shoemake, Shumate, Steele, Sullivan, Terrill, Thompson, Thomsen, Tibbs, Walker, Watson, Wesselhoft, Williams, Wright (Harold), Wright (John), Mr. Speaker.--81.

Nay: Bailey, Brown, Buck, Cannaday, Harrison, Jett, Kiesel, McMullen, McPeak, Scott, Shelton, Smithson.--12.

Excused: Dank, Enns, McAffrey, McDaniel (Jeannie), Nations, Renegar, Roan, Trebilcock.--8.

HR 1008 was referred for enrollment.

COMMITTEE REPORTS

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

DO PASS:

- HB 1026** – Judiciary, Coauthored by Representative(s) Nelson
- HB 1045** – Judiciary
- HB 1052** – Public Safety, Authored by Senator Barrington (principal Senate author)
- HB 1080** – Transportation, Authored by Senator Wyrick (principal Senate author)
- HB 1084** – Public Safety, Coauthored by Representative(s) McCullough, and Authored by Senator Paddack (principal Senate author)
- HB 1307** – Judiciary, Authored by Senator Bass (principal Senate author)
- HB 1321** – Public Safety
- HB 1322** – Rules
- HB 1400** – Transportation, Authored by Senator Crutchfield (principal Senate author)
- HB 1411** – Public Safety, Authored by Senator Lamb (principal Senate author)
- HB 1412** – Judiciary
- HB 1413** – Judiciary
- HB 1484** – Agriculture and Rural Development, Authored by Senator Myers (principal Senate author)

- HB 1509** – Judiciary
- HB 1527** – Public Safety, Authored by Senator Branan (principal Senate author)
- HB 1597** – Judiciary, Authored by Senator Crain (principal Senate author)
- HB 1602** – Judiciary, Authored by Senator Coffee (principal Senate author)
- HB 1697** – Judiciary
- HB 1725** – Judiciary, Coauthored by Representative(s) McCullough
- HB 1739** – Judiciary
- HB 1769** – Transportation, Authored by Senator Crutchfield (principal Senate author)
- HB 1773** – Public Safety, Authored by Senator Rice (principal Senate author)
- HB 1775** – Public Safety, Authored by Senator Corn (principal Senate author)
- HB 1913** – Transportation, Coauthored by Representative(s) Hilliard, Authored by Senator Nichols (principal Senate author), and Coauthored by Senator(s) Russell
- HB 1928** – Public Safety, Authored by Senator Corn (principal Senate author)
- HB 2013** – Public Safety
- HB 2047** – Public Safety, Authored by Senator Eason McIntyre (principal Senate author)
- HB 2071** – Agriculture and Rural Development, Coauthored by Representative(s) McMullen
- HB 2092** – Judiciary
- HJR 1003** – Rules, Coauthored by Representative(s) Reynolds, and Authored by Senator Brogdon (principal Senate author)
- HCR 1005** – Transportation

DO PASS, As Amended:

- CS for HB 1009** – Judiciary
- CS for HB 1053** – Judiciary, Authored by Senator Ford (principal Senate author)
- CS for HB 1077** – International Relations and Tourism, Authored by Senator Eason McIntyre (principal Senate author)
- CS for HB 1366** – International Relations and Tourism, Authored by Senator Gumm (principal Senate author)
- CS for HB 1419** – Judiciary
- CS for HB 1505** – Judiciary, Coauthored by Representative(s) Billy, Nelson, and Authored by Senator Crain (principal Senate author)
- CS for HB 1568** – Rules
- CS for HB 1575** – Common Education
- CS for HB 1678** – Judiciary, Authored by Senator Paddack (principal Senate author)
- CS for HB 1756** – Common Education, Coauthored by Representative(s) Kern, and Authored by Senator Jolley (principal Senate author)

CS for HB 1826 – Common Education, Coauthored by Representative(s) Sullivan, Kern, Dorman

CS for HB 1884 – Agriculture and Rural Development, Authored by Senator Justice (principal Senate author)

CS for HB 2004 – Common Education, Coauthored by Representative(s) McDaniel (Jeannie)

CS for HB 2080 – Judiciary

CS for HB 2126 – Common Education

CS for HB 2151 – Agriculture and Rural Development, Coauthored by Representative(s) McMullen, and Authored by Senator Schulz (principal Senate author)

CS for HB 2161 – Common Education, Authored by Senator Stanislawski (principal Senate author)

CS for HB 2264 – Public Safety

MESSAGE FROM THE SENATE

Announcing the passage of the following engrossed measures.

The measures were introduced and read for the first time.

SB 275 – By Corn of the Senate and Renegar of the House.

[technology center school districts - requiring State Board of Career and Technology Education to promulgate rules - effective date - emergency]

SB 342 – By Crain of the Senate and Thompson of the House.

An Act relating to public safety; amending 47 O.S. 2001, Section 6-301, as last amended by Section 8, Chapter 149, O.S.L. 2004 (47 O.S. Supp. 2008, Section 6-301), which relates to unlawful use of driver license or identification cards; creating a misdemeanor for certain use of driver license or identification card information; providing exceptions; and providing an effective date.

Representative Jones moved that when the clerk's desk is clear, the House stand adjourned to reconvene at 1:30 p.m., Monday, February 16, 2009, which was the order.

Pursuant to the motion of Representative Jones, the House was adjourned at 10:55 a.m., to reconvene Monday, February 16, 2009, at 1:30 p.m.