

HOUSE JOURNAL

First Regular Session of the Fiftieth Legislature

of the State of Oklahoma

Ninth Legislative Day, Thursday, February 17, 2005

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

The roll was called with 99 Members present.

The following Members were excused: Perry, Tibbs.—2.

The Speaker Pro Tempore declared a quorum present.

Prayer was offered by Dr. Phil Lewis, Dean, College of Professional Studies, Oklahoma Christian University, Deacon of Memorial Road Church of Christ, Edmond.

The Journal for the last legislative day was approved.

ENGROSSED AND ENROLLED MEASURES

HCR 1002 was reported correctly engrossed, properly signed, in open session, and ordered transmitted to the Honorable Senate.

HR 1007 was reported correctly enrolled, properly signed, in open session, and ordered transmitted to the Secretary of State.

GENERAL ORDER

HB 1247 by Nance of the House and Crain of the Senate was read and considered.

Representative Nance moved that **HB 1247** be advanced from General Order, which motion was declared adopted.

By unanimous consent, upon request of Representative Nance, **HB 1247** was considered engrossed and placed on Third Reading and Final Passage.

THIRD READING

HB 1247 was read at length for the third time. On passage of the measure, the roll call was as follows:

Aye: Adkins, Balkman, Banz, Billy, Blackwell, Braddock, Brannon, Calvey, Cargill, Case, Coody, Cooksey, Covey, Cox, Dank, Denney, DePue, Deutschendorf, DeWitt, Duncan, Hastings, Hickman, Ingmire, Jackson, Johnson, Jones, Lamons, Liebmann, Liotta, McCarter, Miller (Doug), Miller (Ken), Morrissette, Nance, Newport, Peters, Peterson (Pam), Peterson (Ron), Richardson, Roggow, Smaligo, Smithson, Steele, Sullivan, Sweeden, Terrill, Thompson, Trebilcock, Walker, Wesselhoft, Winchester, Worthen, Wright, Young, Mr. Speaker.--55.

Nay: Armes, Askins, Auffet, Benge, Blackburn, Brown, Carey, Dorman, Eddins, Ellis, Gilbert, Glenn, Harrison, Hilliard, Hyman, Jett, Kiesel, Lindley, Martin, Mass, McDaniel, McMullen, McPeak, Miller (Ray), Morgan (Danny), Nations, Piatt, Plunk, Reynolds, Rousselot, Shelton, Sherrer, Shoemake, Shumate, Staggs, Toure, Turner, Wilt.--38.

Excused: Bingman, Hamilton, Kern, Morgan (Fred), Perry, Pruett, Roan, Tibbs.--8.

The measure passed.

HB 1247 was referred for engrossment.

GENERAL ORDER

HB 1275 by Peters of the House and Riley of the Senate was read and considered.

Coauthored by Representative(s) Nance

Representative Calvey moved to amend **HB 1275** by striking the title, which amendment was declared adopted.

Representative Peters moved that **HB 1275** be advanced from General Order, which motion was declared adopted.

By unanimous consent, upon request of Representative Peters, **HB 1275** was considered engrossed and placed on Third Reading and Final Passage.

THIRD READING

HB 1275 was read at length for the third time. On passage of the measure, the roll call was as follows:

Aye: Adkins, Armes, Askins, Auffet, Balkman, Banz, Bengé, Billy, Bingman, Blackburn, Blackwell, Braddock, Brannon, Brown, Calvey, Carey, Cargill, Case, Coody, Cooksey, Covey, Cox, Dank, Denney, DePue, Deutschendorf, DeWitt, Dorman, Duncan, Eddins, Ellis, Gilbert, Glenn, Harrison, Hastings, Hickman, Hilliard, Hyman, Ingmire, Jackson, Jett, Johnson, Jones, Kern, Kiesel, Lamons, Liebmann, Lindley, Liotta, Martin, Mass, McCarter, McDaniel, McMullen, McPeak, Miller (Doug), Miller (Ken), Miller (Ray), Morgan (Danny), Morrisette, Nance, Nations, Newport, Peters, Peterson (Pam), Peterson (Ron), Piatt, Plunk, Pruett, Reynolds, Richardson, Roan, Roggow, Rousselot, Shelton, Sherrer, Shumate, Smaligo, Smithson, Staggs, Steele, Sullivan, Sweeden, Terrill, Thompson, Toure, Trebilcock, Turner, Walker, Wesselhoft, Wilt, Winchester, Worthen, Wright, Young, Mr. Speaker.--96.

Excused: Hamilton, Morgan (Fred), Perry, Shoemake, Tibbs.--5.

The measure passed.

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

Aye: Adkins, Armes, Balkman, Banz, Bengé, Billy, Bingman, Blackwell, Calvey, Cargill, Case, Coody, Cooksey, Cox, Dank, Denney, DePue, Duncan, Hastings, Hickman, Ingmire, Jackson, Jett, Johnson, Jones, Kern, Liebmann, Liotta, Martin, Miller (Doug), Miller (Ken), Nance, Newport, Peters, Peterson (Pam), Peterson (Ron), Piatt, Reynolds, Richardson, Roggow, Smaligo, Steele, Sullivan, Terrill, Thompson, Trebilcock, Wesselhoft, Wilt, Winchester, Worthen, Wright, Young, Mr. Speaker.--53.

Nay: Askins, Auffet, Blackburn, Braddock, Brannon, Brown, Carey, Dorman, Ellis, Gilbert, Glenn, Harrison, Hilliard, Hyman, Kiesel, Lamons, Lindley, Mass, McCarter, McDaniel, McMullen, McPeak, Miller (Ray), Morrisette, Nations, Plunk, Pruett, Roan, Rousselot, Shelton, Sherrer, Shoemake, Shumate, Smithson, Staggs, Sweeden, Toure, Turner, Walker.--39.

Excused: Covey, Deutschendorf, DeWitt, Eddins, Hamilton, Morgan (Danny), Morgan (Fred), Perry, Tibbs.--9.

The emergency failed.

HB 1275 was referred for engrossment.

GENERAL ORDER

HB 1301 by Banz et al of the House and Reynolds et al of the Senate was read and considered.

Coauthored by Representative(s) Brown, Covey, Glenn, Lindley, Mass, McCarter, Nance, Plunk, Roan, Shoemake, Turner, Walker, Winchester

Representative Calvey moved to amend **HB 1301** by striking the title, which amendment was declared adopted.

Representative Banz moved that **HB 1301** be advanced from General Order, which motion was declared adopted.

By unanimous consent, upon request of Representative Banz, **HB 1301** was considered engrossed and placed on Third Reading and Final Passage.

THIRD READING

HB 1301 was read at length for the third time. On passage of the measure, the roll call was as follows:

Aye: Adkins, Armes, Askins, Auffet, Balkman, Banz, Bengé, Billy, Bingman, Blackburn, Blackwell, Braddock, Brannon, Brown, Calvey, Carey, Cargill, Case, Coody, Cooksey, Covey, Cox, Dank, Denney, DePue, Deutschendorf, DeWitt, Dorman, Duncan, Ellis, Gilbert, Glenn, Harrison, Hastings, Hickman, Hilliard, Hyman, Ingmire, Jackson, Jett, Johnson, Jones, Kern, Kiesel, Lamons, Liebmann, Lindley, Liotta, Mass, McCarter, McDaniel, McMullen, Miller (Doug), Miller (Ken), Miller (Ray), Morgan (Danny), Morrisette, Nance, Newport, Peters, Peterson (Pam), Peterson (Ron), Piatt, Plunk, Pruett, Reynolds, Richardson, Roan, Roggow, Rousselot, Shelton, Sherrer, Shoemake, Shumate, Smaligo, Smithson, Staggs, Steele, Sullivan, Sweden, Terrill, Thompson, Toure, Trebilcock, Turner, Walker, Wesselhoft, Wilt, Winchester, Worthen, Wright, Mr. Speaker.-92.

Excused: Eddins, Hamilton, Martin, McPeak, Morgan (Fred), Nations, Perry, Tibbs, Young.--9.

The measure passed.

HB 1301 was referred for engrossment.

GENERAL ORDER

HB 1384 by Smaligo et al of the House and Eason McIntyre of the Senate was read and considered.

Coauthored by Representative(s) Bengé, Covey, Gilbert, Lamons, McCarter

Representative Calvey moved to amend **HB 1384** by striking the title, which amendment was declared adopted.

Representative Smaligo moved that **HB 1384** be advanced from General Order, which motion was declared adopted.

By unanimous consent, upon request of Representative Smaligo, **HB 1384** was considered engrossed and placed on Third Reading and Final Passage.

THIRD READING

HB 1384 was read at length for the third time. On passage of the measure, the roll call was as follows:

Aye: Adkins, Armes, Askins, Auffet, Balkman, Banz, Bengé, Billy, Bingman, Blackburn, Blackwell, Braddock, Brannon, Brown, Calvey, Carey, Cargill, Case, Coody, Cooksey, Covey, Cox, Dank, Denney, DePue, Deutschendorf, DeWitt, Dorman, Duncan, Ellis, Gilbert, Glenn, Hamilton, Harrison, Hastings, Hickman, Hilliard, Hyman, Ingmire, Jackson, Jett, Johnson, Jones, Kern, Kiesel, Lamons, Liebmann, Lindley, Liotta, Martin, Mass, McCarter, McDaniel, McMullen, McPeak, Miller (Doug), Miller (Ken), Miller (Ray), Morgan (Danny), Morrissette, Nance, Nations, Newport, Peters, Peterson (Pam), Peterson (Ron), Piatt, Plunk, Pruett, Reynolds, Richardson, Roan, Roggow, Rousselot, Shelton, Sherrer, Shoemake, Shumate, Smaligo, Smithson, Staggs, Steele, Sullivan, Sweeden, Terrill, Thompson, Toure, Trebilcock, Turner, Walker, Wesselhoft, Wilt, Winchester, Worthen, Wright, Young, Mr. Speaker.--97.

Excused: Eddins, Morgan (Fred), Perry, Tibbs.--4.

The measure passed.

HB 1384 was referred for engrossment.

GENERAL ORDER

HB 1562 by Miller (Ken) of the House and Jolley of the Senate was read and considered.

Coauthored by Representative(s) Covey, Dank, Lindley, McCarter, Miller (Ray), Nance, Turner

Representative Calvey moved to amend **HB 1562** by striking the title, which amendment was declared adopted.

Representative Miller (Ken) moved that **HB 1562** be advanced from General Order, which motion was declared adopted.

By unanimous consent, upon request of Representative Miller (Ken), **HB 1562** was considered engrossed and placed on Third Reading and Final Passage.

THIRD READING

HB 1562 was read at length for the third time. On passage of the measure, the roll call was as follows:

Aye: Adkins, Armes, Askins, Auffet, Balkman, Banz, Benge, Billy, Bingman, Blackburn, Blackwell, Braddock, Brannon, Brown, Calvey, Carey, Cargill, Case, Coody, Cooksey, Covey, Cox, Dank, Denney, DePue, Deutschendorf, DeWitt, Dorman, Duncan, Ellis, Gilbert, Glenn, Hamilton, Harrison, Hastings, Hickman, Hilliard, Hyman, Ingmire, Jackson, Jett, Johnson, Jones, Kern, Kiesel, Lamons, Liebmann, Lindley, Liotta, Martin, Mass, McCarter, McDaniel, McMullen, McPeak, Miller (Doug), Miller (Ken), Miller (Ray), Morgan (Danny), Morrisette, Nance, Nations, Newport, Peters, Peterson (Pam), Peterson (Ron), Piatt, Plunk, Pruett, Reynolds, Richardson, Roan, Roggow, Rousselot, Shelton, Sherrer, Shoemake, Shumate, Smaligo, Smithson, Staggs, Steele, Sullivan, Sweden, Terrill, Thompson, Toure, Trebilcock, Turner, Walker, Wesselhoft, Wilt, Winchester, Worthen, Wright, Young.--96.

Excused: Eddins, Morgan (Fred), Perry, Tibbs, Mr. Speaker.--5.

The measure passed.

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

Aye: Adkins, Armes, Balkman, Banz, Benge, Billy, Bingman, Blackwell, Calvey, Cargill, Case, Coody, Cooksey, Covey, Cox, Dank, Denney, DePue, DeWitt, Duncan, Hastings, Hickman, Ingmire, Jackson, Jett, Johnson, Jones, Kern, Lamons, Liebmann, Liotta, Martin, Miller (Doug), Miller (Ken), Nance, Newport, Peters, Peterson (Pam), Peterson (Ron), Piatt, Reynolds, Richardson, Roggow, Smaligo, Steele, Sullivan, Terrill, Thompson, Trebilcock, Wesselhoft, Wilt, Winchester, Worthen, Wright, Young, Mr. Speaker.--56.

Nay: Askins, Auffet, Blackburn, Braddock, Brannon, Brown, Carey, Deutschendorf, Dorman, Ellis, Gilbert, Glenn, Hamilton, Harrison, Hilliard, Hyman, Kiesel, Lindley, Mass, McCarter, McDaniel, McMullen, McPeak, Miller (Ray), Morgan (Danny), Morrisette, Nations, Plunk, Pruett, Roan, Rousselot, Shelton, Sherrer, Shoemake, Shumate, Smithson, Staggs, Sweden, Toure, Turner, Walker.--41.

Excused: Eddins, Morgan (Fred), Perry, Tibbs.--4.

The emergency failed.

HB 1562 was referred for engrossment.

GENERAL ORDER

HB 1586 by Adkins et al of the House and Crutchfield of the Senate was read and considered.

Representative Morgan (Danny) moved that **HB 1586** be advanced from General Order, which motion was declared adopted.

By unanimous consent, upon request of Representative Morgan (Danny), **HB 1586** was considered engrossed and placed on Third Reading and Final Passage.

THIRD READING

HB 1586 was read at length for the third time. On passage of the measure and emergency, the roll call was as follows:

Aye: Adkins, Armes, Askins, Auffet, Balkman, Banz, Bengé, Billy, Bingman, Blackburn, Blackwell, Braddock, Brannon, Brown, Calvey, Carey, Cargill, Case, Coody, Cooksey, Covey, Cox, Dank, Denney, DePue, Deutschendorf, DeWitt, Dorman, Duncan, Ellis, Gilbert, Glenn, Hamilton, Harrison, Hastings, Hickman, Hilliard, Hyman, Ingmire, Jackson, Jett, Johnson, Jones, Kern, Kiesel, Lamons, Liebmann, Lindley, Liotta, Martin, Mass, McCarter, McDaniel, McMullen, McPeak, Miller (Doug), Miller (Ken), Miller (Ray), Morgan (Danny), Morrissette, Nance, Nations, Newport, Peters, Peterson (Pam), Peterson (Ron), Piatt, Plunk, Pruett, Reynolds, Richardson, Roan, Roggow, Rousselot, Shelton, Sherrer, Shoemake, Shumate, Smaligo, Smithson, Staggs, Steele, Sullivan, Sweeden, Terrill, Thompson, Toure, Trebilcock, Turner, Walker, Wesselhoft, Wilt, Winchester, Worthen, Wright, Young, Mr. Speaker.--97.

Excused: Eddins, Morgan (Fred), Perry, Tibbs.--4.

The measure and emergency passed.

HB 1586 was referred for engrossment.

GENERAL ORDER

HB 1780 by Rousselot et al of the House and Easley of the Senate was read and considered.

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

Representative Rousselot moved that **HB 1780** be advanced from General Order, which motion was declared adopted.

By unanimous consent, upon request of Representative Rousselot, **HB 1780** was considered engrossed and placed on Third Reading and Final Passage.

Representative Liotta Presiding

THIRD READING

HB 1780 was read at length for the third time. On passage of the measure, the roll call was as follows:

Aye: Adkins, Armes, Askins, Auffet, Balkman, Banz, Benge, Billy, Bingman, Blackburn, Blackwell, Braddock, Brannon, Brown, Calvey, Carey, Cargill, Case, Coody, Cooksey, Covey, Cox, Dank, Denney, DePue, Deutschendorf, DeWitt, Dorman, Duncan, Ellis, Gilbert, Glenn, Hamilton, Harrison, Hastings, Hickman, Hilliard, Hyman, Ingmire, Jackson, Jett, Johnson, Jones, Kern, Kiesel, Lamons, Liebmann, Lindley, Liotta, Martin, Mass, McCarter, McDaniel, McMullen, McPeak, Miller (Doug), Miller (Ken), Miller (Ray), Morgan (Danny), Morrissette, Nance, Nations, Newport, Peters, Peterson (Pam), Peterson (Ron), Piatt, Plunk, Pruett, Reynolds, Richardson, Roan, Roggow, Rousselot, Shelton, Sherrer, Shoemake, Shumate, Smaligo, Smithson, Staggs, Steele, Sullivan, Sweeden, Terrill, Thompson, Toure, Trebilcock, Turner, Walker, Wesselhoft, Wilt, Winchester, Worthen, Wright, Young, Mr. Speaker.--97.

Excused: Eddins, Morgan (Fred), Perry, Tibbs.--4.

The measure passed.

HB 1780 was referred for engrossment.

GENERAL ORDER

HB 1716 by Winchester of the House and Leftwich of the Senate was read and considered.

Coauthored by Representative(s) Dorman, Armes, Nance, Sherrer, Dank

Representative Winchester moved to amend **HB 1716**, Page 1, Section 1, Lines 6-7 by adding after the word "existing" and before the word "film" the word "Oklahoma"; Line 7 by adding after the word "film" and before the word "with" the words "or music project"; Line 9 by adding after the word "new" and before the word "film" the word "Oklahoma"; Line 9 by adding after the word "film" and before the word "project" the words "or music"; Page 2, Line 15 by inserting a new paragraph 2 to read as follows, and renumbering subsequent paragraphs:

“2. ‘Music project’ means a professional recording released on a national or international level, whether via traditional manufacturing or distributing or electronic distribution, using technology currently in use or future technology, including but not limited to music CDs, radio commercials, jingles, cues or electronic device recordings.”;

Page 2, Line 19 by adding after the word “film” and before the word “in” the words “or music project”; and Page 3, Line 6 by adding after the word “film” and before the period “.” the words “or music project”, which amendment was declared adopted.

Representative Winchester moved that **HB 1716** be advanced from General Order, which motion was declared adopted.

By unanimous consent, upon request of Representative Winchester, **HB 1716** was considered engrossed and placed on Third Reading and Final Passage.

THIRD READING

HB 1716 was read at length for the third time. On passage of the measure and emergency, the roll call was as follows:

Aye: Adkins, Armes, Askins, Auffet, Balkman, Banz, Bengel, Billy, Bingman, Blackwell, Braddock, Brannon, Brown, Calvey, Carey, Cargill, Case, Coody, Cooksey, Covey, Cox, Dank, Denney, DePue, Deutschendorf, DeWitt, Dorman, Duncan, Ellis, Glenn, Hamilton, Harrison, Hastings, Hickman, Hilliard, Hyman, Ingmire, Jackson, Jett, Johnson, Jones, Kern, Kiesel, Lamons, Liebmann, Lindley, Liotta, Martin, Mass, McCarter, McDaniel, McMullen, McPeak, Miller (Doug), Miller (Ken), Miller (Ray), Morgan (Danny), Morgan (Fred), Morrissette, Nance, Nations, Newport, Peters, Peterson (Pam), Peterson (Ron), Piatt, Plunk, Pruett, Reynolds, Richardson, Roan, Roggow, Rousselot, Shelton, Sherrer, Shoemake, Shumate, Smaligo, Smithson, Staggs, Steele, Sullivan, Sweeden, Terrill, Thompson, Toure, Trebilcock, Turner, Walker, Wesselhoft, Wilt, Winchester, Worthen, Wright, Young, Mr. Speaker.--96.

Nay: Blackburn, Gilbert.--2.

Excused: Eddins, Perry, Tibbs.--3.

The measure and emergency passed.

HB 1716 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 1251 – Judiciary, Authored by Senator Crain (principal Senate author)

HB 1265 – Banking and Finance, Authored by Senator Gumm (principal Senate author)

HB 1278 – Commerce, Industry and Labor, Coauthored by Representative(s) Hamilton, Morrisette, and Authored by Senator Myers (principal Senate author)

HB 1310 – Transportation, Authored by Senator Corn (principal Senate author)

HB 1388 – Judiciary, Coauthored by Representative(s) Peters

HB 1607 – Commerce, Industry and Labor, Authored by Senator Branan (principal Senate author)

HB 1609 – Commerce, Industry and Labor, Authored by Senator Laster (principal Senate author)

HB 1662 – Commerce, Industry and Labor, Authored by Senator Leftwich (principal Senate author)

HB 1826 – Transportation, Authored by Senator Corn (principal Senate author)

HB 2033 – Judiciary, Coauthored by Representative(s) Duncan, and Authored by Senator Coffee (principal Senate author)

HB 2056 – Judiciary, Authored by Senator Coffee (principal Senate author)

DO PASS, As Amended:

CS for HB 1005 – Revenue and Taxation, Coauthored by Representative(s) Adkins, Calvey, Dank, Dorman, Lindley, Nance, and Authored by Senator Laster (principal Senate author)

CS for HB 1007 – Revenue and Taxation, Coauthored by Representative(s) Wesselhoft, Adkins, Calvey, Dank, Dorman, Nance, Terrill, and Authored by Senator Brogdon (principal Senate author)

CS for HB 1230 – Revenue and Taxation, Authored by Senator Gumm (principal Senate author)

CS for HB 1233 – Revenue and Taxation, Authored by Senator Fisher (principal Senate author)

HB 1234 – Banking and Finance, Authored by Senator Gumm (principal Senate author)

CS for HB 1241 – Judiciary, Authored by Senator Eason McIntyre (principal Senate author)

HB 1245 – Banking and Finance, Authored by Senator Gumm (principal Senate author)

CS for HB 1250 – Judiciary, Coauthored by Representative(s) Dorman, and Authored by Senator Monson (principal Senate author)

CS for HB 1256 – Revenue and Taxation, Coauthored by Representative(s) Wesselhoft, Adkins, Calvey, Dank, Dorman, Nance, Rousselot, Terrill, and Authored by Senator Williamson (principal Senate author)

CS for HB 1312 – Revenue and Taxation, Coauthored by Representative(s) Adkins, Calvey, Dank, Dorman, Nance, Terrill, and Authored by Senator Bass (principal Senate author)

CS for HB 1360 – Commerce, Industry and Labor, Authored by Senator Monson (principal Senate author)

CS for HB 1361 – Judiciary, Authored by Senator Lamb (principal Senate author)

CS for HB 1416 – Judiciary, Authored by Senator Mazzei (principal Senate author)

CS for HB 1452 – Banking and Finance, Authored by Senator Rabon (principal Senate author)

CS for HB 1476 – Revenue and Taxation, Coauthored by Representative(s) Adkins, Calvey, Dank, Dorman, Nance, Terrill, and Authored by Senator Bass (principal Senate author)

HB 1519 – Commerce, Industry and Labor, Authored by Senator Shurden (principal Senate author)

CS for HB 1608 – Commerce, Industry and Labor, Authored by Senator Branan (principal Senate author)

HB 1656 – Commerce, Industry and Labor, Authored by Senator Coates (principal Senate author)

CS for HB 1680 – Revenue and Taxation, Authored by Senator Gumm (principal Senate author)

CS for HB 1692 – Revenue and Taxation, Authored by Senator Reynolds (principal Senate author)

CS for HB 1695 – Judiciary, Coauthored by Representative(s) Staggs, Rousselot, Pruett, and Authored by Senator Shurden (principal Senate author)

CS for HB 1710 – Revenue and Taxation, Authored by Senator Gumm (principal Senate author)

CS for HB 1879 – Judiciary, Coauthored by Representative(s) Richardson, Cooksey, DeWitt, and Authored by Senator Shurden (principal Senate author)

CS for HB 1923 – Judiciary, Authored by Senator Cain (principal Senate author)

CS for HJR 1006 – Revenue and Taxation, Coauthored by Representative(s) Calvey, Nance, Terrill, and Authored by Senator Reynolds (principal Senate author)

Representative Cargill moved that when the clerk's desk is clear, the House stand adjourned to reconvene at 1:30 p.m., Monday, February 21, 2005, which was the order.

Pursuant to the motion of Representative Cargill, the House was adjourned at 10:00 a.m., to reconvene Monday, February 21, 2005, at 1:30 p.m.