

Twenty-fourth Legislative Day

Thursday, March 16, 2000

The House was called to order by Speaker Benson.

The roll was called with 98 Members present.

The following Members were excused: Beutler, Boyd, Stanley.—3.

The Speaker declared a quorum present.

Prayer was offered by Reverend Vernon Graves, Ebenezer Baptist Church, Oklahoma City, Oklahoma.

The Journal for the last legislative day was approved.

ENGROSSED AND ENROLLED MEASURES

HBs 1087, 1338, 1462, 1872, 1945, 2044, 2088, 2089, 2113, 2114, 2181, 2182, 2194, 2302, 2355, 2364, 2395, 2432, 2584, 2620, 2651, 2654 and 2708 and HJR 1019 were reported correctly engrossed, properly signed, in open session, and ordered transmitted to the Honorable Senate.

HAs to SCR 61 were reported correctly engrossed, properly signed, in open session, and the measure, as amended, was ordered returned to the Honorable Senate.

HB 2573 was reported correctly enrolled and, after fourth reading, properly signed, in open session, and ordered transmitted to the Honorable Senate.

HCR 1072 was reported correctly enrolled, properly signed, in open session, and ordered transmitted to the Honorable Senate.

GENERAL ORDER

HB 1863 by Easley et al of the House and Helton of the Senate was read and considered.

Coauthored by Representative(s) Bengé, Calvey, Case, Claunch, Coleman, Corn, Covey, Dank, Davis, Deutschendorf, Ferguson, Graves, Greenwood, Hastings, Hiatt, Ingmire, Jones, Kouba, Liotta, McCarter, Miller, Nance, Ostrander, Paulk, Pettigrew, Piatt, Pope (Tim), Roggow, Seikel, Smith (Dale), Smith (Hopper), Sullivan (John), Sullivan (Leonard), Turner, Webb, Wells, Wilt, Winchester, Wright

Representative Easley moved that **HB 1863** be advanced from General Order, which motion was declared adopted.

By unanimous consent, upon request of Representative Easley, **HB 1863** was considered engrossed and placed on Third Reading and Final Passage.

THIRD READING

HB 1863 was read at length for the third time. On passage of the measure and emergency, the roll call was as follows:

Aye: Adair, Adkins, Askins, Begley, Bengé, Blackburn, Bonny, Braddock, Bryant, Calvey, Case, Claunch, Coleman, Collins, Corn, Covey, Culver, Dank, Davis, Deutschendorf, Dunegan, Easley, Eddins, Ervin, Erwin, Ferguson, Fields, Gilbert, Glover, Graves, Gray, Greenwood, Hastings, Hefner, Hilliard, Hutchison, Ingmire, Jones, Kinnamon, Kirby, Kouba, Langmacher, Leist, Lindley, Liotta, Mass, Matlock, McCarter, Miller, Mitchell, Morgan, Nance, Nations, Newport, Ostrander, Paulk, Perry, Pettigrew, Phillips, Piatt, Plunk, Pope (Clay), Pope (Tim), Reese, Rice, Roach, Roggow, Ross, Seikel, Sellers, Settle, Smith (Dale), Smith (Hopper), Staggs, Stites, Sullivan (John), Sweeden, Taylor, Thomas, Thornbrugh, Toure, Turner, Tyler, Vaughn, Weaver, Webb, Wells, Wilt, Winchester, Worthen, Wright, Mr. Speaker.--92.

Excused: Beutler, Boyd, Cox, Frame, Hiatt, Maddux, Roberts, Stanley, Sullivan (Leonard).--9.

The measure and emergency passed.

HB 1863 was referred for engrossment.

MOTION

Representative Thomas moved that the House stand at ease for 15 minutes, which was the order.

Speaker Benson Presiding

MESSAGES FROM THE SENATE

Announcing the passage of the following engrossed measures.

The measures were introduced and read for the first time.

SB 764 – Maddox of the Senate and Deutschendorf of the House.
[professions and occupations – Orthotics, Prosthetics, and Pedorthics Practice Act - effective date]

SB 1133 – Laughlin of the Senate and Davis of the House.
[agriculture - prohibiting discrimination in prices paid - effective date]

SB 1149 – Henry of the Senate and Askins of the House.
An Act relating to workers' compensation; amending 85 O.S. 1991, Section 22, as last amended by Section 5, Chapter 420, O.S.L. 1999 (85 O.S. Supp. 1999, Section 22), which relates to the compensation for certain illnesses and injuries under the Workers' Compensation Act; reorganizing the statute providing for compensation for certain illnesses and injuries; creating the Schedule of Compensation and providing short title; modifying and clarifying statutory references; clarifying maximum income benefits for death; providing for codification; and providing an effective date.

SB 1188 – Easley of the Senate and Thomas and Hefner of the House.
An Act relating to telecommunications; prohibiting property owner from exercising discrimination based on tenant request for installation of telecommunications service facility; prohibiting property owner from demanding or accepting payment for access to property; prohibiting property owner from preventing or interfering with installation of equipment; providing for enforcement upon application to district court; assigning costs; establishing rebuttable presumption of reasonable compensation to property owner; authorizing Corporation Commission to determine just compensation to property owner; stating legislative declaration; providing for codification; providing for noncodification; and declaring an emergency.

SB 1206 – Henry of the Senate and Settle and Lindley of the House.
[health care - Health Care Liability Act – terms – duties - liability – requirements - codification - effective date - emergency]

SB 1496 – Shurden of the Senate and Stanley of the House.
An Act relating to the Oklahoma Self-Defense Act; mandating prosecution of certain persons for firearm-related acts of certain minor children; defining terms; providing exceptions; providing for civil liability; amending Section 14, Chapter 272, O.S.L. 1995, as last amended by Section 5, Chapter 286, O.S.L. 1998 (21 O.S. Supp. 1999, Section 1290.14), which relates to firearms instructors; providing for extended CLEET approval; amending 21 O.S. 1991, Section 1277, as last amended by Section 4, Chapter 191, O.S.L.

1996 (21 O.S. Supp. 1999, Section 1277), which relates to places of unlawful carry; limiting exemption for certain peace officers and persons allowed to carry weapon in course of employment; amending 21 O.S. 1991, Section 1289.23, as last amended by Section 8, Chapter 191, O.S.L. 1996 (21 O.S. Supp. 1999, Section 1289.23), which relates to off-duty peace officers; construing certain authority to carry concealed handgun; providing option for off-duty peace officer to carry concealed handgun under the Self-Defense Act; amending 21 O.S. 1991, Section 10, Chapter 272, O.S.L. 1995, as last amended by Section 2, Chapter 358, O.S.L. 1997, Section 11, Chapter 272, O.S.L. 1995, as last amended by Section 2, Chapter 415, O.S.L. 1999, Section 12, Chapter 272, O.S.L. 1995, as last amended by Section 3, Chapter 415, O.S.L. 1999, and Section 25, Chapter 272, O.S.L. 1995 (21 O.S. Supp. 1999, Sections 1290.10, 1290.11, 1290.12 and 1290.25), which relate to mandatory preclusions, other preclusions, procedure for application, and legislative intent; making domestic abuse grounds for license preclusion; providing additional preclusions; making involuntary commitment a permanent preclusion; modifying certain preclusive period; clarifying certain term; expanding legislative intent; amending 22 O.S. 1991, Section 18, as last amended by Section 1, Chapter 397, O.S.L. 1997 (22 O.S. Supp. 1999, Section 18), which relates to expungement of criminal records; providing additional class of persons authorized to file motion for expungement; providing for codification; providing an effective date; and declaring an emergency.

SB 1522 – Price of the Senate and Langmacher of the House.

[private prison location - clarifying language – exception - effective date – emergency]

SB 1600 – Coffee of the Senate and Vaughn of the House.

An Act relating to the Secretary of State; amending 12A O.S. 1991, Sections 9-307.2, 9-307.4, 9-307.6 and 9-307.7, which relate to the Food Security Act of 1985; modifying certain required forms; requiring certain information on form; providing for removal from active files; removing certain presumption of receipt by mail; requiring written notice within certain time period; clarifying certain effective date; modifying information required for central filing system; exempting state or political subdivision from certain liability; modifying requirements for certain written notification; 18 O.S. 1991, Section 808, which relates to office of corporation, modifying entity to which certain filing requirement applies; 18 O.S. 1991, Section 1142, as last amended by Section 1, Chapter 267, O.S.L. 1994 (18 O.S. Supp. 1999, Section 1142), which relates to filing and service fees; authorizing fee for certain certificate of withdrawal of foreign corporation; Section 11, Chapter 148, O.S.L. 1992, as last amended by Section 26, Chapter 421, O.S.L. 1999 (18 O.S. Supp. 1999, Section 2010), which relates to registered agents; modifying registration requirements of limited liability companies; Section 47, Chapter 148, O.S.L. 1992, as amended by Section 30, Chapter 421, O.S.L. 1999 (18 O.S. Supp. 1999, Section 2046), which relates to foreign limited liability companies; modifying registration requirements for foreign limited liability companies; Section 56, Chapter 148, O.S.L. 1992, as last amended by Section 19, Chapter 382, O.S.L. 1994 (18 O.S. Supp. 1999, Section 2055), which relates to fees; modifying fee for service of certain notice, demand or process; 28 O.S. 1991, Section 111, as last amended by Section 16, Chapter 69, O.S.L. 1996 (28 O.S. Supp. 1999, Section 111), which relates to fees; providing for certain registration fees; clarifying term; providing for certain fees to be deposited in certain fund; 49 O.S. 1991, Section 1, as amended by Section 1, Chapter 77, O.S.L. 1997 (49 O.S. Supp. 1999, Section 1), which relates to notaries public; removing certain citizenship requirement; requiring certain

information on notary public applications; 49 O.S. 1991, Section 2, as amended by Section 2, Chapter 77, O.S.L. 1997 (49 O.S. Supp. 1999, Section 2), which relates to notaries public; modifying requirements for surety bonds and loyalty oaths; providing procedures for court clerks to notify Secretary of State of certain bond filings; 49 O.S. 1991, Section 5, as amended by Section 3, Chapter 77, O.S.L. 1997 (49 O.S. Supp. 1999, Section 5), which relates to notaries public; requiring certain words appear on notarial seal; 49 O.S. 1991, Section 8, which relates to official notary records; requiring notaries public to keep certain information of official acts; 49 O.S. 1991, Section 9, as amended by Section 4, Chapter 77, O.S.L. 1997 (49 O.S. Supp. 1999, Section 9), which relates to notaries public; providing procedures for vacancy of office; providing procedures for notaries public upon changing residences or names; stating maximum fee for notarial acts; 51 O.S. 1991, Section 36.3, as amended by Section 1, Chapter 75, O.S.L. 1998 (51 O.S. Supp. 1999, Section 36.3), which relates to oaths; requiring notary public oaths to be filed with certain court clerks; 54 O.S. 1991, Section 81, as amended by Section 65, Chapter 399, O.S.L. 1997 (54 O.S. Supp. 1999, Section 81), which relates to fictitious names; requiring certain information to be filed with the Secretary of State; 54 O.S. 1991, Section 303, as last amended by Section 33, Chapter 421, O.S.L. 1999 (54 O.S. Supp. 1999, Section 303), which relates to corporate names; including limited liability companies; 54 O.S. 1991, Section 309, as last amended by Section 36, Chapter 421, O.S.L. 1999 (54 O.S. Supp. 1999, Section 309), which relates to limited partnerships; requiring street address to be included in certain certificate; 54 O.S. 1991, Section 354, as amended by Section 29, Chapter 69, O.S.L. 1996, (54 O.S. Supp. 1999, Section 354), which relates to cancellation of registrations; requiring address for certain mail service; and 78 O.S. 1991, Section 23, as last amended by Section 31, Chapter 69, O.S.L. 1996 (78 O.S. Supp. 1999, Section 23), which relates to trademark registrations; requiring forms to be compatible with electronic scanning; permitting signatures by facsimile; repealing 12A O.S. 1991, Section 9-307.3 and 28 O.S. 1991, Section 47, which relate to the Secretary of State; providing for codification; and declaring an emergency.

Announcing the passage of the following engrossed measure.

The measure was introduced and read.

SCR 62 – Leftwich of the Senate and Lindley of the House.

A Concurrent Resolution supporting reauthorization of the Older Americans Act and its advocacy provisions; and directing distribution.

Returning enrolled measures

Announcing that Enrolled **HCR 1072** has been signed by the Presiding Officer of Senate, in open session.

HCR 1072 was ordered filed with the Secretary of State.

Announcing that Enrolled **HB 2573** has been read at length for the fourth time and signed by the Presiding Officer of Senate, in open session.

The above measure was ordered transmitted to the Honorable Governor.

MOTION

Pursuant to House Rule 10, Section 8(b), Representative Morgan moved to withdraw **HB 2648** from the Appropriations and Budget Committee, which motion failed upon roll call as follows:

Aye: Adkins, Benge, Bryant, Calvey, Case, Claunch, Coleman, Dank, Davis, Ferguson, Graves, Greenwood, Hastings, Hiatt, Ingmire, Jones, Kouba, Liotta, Maddux, Miller, Morgan, Nance, Newport, Perry, Pettigrew, Phillips, Piatt, Pope (Tim), Reese, Roggow, Smith (Hopper), Sullivan (John), Sullivan (Leonard), Thornbrugh, Vaughn, Webb, Wilt, Winchester, Worthen, Wright.--40.

Nay: Adair, Askins, Begley, Blackburn, Bonny, Braddock, Collins, Corn, Covey, Cox, Culver, Deutschendorf, Dunegan, Easley, Eddins, Ervin, Erwin, Fields, Frame, Gilbert, Glover, Gray, Hefner, Hilliard, Hutchison, Kinnamon, Kirby, Langmacher, Leist, Lindley, Mass, Matlock, McCarter, Mitchell, Nations, Ostrander, Paulk, Plunk, Pope (Clay), Rice, Roach, Roberts, Ross, Seikel, Sellers, Settle, Smith (Dale), Staggs, Stites, Sweeden, Taylor, Thomas, Toure, Turner, Tyler, Weaver, Wells, Mr. Speaker.--58.

Excused: Beutler, Boyd, Stanley.--3.

RESOLUTION FOR CONSIDERATION

HR 1051 was called up for consideration.

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

Upon motion of Representative Hilliard, **HR 1051** was considered and adopted.

HR 1051 was referred for enrollment.

MOTION

Pursuant to House Rule 10, Section 8(b), Representative Graves moved to withdraw **HB 2690** from the Rules Committee, which motion failed upon roll call as follows:

Aye: Adkins, Benge, Bryant, Calvey, Case, Claunch, Coleman, Davis, Ferguson, Graves, Greenwood, Hastings, Hiatt, Ingmire, Jones, Liotta, Maddux, Miller, Morgan, Nance, Newport, Perry, Pettigrew, Phillips, Piatt, Pope (Clay), Pope (Tim), Reese, Roggow, Seikel, Smith (Dale), Smith (Hopper), Sullivan (John), Sullivan (Leonard), Thornbrugh, Vaughn, Webb, Wilt, Winchester, Worthen, Wright.--41.

Nay: Adair, Askins, Begley, Blackburn, Bonny, Braddock, Collins, Corn, Covey, Cox, Culver, Deutschendorf, Easley, Eddins, Ervin, Erwin, Fields, Frame, Gilbert, Glover, Gray, Hefner, Hilliard, Hutchison, Kinnamon, Kirby, Langmacher, Leist, Lindley, Mass, Matlock,

McCarter, Mitchell, Nations, Ostrander, Paulk, Plunk, Rice, Roberts, Ross, Sellers, Settle, Staggs, Stites, Sweeden, Taylor, Thomas, Toure, Turner, Tyler, Weaver, Wells, Mr. Speaker.--53.

Excused: Beutler, Boyd, Dank, Dunegan, Kouba, Roach, Stanley.--7.

MOTION

Pursuant to House Rule 10, Section 8(b), Representative Graves moved to withdraw **HB 1707** from the Community and Family Responsibilities Committee, which motion failed upon roll call as follows:

Aye: Adkins, Benge, Bryant, Calvey, Case, Claunch, Coleman, Dank, Davis, Graves, Greenwood, Hastings, Hiatt, Ingmire, Jones, Kouba, Liotta, Maddux, Miller, Morgan, Nance, Newport, Perry, Pettigrew, Phillips, Piatt, Pope (Clay), Pope (Tim), Reese, Roggow, Seikel, Smith (Hopper), Sullivan (John), Sullivan (Leonard), Thornbrugh, Vaughn, Webb, Wilt, Winchester, Worthen, Wright.--41.

Nay: Adair, Begley, Blackburn, Bonny, Braddock, Collins, Corn, Covey, Cox, Culver, Deuschendorf, Dunegan, Easley, Eddins, Ervin, Fields, Frame, Gilbert, Glover, Gray, Hefner, Hilliard, Kinnamon, Kirby, Leist, Lindley, Mass, Matlock, McCarter, Mitchell, Nations, Paulk, Plunk, Rice, Roberts, Sellers, Settle, Staggs, Stites, Sweeden, Thomas, Toure, Turner, Tyler, Weaver, Wells, Mr. Speaker.--47.

Excused: Askins, Beutler, Boyd, Erwin, Ferguson, Hutchison, Langmacher, Ostrander, Roach, Ross, Smith (Dale), Stanley, Taylor.--13.

GENERAL ORDER

HB 1936 by Bonny et al of the House and Morgan et al of the Senate was read and considered.

Coauthored by Representative(s) Reese

Representative Bonny moved to amend **HB 1936** by deleting Section 1 and inserting in lieu thereof a new Section 1 to read as follows, which amendment was declared adopted:

“SECTION 1. NEW LAW A new section of law not to be codified in the Oklahoma Statutes, reads as follows:

- A. There is hereby created the Oklahoma Farm Equipment Dealership Task Force.
- B. The Task Force shall be composed of twelve (12) members to be appointed as follows:
 - 1. Four members to be appointed by the Speaker of the House of Representatives;
 - 2. Four members to be appointed by the President Pro Tempore of the Senate;

3. Two members to be appointed by an association representing persons and business entities engaged in the distribution and sale of farm equipment, including, but not limited to tractors, combines, harvesters and similar equipment used in farming operations; and

4. Two members to be appointed by an association representing persons and business entities engaged in the manufacture or manufacture and sale of the type of equipment described in paragraph 3 of this subsection to distributors for retail sale.

C. The Task Force shall conduct a study of the nature of the contractual relationship between manufacturers of farm equipment and the persons and business entities engaged in the retail sale of such equipment. The Task Force shall produce a written report of its findings and recommendations which shall be submitted to the Speaker of the House of Representatives and the President Pro Tempore of the Senate not later than December 31, 2000.”.

Representative Bonny moved that **HB 1936** be advanced from General Order, which motion was declared adopted.

By unanimous consent, upon request of Representative Bonny, **HB 1936** was considered engrossed and placed on Third Reading and Final Passage.

THIRD READING

HB 1936 was read at length for the third time. On passage of the measure and emergency, the roll call was as follows:

Aye: Adair, Adkins, Askins, Begley, Benge, Blackburn, Bonny, Braddock, Bryant, Calvey, Case, Claunch, Collins, Corn, Covey, Cox, Culver, Davis, Deutschendorf, Dunegan, Easley, Eddins, Ervin, Erwin, Ferguson, Fields, Frame, Gilbert, Glover, Graves, Hefner, Hiatt, Hilliard, Hutchison, Ingmire, Jones, Kirby, Kouba, Langmacher, Leist, Lindley, Liotta, Maddux, Mass, Matlock, McCarter, Miller, Mitchell, Morgan, Nance, Nations, Newport, Ostrander, Pettigrew, Phillips, Piatt, Plunk, Pope (Clay), Pope (Tim), Reese, Rice, Roberts, Roggow, Ross, Seikel, Sellers, Smith (Dale), Smith (Hopper), Staggs, Stites, Sullivan (John), Sweeden, Taylor, Thomas, Thornbrugh, Toure, Turner, Tyler, Weaver, Wells, Wilt, Winchester, Wright, Mr. Speaker.--84.

Nay: Coleman, Dank, Gray, Greenwood, Hastings, Kinnamon, Paulk, Perry, Settle, Sullivan (Leonard), Vaughn, Webb, Worthen.--13.

Excused: Beutler, Boyd, Roach, Stanley.--4.

The measure and emergency passed.

HB 1936 was referred for engrossment.

GENERAL ORDER

HB 1967 by Bonny of the House and Hobson of the Senate was read and considered.

Coauthored by Representative(s) Hilliard, Matlock, Wells, Toure, Dunegan, Langmacher, Adair

Representative Bonny moved to amend **HB 1967** by striking the title, the enacting clause and the entire measure and inserting in lieu thereof a floor substitute, which amendment was declared adopted. (Xerox copies for Members)

Representative Bonny moved that **HB 1967** be advanced from General Order, which motion was declared adopted.

By unanimous consent, upon request of Representative Bonny, **HB 1967** was considered engrossed and placed on Third Reading and Final Passage.

THIRD READING

HB 1967 was read at length for the third time. On passage of the measure and emergency, the roll call was as follows:

Aye: Adair, Adkins, Askins, Begley, Benge, Blackburn, Bonny, Braddock, Bryant, Calvey, Case, Claunch, Collins, Corn, Covey, Cox, Culver, Dank, Deutschendorf, Dunegan, Easley, Eddins, Ervin, Erwin, Ferguson, Fields, Frame, Gilbert, Glover, Gray, Hastings, Hefner, Hiatt, Hilliard, Hutchison, Ingmire, Jones, Kirby, Kouba, Langmacher, Leist, Lindley, Liotta, Maddux, Mass, Matlock, McCarter, Miller, Mitchell, Morgan, Nance, Nations, Newport, Ostrander, Paulk, Perry, Pettigrew, Phillips, Piatt, Plunk, Pope (Clay), Pope (Tim), Reese, Rice, Roach, Roberts, Roggow, Ross, Seikel, Sellers, Settle, Smith (Dale), Smith (Hopper), Staggs, Stites, Sullivan (John), Sullivan (Leonard), Sweeden, Taylor, Thomas, Thornbrugh, Toure, Turner, Tyler, Vaughn, Weaver, Webb, Wells, Wilt, Winchester, Worthen, Mr. Speaker.--92.

Nay: Coleman, Davis, Graves, Greenwood, Wright.--5.

Excused: Beutler, Boyd, Kinnamon, Stanley.--4.

The measure and emergency passed.

HB 1967 was referred for engrossment.

GENERAL ORDER

HB 2546 by Webb et al of the House and Snyder of the Senate was read and considered.

Coauthored by Representative(s) Adair, Calvey, Coleman, Erwin, Fields, Gilbert, Hefner, Matlock, Miller, Nance, Piatt, Plunk, Rice, Thornbrugh, Tyler

Coauthored by Senator Fisher

Representative Webb moved that **HB 2546** be advanced from General Order, which motion was declared adopted.

By unanimous consent, upon request of Representative Webb, **HB 2546** was considered engrossed and placed on Third Reading and Final Passage.

THIRD READING

HB 2546 was read at length for the third time. On passage of the measure and emergency, the roll call was as follows:

Aye: Adair, Adkins, Askins, Begley, Benge, Blackburn, Bonny, Braddock, Bryant, Calvey, Case, Claunch, Coleman, Collins, Corn, Covey, Cox, Culver, Dank, Deutschendorf, Dunegan, Easley, Eddins, Ervin, Erwin, Ferguson, Fields, Frame, Gilbert, Glover, Graves, Gray, Greenwood, Hastings, Hefner, Hiatt, Hilliard, Hutchison, Ingmire, Jones, Kinnamon, Kirby, Kouba, Langmacher, Leist, Lindley, Liotta, Maddux, Mass, Matlock, McCarter, Miller, Mitchell, Morgan, Nance, Nations, Newport, Ostrander, Paulk, Perry, Pettigrew, Phillips, Piatt, Plunk, Pope (Clay), Pope (Tim), Reese, Rice, Roach, Roberts, Roggow, Ross, Seikel, Sellers, Settle, Smith (Dale), Smith (Hopper), Staggs, Stites, Sullivan (John), Sullivan (Leonard), Sweeden, Taylor, Thomas, Thornbrugh, Turner, Tyler, Vaughn, Weaver, Webb, Wells, Wilt, Winchester, Worthen, Wright, Mr. Speaker.--96.

Nay: Davis.--1.

Excused: Beutler, Boyd, Stanley, Toure.--4.

The measure and emergency passed.

HB 2546 was referred for engrossment.

GENERAL ORDER

HJR 1034 by Hefner of the House and Easley of the Senate was read and considered.

Representative Hefner moved to amend **HJR 1034** by striking the title, which amendment was declared adopted.

Representative Gilbert moved to amend **HJR 1034**, Page 1, Section 1, Line 4 by adding the capitalized letter "A." after the period "." and before the word "Private" and Page 2, Line 15 1/2 by inserting a new subsection B. to read as follows:

“B. A municipality or other entity of local government acquiring property for public use pursuant to subsection A of this section shall be able to hold title to the property for a period of not to exceed three (3) years unless the municipality or other entity of local government makes actual use of the property consistent with the purpose for which the property was acquired within such period of time. After the expiration of the three-year period, the municipality or other local governmental entity shall be required to transfer title to the property to a nongovernmental purchaser for fair market value. For purposes of this subsection “fair market value” shall mean not less than the total amount of payment made by the municipality or other local governmental entity pursuant to the requirements of this section and applicable law to the person or to the entity that held title to the property prior to the exercise of the power of eminent domain. If a nongovernmental entity does not make an offer of purchase for property subject to the provisions of this subsection within one (1) year after the expiration of the three-year period, the municipality or local governmental entity shall conduct an auction of the property and transfer title to the highest bidder after the prospective purchaser makes complete payment for the property.”,

which amendment was declared adopted.

Representative Hefner moved that **HJR 1034** be advanced from General Order, which motion was declared adopted.

By unanimous consent, upon request of Representative Hefner, **HJR 1034** was considered engrossed and placed on Third Reading and Final Passage.

THIRD READING

HJR 1034 was read at length for the third time. On passage of the measure, the roll call was as follows:

Aye: Adair, Adkins, Askins, Begley, Benge, Blackburn, Bonny, Braddock, Bryant, Calvey, Case, Claunch, Coleman, Collins, Corn, Covey, Cox, Culver, Dank, Davis, Deutschendorf, Dunegan, Easley, Eddins, Ervin, Erwin, Ferguson, Fields, Frame, Gilbert, Glover, Graves, Gray, Greenwood, Hastings, Hefner, Hiatt, Hilliard, Hutchison, Ingmire, Jones, Kinnamon, Kirby, Kouba, Langmacher, Leist, Lindley, Liotta, Maddux, Mass, Matlock, McCarter, Miller, Mitchell, Morgan, Nance, Nations, Newport, Ostrander, Paulk, Perry, Phillips, Plunk, Pope (Clay), Pope (Tim), Reese, Rice, Roach, Roberts, Roggow, Ross, Seikel, Sellers, Settle, Smith (Dale), Smith (Hopper), Staggs, Stites, Sullivan (John), Sullivan (Leonard), Sweeden, Taylor, Thomas, Thornbrugh, Toure, Turner, Vaughn, Weaver, Webb, Wells, Wilt, Winchester, Worthen, Wright, Mr. Speaker.--95.

Nay: Pettigrew, Piatt, Tyler.--3.

Excused: Beutler, Boyd, Stanley.--3.

The measure passed.

HJR 1034 was referred for engrossment.

RECONSIDERATION

Representative Smith (Hopper) moved to reconsider the vote whereby **HB 2521** failed, which motion failed upon roll call as follows:

Aye: Adkins, Bengé, Bryant, Calvey, Case, Claunch, Coleman, Dank, Davis, Ferguson, Graves, Gray, Greenwood, Hastings, Hiatt, Ingmire, Jones, Kouba, Liotta, Maddux, Mass, Miller, Morgan, Nance, Newport, Paulk, Perry, Phillips, Piatt, Pope (Tim), Reese, Rice, Roach, Roberts, Roggow, Smith (Hopper), Sullivan (John), Sullivan (Leonard), Taylor, Thornbrugh, Vaughn, Weaver, Webb, Wilt, Winchester, Worthen, Wright.--47.

Nay: Adair, Begley, Blackburn, Bonny, Braddock, Collins, Corn, Covey, Cox, Culver, Deuschendorf, Dunegan, Easley, Eddins, Ervin, Erwin, Fields, Frame, Gilbert, Glover, Hefner, Hilliard, Hutchison, Kinnamon, Kirby, Langmacher, Leist, Lindley, Matlock, McCarter, Mitchell, Nations, Ostrander, Pettigrew, Plunk, Pope (Clay), Ross, Seikel, Sellers, Settle, Smith (Dale), Staggs, Stites, Sweeden, Thomas, Toure, Turner, Tyler, Wells, Mr. Speaker.--50.

Excused: Askins, Beutler, Boyd, Stanley.--4.

MOTION EXPIRED

Time expired for consideration of the motion to reconsider the vote whereby **HB 2493** passed and the emergency failed.

HB 2493 was referred for engrossment.

MEASURES REREFERRED

Pursuant to House Rule 11, Section 6, the following were withdrawn from the Calendar and rereferred to committee:

- HB 1821** – Rules
- HB 1910** – Appropriations and Budget
- HB 1974** – Appropriations and Budget
- HB 2206** – Revenue and Taxation
- HB 2352** – Rules
- HB 2464** – Criminal Justice
- HB 2476** – Appropriations and Budget
- HB 2481** – Public Health
- HB 2624** – Appropriations and Budget

Representative Thomas moved that when the clerk's desk is clear, the House stand adjourned to reconvene at 1:30 p.m., Monday, March 20, 2000, which was the order.

Pursuant to the motion of Representative Thomas, the House was adjourned at 11:54 a.m., to reconvene Monday, March 20, 2000, at 1:30 p.m.

COMMUNICATION

The following report was received from the State Board of Equalization and ordered printed in the Journal.

STATE OF OKLAHOMA
OFFICE OF STATE FINANCE

February 22, 2000

State Board of Equalization
State Capitol Building
Oklahoma City, OK 73105

Members of the Board:

The Constitution of the State of Oklahoma, Article X, Section 23, as last amended April 30, 1985, provides in pertinent part:

...the Legislature may at any regular session or special session, called for that purpose, enact laws to provide for additional revenues or a reduction in revenues, other than ad valorem taxes, or transferring the existing revenues or unappropriated cash on hand from one fund to another, or making provisions for appropriating funds not previously appropriated by the Legislature. Whereupon, it shall be the duty of the State Board of Equalization to make a determination of the revenues that will accrue under such laws and ninety-five percent (95%) of the amount of any increase or decrease resulting, for any reason, from such changes in laws shall be added to or deducted from the amount previously certified available for appropriation from each respective fund, as the case may be...

...Legislative appropriations for any fiscal year...shall be limited to a sum not to exceed the total amount appropriated from all funds in the preceding fiscal year plus twelve percent (12%), adjusted for inflation for the previous calendar year... The limit on the growth of appropriations shall be certified to by the State Board of Equalization.

...The State Board of Equalization shall meet within five (5) days after the monthly apportionment in February of each year, and at that time may adjust the certification, based upon the most current information available, and determine the amount of funds available for appropriation for that legislative session. At said meeting, the Board shall determine the limit on the growth of appropriations as provided for in this section.

The following report has been prepared in accordance with the procedures set forth above, and is respectfully, submitted for your consideration.

Very truly yours,

/s/ Tom Daxon
Director of State Finance