

Forty-sixth Legislative Day

Wednesday, April 24, 2002

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

The roll was called with 101 Members present.

The Speaker Pro Tempore declared a quorum present.

Prayer was offered by Reverend E. Elizabeth Brown, First United Methodist Church, Hennessey.

The Journal for the last legislative day was approved.

MESSAGES FROM THE SENATE

Transmitting the following measure, together with the conference committee report thereon, advising adoption of conference committee report and passage of measure as amended.

SB 412 (4th)

Conference committee report was read on the above-numbered measure.

Concurrence in HAs

Announcing the concurrence of Senate in **HAs** to **SBs 972, 1253** and **1544** and the passage of said measures, as amended thereby.

Conference requested

Advising rejection of **HAs** to Engrossed **SBs 815** and **1458** and requesting conference thereon. Senate conferees to be named later.

Returning engrossed measures

Announcing the passage of **HB 2064** and **HCR 1055**, Coauthored by Senator Henry.

The above-numbered measures were referred for enrollment.

Returning engrossed measures, as amended

Announcing the passage of and returning engrossed measures as amended: **HBs 1069**, Remove Senator Morgan as principal Senate author and substitute with Senator Leftwich, **2088, 2100, 2154, 2162, 2356, 2360**, Coauthored by Senators Mickle, Milacek, **2379**, Coauthored by Senator Wilkerson, **2423, 2633, 2667, 2670, 2720** (emergency failed), **2738, 2772, 2783, 2788, 2802**, Coauthored by Representatives Covey, Ferguson, Friskup, Kirby, Pope (Clay), Rice, Roan, Wells and **2889**, Coauthored by Senator Wilkerson and **HJR 1045**, Remove Senator Monson as principal Senate author and substitute with Senator Herbert, and Coauthored by Senator Monson.

Senate amendments were read on the above numbered measures.

ENGROSSED AND ENROLLED MEASURES

HAs to SBs 828, 934, 1265, 1341, 1355, 1377, 1383, 1403, 1404, 1413, 1438, 1451, 1456, 1461, 1507, 1517, 1583, 1635, 1655 and **1669** and **SJR 22** were reported correctly engrossed, properly signed, in open session, and the measures, as amended, were ordered returned to the Honorable Senate.

HBs 2064, 2414, 2758 and **2886** were reported correctly enrolled and, after fourth reading, properly signed, in open session, and ordered transmitted to the Honorable Senate.

HCR 1055 was reported correctly enrolled, properly signed, in open session, and ordered transmitted to the Honorable Senate.

MESSAGES FROM THE SENATE

Announcing that Enrolled **HBs 2064, 2414, 2758** and **2886** have been read at length for the fourth time and signed by the Presiding Officer of Senate, in open session.

The above measures were ordered transmitted to the Honorable Governor.

Announcing that Enrolled **HCR 1055** has been signed by the Presiding Officer of Senate, in open session.

The above measure was ordered filed with the Secretary of State.

Transmitting enrolled measures

Advising fourth reading of and transmitting for signature Enrolled **SBs 650, 721, 948, 972, 1253, 1295, 1484** and **1544**.

The above-numbered enrolled measures were, after fourth reading, properly signed and ordered returned to the Honorable Senate.

RESOLUTION

The following was introduced and read:

HCR 1059 – By Hilliard of the House and Crutchfield of the Senate.

A Concurrent Resolution recognizing the 100th anniversary of the establishment of Sulphur Springs Reservation; acknowledging the significance of the area; and directing distribution.

CONFEREES NAMED

The Speaker named the following conferees:

HB 1049 – Fields, Ferguson, Rice, Roggow, Leist

HB 1290 – Turner, Toure, Davis, Roan, Friskup

HB 1979 – Leist, Pope (Clay), Wilson, Maddux, Nance

HB 2025 – Davis, Nance, Cargill, Toure, Askins, Roach, Braddock

HB 2053 – Nance, McCarter, Wells, Ingmire, Miller (Doug), Hefner, Turner

HB 2072 – Maddux, Phillips, Pope (Clay), Friskup, Wilson, Langmacher, Roberts

HB 2108 – Peters, Pope (Clay), Wilson, Hiatt, Langmacher, Corn, Maddux

HB 2113 – Braddock, Dunegan, Sweeden, Askins, Case, Davis, Webb

HB 2155 – Leist, Lindley, Winchester, Braddock, Case

HB 2212 – Corn, Stites (J.T.), Roberts, Staggs, Ingmire, Bengé, Ferguson

HB 2215 – Cox, Staggs, Gray, Webb, Hastings, Roberts, Ferguson

HB 2238 – Ross, Gilbert, Sullivan, Roach, Vaughn, Benson, Perry

HB 2246 – Peters, Braddock, Case, Askins, Toure, Paulk, Ingmire

HB 2329 – Maddux, Matlock, Smith (Dale), DeWitt, Smith (Hopper), Bonny,

Hutchison

HB 2338 – Hastings, Gray, Askins, Toure, Davis

HB 2345 – Staggs, Hilliard, Mitchell, Winchester, Blackburn, Roberts, Ferguson, Stites (J.T.), Bengé, Ingmire

HB 2355 – Dunegan, Webb, Sweeden, Davis, Case, Hefner, Turner

HB 2397 – Vaughn, Roach, Braddock, Toure, Davis, Askins, Coleman

HB 2412 – Coleman, Easley, Webb, Askins, Hilliard

HB 2763 – Lindley, Stanley, Greenwood, Adkins, Braddock, Coleman, Cox, Deutschendorf, Eddins, Glover, Graves, Gray, Morgan, Paulk, Piatt, Roach, Ross, Smith (Hopper), Staggs, Vaughn, Wright

HB 2795 – Perry, Dunegan, Sweeden, Maddux, Hiatt, Corn, Bonny

HB 2895 – Blackburn, Pope (Clay), Leist, Maddux, Wilt, Hilliard, Matlock, Hastings, Adkins

HJR 1051 – Perry, Askins, Deutschendorf, Plunk, Roach, Vaughn, Hastings

CONFERENCE GRANTED

Upon motion of Representative Hilliard, the House granted the request of the Honorable Senate for conference on the following measures and the Speaker named conferees:

SB 17 – Roach, Pope (Clay), Wilson, Hiatt, Nance

SB 823 – Roach, Pope (Clay), Wilson, Liotta, Nance

SB 842 – Nance, Maddux, Miller (Ray), Ingmire, Wilson, Deutschendorf, Taylor

SB 914 – Covey, Easley, Webb, Hiatt, Turner, Bonny, Winchester

SB 935 – Nance, Hiatt, Pope (Clay), Winchester, Askins, Wilson, Langmacher

SB 960 – Wells, Claunch, Kirby, Hefner, Smith (Hopper)

SB 987 – Erwin, Hutchison, Plunk, Perry, Cargill, Braddock, Case

SB 994 – Erwin, Mass, Gray, Webb, Nance, Toure, Davis

SB 1223 – Stites (J.T.), Bengé, Ingmire, Staggs, Roberts

SB 1231 – Stites (J.T.), Bengé, Ingmire, Roberts, Staggs

SB 1258 – Adair, Braddock, Case, Askins, Ingmire

SB 1259 – Phillips, Toure, Davis, Morgan, Askins, Roach, Benson

SB 1293 – GCCA

SB 1358 – Webb, Gray, Covey, Cox, Sweeden, Hastings, Easley, Hiatt, Ferguson

SB 1365 – Askins, Easley, Webb, Dank, Corn

SB 1381 – Askins, Easley, Webb, Dank, Corn

SB 1430 – Wells, Rice, Erwin, Ferguson, Jones

SB 1442 – Covey, Pope (Clay), Nations, Wilson, Maddux, Piatt, Nance

SB 1445 – Nance, Askins, Maddux, McCarter, Roan, Winchester, Taylor

SB 1471 – Coleman, Roberts, Ferguson, Deutschendorf, Dank, Staggs, Easley

SJR 32 – Phillips, Pope (Clay), Maddux, Wilt, Hefner, Wilson, Langmacher

CONFEREES CHANGED

The Speaker withdrew **HB 2598** from GCCA and named the following conferees:

HB 2598 – Mass, Gray, Erwin, Nations, Bonny, Morgan, Ingmire, Calvey, Phillips

MOTION

Upon unanimous consent request of Representative Hilliard, House Rule 11, Section 6 was suspended as it pertains to **SBs 817** and **904**.

RESOLUTION FOR CONSIDERATION

HCR 1059 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, **HCR 1059** was considered and adopted.

HCR 1059 was referred for engrossment.

ENGROSSED AND ENROLLED MEASURES

HCR 1059 was reported correctly engrossed, properly signed, in open session, and ordered transmitted to the Honorable Senate.

GENERAL ORDER

SB 1429 by Fisher of the Senate and Askins of the House was read and considered.

Representative Askins moved to amend **SB 1429**, Page 19, Section 6, by adding on Line 15 after the word "Holder" and before the period "." the language "or an individual or employer approved by the Board" and on Line 17 after the word "accountant" and before the word "examination" adding the language "or public accountant", which amendment was declared adopted.

Representative Young moved to amend **SB 1429**, Page 22, Section 9, by inserting a new paragraph 4 to read as follows, which amendment was declared adopted:

"4. The Oklahoma Accountancy Board shall charge a fee to a licensee of another state exercising the privilege afforded under this section in an amount equal to the fee charged by that state to an Oklahoma licensee for the equivalent privilege to practice in that state."

Representative Young moved to amend **SB 1429**, by deleting Section 7 and renumbering subsequent sections and Page 29, Section 14, Line 14, by deleting the numeral "9" after the word "Section" and inserting in lieu thereof the numeral "8", which amendment was declared adopted.

Representative Gray moved to amend **SB 1429** by creating a new Section 3 to read as follows and renumbering subsequent section, which amendment was declared adopted:

"SECTION 3. AMENDATORY 59 O.S. 2001, Section 15.2, is amended to read as follows:

Section 15.2 A. There is hereby re-created, to continue until July 1, 2004, in accordance with the provisions of the Oklahoma Sunset Law, Section 3901 et seq. of Title 74 of the Oklahoma Statutes, the Oklahoma State Board of Public Accountancy. On and after July 1, 1992, the Oklahoma State Board of Public Accountancy shall be renamed the Oklahoma Accountancy Board. The Oklahoma Accountancy Board shall have the responsibility for administering and enforcing the Oklahoma Accountancy Act. The Oklahoma Accountancy Board shall be composed of ~~seven (7)~~ ten (10) members, to be appointed by the Governor and confirmed by the Senate. The six registrant members, not including a firm, shall serve terms of five (5) years. The lay ~~member~~ members shall serve coterminously with the Governor appointing the member. Re-creation of the Oklahoma State Board of Public Accountancy, renamed the Oklahoma Accountancy Board, shall not alter the established staggered terms of the members of the Oklahoma State Board of Public Accountancy.

B. One member shall be a public accountant licensed and holding a permit pursuant to the provisions of the Oklahoma Accountancy Act. A list of qualified persons shall be compiled and submitted to the Governor by the Oklahoma Society of Public Accountants from time to time as appointment of the public accountant Board member is required to be made. A list of three names shall be submitted for each single appointment from which the Governor may make the appointment.

C. Five members shall be certified public accountants holding certificates and permits issued pursuant to the provisions of the Oklahoma Accountancy Act, at least four of whom shall have been engaged in the practice of public accounting as a certified public accountant as his or her primary occupation continuously for not less than eight (8) years immediately preceding their appointments. A list of qualified persons shall be compiled and submitted to the Governor by the Oklahoma Society of Certified Public Accountants from time to time as appointments of the certified public accountant Board members are required to be made. A list of three names shall be submitted for each single appointment from which the Governor may make the appointment.

D. ~~One member~~ Four members shall be a lay ~~member~~ members who ~~is~~ are not a certified public ~~accountant~~ accountants or licensed public ~~accountant~~ accountants. The lay ~~member~~ members shall be appointed by the Governor to a term coterminous with the Governor. The lay ~~member~~ members shall serve at the pleasure of the Governor.

E. Upon the expiration of the term of office, a member shall continue to serve until a qualified successor has been appointed and confirmed by the Senate."

Representative Gray moved to amend **SB 1429** by striking the title, which amendment was declared adopted.

Representative Askins moved that **SB 1429** be advanced from General Order, which motion was declared adopted.

By unanimous consent, upon request of Representative Askins, **SB 1429** was considered engrossed and placed on Third Reading and Final Passage.

THIRD READING

SB 1429 was read at length for the third time. On passage of the measure, the roll call was as follows:

Aye: Adkins, Askins, Balkman, Begley, Benge, Benson, Blackburn, Bonny, Braddock, Calvey, Cargill, Case, Claunch, Corn, Covey, Cox, Dank, Davis, Deutschendorf, DeWitt, Dunegan, Easley, Eddins, Ericson, Ervin, Erwin, Ferguson, Fields, Friskup, Gilbert, Graves, Gray, Greenwood, Hiett, Hilliard, Hutchison, Ingmire, Jones, Kirby, Langmacher, Leist, Lindley, Liotta, Maddux, Mass, Matlock, McCarter, Miller (Doug), Miller (Ray), Mitchell, Morgan, Nance, Nations, Newport, O'Neal, Paulk, Perry, Peters, Peterson, Pettigrew, Phillips, Piatt, Plunk, Pope (Clay), Pope (Tim), Rice, Roach, Roan, Roberts, Roggow, Ross, Smaligo, Smith (Dale), Smith (Hopper), Staggs, Stanley, Steele, Stites (Chad), Stites (J.T.), Sullivan, Sweeden, Taylor, Tibbs, Toure, Tyler, Vaughn, Walker, Webb, Wells, Wilson, Wilt, Winchester, Worthen, Wright, Young, Mr. Speaker.--96.

Nay: Hefner, Turner.--2.

Excused: Coleman, Glover, Hastings.--3.

The measure passed.

SB 1429 was referred for engrossment.

GENERAL ORDER

SB 1591 by Wilkerson of the Senate and Askins of the House was read and considered.

Representative Askins moved to amend **SB 1591** by striking the title and enacting clause, which amendment was declared adopted.

Representative Askins moved that **SB 1591** be advanced from General Order, which motion was declared adopted.

By unanimous consent, upon request of Representative Askins, **SB 1591** was considered engrossed and placed on Third Reading and Final Passage.

THIRD READING

SB 1591 was read at length for the third time. On passage of the measure and emergency, the roll call was as follows:

Aye: Adkins, Askins, Balkman, Begley, Benge, Benson, Blackburn, Bonny, Braddock, Calvey, Cargill, Case, Claunch, Corn, Covey, Cox, Dank, Davis, Deutschendorf, DeWitt, Dunegan, Easley, Eddins, Ericson, Ervin, Erwin, Ferguson, Fields, Friskup, Gilbert, Graves, Gray, Greenwood, Hefner, Hiatt, Hilliard, Hutchison, Ingmire, Jones, Kirby, Langmacher, Leist, Lindley, Liotta, Maddux, Mass, Matlock, McCarter, Miller (Doug), Miller (Ray), Mitchell, Morgan, Nance, Nations, Newport, O'Neal, Paulk, Perry, Peters, Peterson, Pettigrew, Phillips, Piatt, Plunk, Pope (Clay), Pope (Tim), Rice, Roach, Roan, Roberts, Roggow, Ross, Smaligo, Smith (Dale), Smith (Hopper), Staggs, Stanley, Steele, Stites (Chad), Stites (J.T.), Sullivan, Sweeden, Taylor, Tibbs, Toure, Turner, Tyler, Vaughn, Walker, Webb, Wells, Wilson, Wilt, Winchester, Worthen, Wright, Young, Mr. Speaker.--98.

Excused: Coleman, Glover, Hastings.--3.

The measure and emergency passed.

SB 1591 was referred for engrossment.

GENERAL ORDER

SB 1597 by Wilkerson of the Senate and Askins of the House was read and considered.

Representative Askins moved that **SB 1597** be advanced from General Order, which motion was declared adopted.

Upon request of Representative Askins, **SB 1597** was placed on Third Reading and Final Passage.

THIRD READING

SB 1597 was read at length for the third time. On passage of the measure and emergency, the roll call was as follows:

Aye: Adkins, Askins, Balkman, Begley, Benge, Benson, Blackburn, Bonny, Braddock, Calvey, Cargill, Case, Claunch, Corn, Covey, Cox, Dank, Davis, Deutschendorf, DeWitt, Dunegan, Easley, Eddins, Ericson, Ervin, Erwin, Ferguson, Fields, Friskup, Gilbert, Graves, Gray, Greenwood, Hefner, Hiatt, Hilliard, Hutchison, Ingmire, Jones, Kirby, Langmacher, Leist, Lindley, Liotta, Maddux, Mass, Matlock, McCarter, Miller (Doug), Miller (Ray), Mitchell, Morgan, Nance, Nations, Newport, O'Neal, Paulk, Perry, Peters, Peterson, Pettigrew, Phillips, Piatt, Plunk, Pope (Clay), Pope (Tim), Rice, Roach, Roan,

Roberts, Roggow, Ross, Smaligo, Smith (Dale), Smith (Hopper), Staggs, Stanley, Steele, Stites (Chad), Stites (J.T.), Sullivan, Sweeden, Taylor, Tibbs, Toure, Turner, Tyler, Vaughn, Walker, Webb, Wells, Wilson, Wilt, Winchester, Worthen, Wright, Young, Mr. Speaker.--98.

Excused: Coleman, Glover, Hastings.--3.

The measure and emergency passed.

The Presiding Officer signed, in open session, Engrossed **SB 1597** and ordered same returned to the Honorable Senate.

GENERAL ORDER

SB 732 by Cain of the Senate and Gilbert of the House was read and considered.

Representative Gilbert moved that **SB 732** be advanced from General Order, which motion was declared adopted.

By unanimous consent, upon request of Representative Gilbert, **SB 732** was considered engrossed and placed on Third Reading and Final Passage.

THIRD READING

SB 732 was read at length for the third time. On passage of the measure, the roll call was as follows:

Aye: Adkins, Askins, Balkman, Begley, Benge, Benson, Blackburn, Bonny, Braddock, Calvey, Cargill, Case, Claunch, Corn, Covey, Cox, Dank, Davis, Deutschendorf, DeWitt, Dunegan, Easley, Eddins, Ericson, Ervin, Erwin, Ferguson, Fields, Friskup, Gilbert, Graves, Gray, Greenwood, Hefner, Hiatt, Hilliard, Hutchison, Ingmire, Jones, Kirby, Langmacher, Leist, Lindley, Liotta, Maddux, Mass, Matlock, McCarter, Miller (Doug), Miller (Ray), Mitchell, Morgan, Nance, Nations, Newport, O'Neal, Paulk, Perry, Peters, Peterson, Pettigrew, Phillips, Piatt, Plunk, Pope (Clay), Pope (Tim), Rice, Roach, Roan, Roberts, Roggow, Ross, Smaligo, Smith (Dale), Smith (Hopper), Staggs, Stanley, Steele, Stites (Chad), Stites (J.T.), Sullivan, Sweeden, Taylor, Tibbs, Toure, Turner, Tyler, Vaughn, Walker, Webb, Wells, Wilson, Wilt, Winchester, Worthen, Wright, Young, Mr. Speaker.--98.

Excused: Coleman, Glover, Hastings.--3.

The measure passed.

SB 732 was referred for engrossment.

GENERAL ORDER

SB 1448 by Monson of the Senate and Pope (Clay) of the House was read and considered.

Representative Pope (Clay) moved to amend **SB 1448** by striking the enacting clause, which amendment was declared adopted.

Representative Balkman moved to amend **SB 1448** by inserting new Sections 1 and 2 to read as follows and renumbering subsequent sections, which amendment was declared adopted:

“SECTION 1. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 216.2 of Title 68, unless there is created a duplication in numbering, reads as follows:

A. For the purpose of encouraging the voluntary disclosure and payment of taxes owed to this state, the Tax Commission may establish a tax amnesty program during which penalties imposed pursuant to the provisions of Title 68 of the Oklahoma Statutes, the Oklahoma Alcoholic Beverage Control Act and the Oklahoma Vehicle License and Registration Act shall be waived if any taxpayer voluntarily files delinquent returns and pays the taxes and the remaining interest due during the amnesty period. The tax amnesty period shall be from July 1, 2002, through December 31, 2002. The waiver of penalties shall apply to:

1. The underreporting of tax liabilities;
2. The nonpayment of taxes which are delinquent prior to July 1, 2002; and
3. The nonreporting of taxes.

B. The terms and other conditions of the tax amnesty program shall be determined by the Tax Commission through the promulgation of rules.

C. The Tax Commission may expend necessary available funds to publicly advertise the tax amnesty program. The advertisements shall correctly state the purposes and conditions of the program.

D. The Tax Commission shall be exempt from the provisions of Section 85.7 of Title 74 of the Oklahoma Statutes for the purpose of implementing this section.

SECTION 2. AMENDATORY 68 O.S. 2001, Section 217, is amended to read as follows:

Section 217. A. If any amount of tax imposed or levied by any state tax law, or any part of such amount, is not paid before such tax becomes delinquent, there shall be collected on the total delinquent tax interest at the rate of ~~one and one-quarter percent (1 1/4%)~~ three-fourths of one percent (3/4 of 1%) per month from the date of the delinquency until paid.

B. Interest upon any amount of state tax determined as a deficiency, under the provisions of Section 221 of this title, shall be assessed at the same time as the deficiency and shall be paid upon notice and demand of the Tax Commission at the rate of ~~one and one-quarter percent (1 1/4%)~~ three-fourths of one percent (3/4 of 1%) per month from the date prescribed in the state tax law levying such tax for the payment thereof to the date the deficiency is assessed.

C. If any tax due under state sales, use, tourism, mixed beverage gross receipts, or motor fuel tax laws, or any part thereof, is not paid within fifteen (15) days after such tax becomes delinquent a penalty of ten percent (10%) on the total amount of tax due and delinquent shall be added thereto, collected and paid. However, the Tax Commission shall not collect the penalty assessed if the taxpayer remits the tax within thirty (30) days of the mailing of a proposed assessment or voluntarily pays the tax upon the filing of an amended return.

D. If any tax due under any state tax law other than those specified in subsection C of this section, or any part thereof, is not paid within thirty (30) days after such tax becomes delinquent a penalty of ten percent (10%) on the total amount of tax due and delinquent shall be added thereto, collected and paid. However, the Tax Commission shall not collect the penalty assessed if the taxpayer remits the tax within thirty (30) days of the mailing of a proposed assessment or voluntarily pays the tax upon the filing of an amended return.

E. If any part of any deficiency, arbitrary or jeopardy assessment made by the Tax Commission, is based upon or occasioned by the taxpayer's negligence or by the failure or refusal of any taxpayer to file with the Tax Commission any report or return, as required by this title, or by any state tax law, within ten (10) days after a written demand for such report or return has been served upon any taxpayer by the Tax Commission by letter, the Commission may assess and collect, as a penalty, twenty-five percent (25%) of the amount of the assessment. For purposes of this subsection, "negligence" shall mean the consistent understatement of income, consistent understatement of receipts or a system of recordkeeping by the taxpayer that consistently results in an inaccurate reporting of tax liability.

F. If any part of any deficiency is due to fraud with intent to evade tax, then fifty percent (50%) of the total amount of the deficiency, in addition to such deficiency, including interest as herein provided, shall be added, collected and paid.

G. All penalties or interest imposed by this title, or any state tax law, shall be recoverable by the Tax Commission as a part of the tax with respect to which they are imposed, the penalties bearing interest as provided in this section for the tax, and all penalties and interest shall be apportioned as provided for the apportionment of the tax on which such penalties or interest are collected.

H. Whenever an income tax refund is not paid to the taxpayer within ninety (90) days after the return is filed or due, whichever is later, with all documents as required by the Commission, entitling the taxpayer to a refund, then the Tax Commission shall pay interest on the refund, at the same rate specified for interest on delinquent tax payments. The payment of interest on refunds provided for by this section shall apply to tax year 1987 and subsequent tax years. The Tax Commission shall not be required to pay interest on an income tax refund which is applied, in whole or in part, to a prior year tax liability pursuant to Section 2385.17 of this title or upon an income tax refund applied, in whole or in part, to satisfy a debt owed to the Internal Revenue Service of the United States or to a state agency, including the Oklahoma Tax Commission, as provided by Section 205.2 of this title."

Representative Pope (Clay) moved that **SB 1448** be advanced from General Order, which motion was declared adopted.

By unanimous consent, upon request of Representative Pope (Clay), **SB 1448** was considered engrossed and placed on Third Reading and Final Passage.

THIRD READING

SB 1448 was read at length for the third time. On passage of the measure and emergency, the roll call was as follows:

Aye: Adkins, Askins, Balkman, Begley, Benge, Benson, Blackburn, Bonny, Braddock, Calvey, Cargill, Case, Claunch, Corn, Covey, Cox, Dank, Davis, Deutschendorf, DeWitt, Dunegan, Easley, Eddins, Ericson, Ervin, Erwin, Ferguson, Fields, Friskup, Gilbert, Graves, Gray, Greenwood, Hefner, Hiatt, Hilliard, Hutchison, Ingmire, Jones, Kirby, Langmacher, Leist, Lindley, Liotta, Maddux, Matlock, McCarter, Miller (Doug), Miller (Ray), Mitchell, Morgan, Nance, Nations, Newport, O'Neal, Paulk, Perry, Peters, Peterson, Pettigrew, Phillips, Piatt, Plunk, Pope (Clay), Pope (Tim), Rice, Roach, Roan, Roberts, Roggow, Ross, Smaligo, Smith (Dale), Smith (Hopper), Staggs, Stanley, Steele, Stites (Chad), Stites (J.T.), Sullivan, Sweeden, Taylor, Tibbs, Toure, Turner, Tyler, Vaughn, Walker, Webb, Wells, Wilson, Wilt, Winchester, Worthen, Wright, Young, Mr. Speaker.--97.

Excused: Coleman, Glover, Hastings, Mass.--4.

The measure and emergency passed.

SB 1448 was referred for engrossment.

GENERAL ORDER

SB 893 by Morgan of the Senate and Nations of the House was read and considered.

Representative Nations moved to amend **SB 893** by striking the enacting clause, which amendment was declared adopted.

Representative Graves moved to amend **SB 893**, Page 14, Section 1, Lines 3-9 by deleting the following language, which amendment was declared adopted:

"In order to be eligible for the exemption provided by this paragraph, an amount equivalent to the amount of the tax which would otherwise be required to be collected pursuant to the provisions of Section 1350 et seq. of this title shall be separately stated on the admission ticket and shall be collected and used for the sole purpose of funding policies, practices, programs and services to promote gender equity as required or authorized pursuant to the provisions of Title IX of the Education Amendments of 1972 (20 U.S.C., Section 1681 et seq.)."

Representative Nations moved that **SB 893** be advanced from General Order, which motion was declared adopted.

By unanimous consent, upon request of Representative Nations, **SB 893** was considered engrossed and placed on Third Reading and Final Passage.

THIRD READING

SB 893 was read at length for the third time. On passage of the measure and emergency, the roll call was as follows:

Aye: Adkins, Askins, Balkman, Begley, Benge, Benson, Blackburn, Bonny, Braddock, Claunch, Corn, Covey, Cox, Dank, Davis, Deutschendorf, DeWitt, Dunegan, Eddins, Ervin, Erwin, Ferguson, Fields, Friskup, Gilbert, Gray, Hefner, Hiett, Hilliard, Hutchison, Ingmire, Jones, Kirby, Langmacher, Lindley, Liotta, Maddux, Mass, Matlock, McCarter, Miller (Doug), Miller (Ray), Mitchell, Morgan, Nance, Nations, Newport, Paulk, Peterson, Pettigrew, Phillips, Plunk, Pope (Clay), Pope (Tim), Rice, Roach, Roan, Roberts, Ross, Smith (Dale), Staggs, Stanley, Stites (J.T.), Sullivan, Sweeden, Taylor, Toure, Turner, Tyler, Vaughn, Walker, Webb, Wells, Wilson, Winchester, Worthen, Mr. Speaker.--77.

Nay: Cargill, Case, Easley, Ericson, Graves, Greenwood, Hastings, Leist, O'Neal, Perry, Peters, Piatt, Roggow, Smaligo, Smith (Hopper), Steele, Stites (Chad), Tibbs, Wilt, Wright, Young.--21.

Excused: Calvey, Coleman, Glover.--3.

The measure and emergency passed.

SB 893 was referred for engrossment.

RESOLUTION FOR CONSIDERATION

SCR 62 was called up for consideration.

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

Upon motion of Representative Begley, **SCR 62** was considered and adopted.

SCR 62 was properly signed, in open session, by the Presiding Officer and ordered returned to the Honorable Senate.

GENERAL ORDER

SB 817 by Capps of the Senate and Covey of the House was read and considered.

Coauthored by Representative(s) Bonny

Representative Covey moved to amend **SB 817** by striking the title, the enacting clause and the entire measure and inserting in lieu thereof a floor substitute, which amendment was declared adopted. (Copies for Members)

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

Representative Covey moved that **SB 817** be advanced from General Order, which motion was declared adopted.

By unanimous consent, upon request of Representative Covey, **SB 817** was considered engrossed and placed on Third Reading and Final Passage.

THIRD READING

SB 817 was read at length for the third time. On passage of the measure and emergency, the roll call was as follows:

Aye: Adkins, Askins, Balkman, Begley, Benge, Benson, Blackburn, Bonny, Braddock, Cargill, Case, Claunch, Corn, Covey, Cox, Dank, Deutschendorf, DeWitt, Dunegan, Easley, Eddins, Ericson, Ervin, Erwin, Ferguson, Fields, Friskup, Gilbert, Gray, Greenwood, Hastings, Hefner, Hiatt, Hilliard, Hutchison, Ingmire, Jones, Kirby, Langmacher, Lindley, Liotta, Maddux, Mass, Matlock, McCarter, Miller (Doug), Miller (Ray), Mitchell, Morgan, Nance, Nations, Newport, O'Neal, Paulk, Perry, Peters, Peterson, Pettigrew, Phillips, Piatt, Plunk, Pope (Clay), Pope (Tim), Rice, Roach, Roan, Roberts, Roggow, Ross, Smaligo, Smith (Dale), Smith (Hopper), Staggs, Stanley, Steele, Stites (Chad), Stites (J.T.), Sweeden, Taylor, Tibbs, Toure, Turner, Tyler, Vaughn, Walker, Webb, Wells, Wilson, Wilt, Winchester, Worthen, Young, Mr. Speaker.--93.

Nay: Calvey, Davis, Graves, Leist, Sullivan, Wright.--6.

Excused: Coleman, Glover.--2.

The measure and emergency passed.

SB 817 was referred for engrossment.

GENERAL ORDER

SB 867 by Monson of the Senate and Toure of the House was read and considered.

Representative Toure moved that **SB 867** be advanced from General Order, which motion was declared adopted.

By unanimous consent, upon request of Representative Toure, **SB 867** was considered engrossed and placed on Third Reading and Final Passage.

THIRD READING

SB 867 was read at length for the third time. On passage of the measure, the roll call was as follows:

Aye: Askins, Begley, Benson, Blackburn, Bonny, Braddock, Corn, Covey, Cox, Davis, Deutschendorf, Dunegan, Easley, Eddins, Erwin, Ferguson, Fields, Gilbert, Gray, Hefner, Hilliard, Hutchison, Kirby, Langmacher, Leist, Lindley, Mass, Matlock, McCarter, Miller (Ray), Mitchell, Nations, Paulk, Plunk, Pope (Clay), Rice, Roach, Roan, Roberts, Ross, Smith (Dale), Stanley, Stites (J.T.), Taylor, Toure, Turner, Vaughn, Wells, Wilson, Worthen, Mr. Speaker.--51.

Nay: Adkins, Balkman, Benge, Calvey, Cargill, Case, Claunch, Coleman, Dank, DeWitt, Ericson, Ervin, Friskup, Graves, Greenwood, Hastings, Hiett, Ingmire, Jones, Liotta, Maddux, Miller (Doug), Morgan, Nance, Newport, O'Neal, Perry, Peters, Peterson, Pettigrew, Phillips, Piatt, Pope (Tim), Roggow, Smaligo, Smith (Hopper), Staggs, Steele, Stites (Chad), Sullivan, Sweeden, Tibbs, Tyler, Walker, Webb, Wilt, Winchester, Wright, Young.--49.

Excused: Glover.--1.

The measure passed.

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

Aye: Askins, Begley, Benson, Blackburn, Bonny, Corn, Covey, Cox, Davis, Deutschendorf, Dunegan, Easley, Eddins, Erwin, Ferguson, Fields, Gilbert, Gray, Hastings, Hefner, Hilliard, Hutchison, Ingmire, Jones, Kirby, Langmacher, Leist, Lindley, Liotta, Maddux, Mass, Matlock, McCarter, Miller (Ray), Mitchell, Nations, Paulk, Plunk, Pope (Clay), Pope (Tim), Rice, Roach, Roan, Roberts, Ross, Smith (Dale), Staggs, Stanley, Stites (J.T.), Taylor, Toure, Turner, Vaughn, Wells, Wilson, Worthen, Mr. Speaker.--57.

Nay: Adkins, Balkman, Benge, Braddock, Calvey, Cargill, Case, Claunch, Coleman, Dank, DeWitt, Ericson, Ervin, Friskup, Graves, Greenwood, Hiett, Miller (Doug), Morgan, Nance, Newport, O'Neal, Perry, Peters, Peterson, Pettigrew, Phillips, Piatt, Roggow, Smaligo, Smith (Hopper), Steele, Stites (Chad), Sullivan, Sweeden, Tibbs, Tyler, Walker, Webb, Wilt, Winchester, Wright, Young.--43.

Excused: Glover.--1.

The emergency failed.

Representative Toure served notice to reconsider the vote whereby the emergency failed.

MOTION

Representative Coleman asked that the Journal reflect that had she been present in the Chamber, she would have voted aye on **SBs 732, 817, 893, 1429, 1448, 1591 and 1597**, which was the order.

GENERAL ORDER

SB 1463 by Leftwich of the Senate and Toure of the House was read and considered.

Representative Calvey moved to amend **SB 1463** by striking the title and enacting clause, which amendment was declared adopted.

Representative Toure moved that **SB 1463** be advanced from General Order, which motion was declared adopted.

By unanimous consent, upon request of Representative Toure, **SB 1463** was considered engrossed and placed on Third Reading and Final Passage.

THIRD READING

SB 1463 was read at length for the third time. On passage of the measure, the roll call was as follows:

Aye: Adkins, Askins, Balkman, Begley, Bengel, Benson, Blackburn, Bonny, Braddock, Calvey, Cargill, Case, Claunch, Coleman, Corn, Covey, Cox, Dank, Davis, Deutschendorf, DeWitt, Dunegan, Easley, Eddins, Ericson, Ervin, Erwin, Ferguson, Fields, Friskup, Gilbert, Graves, Gray, Greenwood, Hastings, Hefner, Hiatt, Hilliard, Hutchison, Ingmire, Jones, Kirby, Langmacher, Leist, Lindley, Liotta, Maddux, Mass, Matlock, McCarter, Miller (Doug), Miller (Ray), Mitchell, Morgan, Nance, Nations, Newport, O'Neal, Paulk, Perry, Peters, Peterson, Pettigrew, Phillips, Piatt, Plunk, Pope (Clay), Pope (Tim), Rice, Roach, Roan, Roberts, Roggow, Ross, Smaligo, Smith (Dale), Smith (Hopper), Staggs, Stanley, Steele, Stites (Chad), Stites (J.T.), Sullivan, Sweeden, Taylor, Tibbs, Toure, Turner, Tyler, Vaughn, Walker, Webb, Wells, Wilson, Wilt, Winchester, Worthen, Wright, Young, Mr. Speaker.--100.

Excused: Glover.--1.

The measure passed.

SB 1463 was referred for engrossment.

GENERAL ORDER

SB 1664 by Martin of the Senate and Balkman of the House was read and considered.

Coauthored by Representative(s) Nance

Representative Pope (Clay) moved to amend **SB 1664** by creating a new Section 3 to read as follows and renumbering subsequent sections:

"SECTION 3. Any individual convicted of possession of a controlled dangerous substance shall have their driver license suspended for a period of not more than ten years or less than five years. This suspension will be subject to review by the convicting judge after two years and at that time may be reinstated for a fee of Five Hundred Dollars (\$500.00)."

Representative Newport moved to amend the Pope (Clay) amendment by changing the word "shall" to the word "may", which amendment failed of adoption upon roll call as follows:

Aye: Adkins, Balkman, Benson, Calvey, Cargill, Case, Claunch, Coleman, Dank, DeWitt, Ericson, Ferguson, Friskup, Glover, Graves, Greenwood, Hastings, Hiett, Ingmire, Liotta, Maddux, Miller (Doug), Morgan, Nance, Newport, O'Neal, Perry, Peters, Peterson, Pettigrew, Phillips, Piatt, Pope (Tim), Roggow, Smaligo, Smith (Hopper), Stanley, Steele, Stites (Chad), Sullivan, Tibbs, Vaughn, Webb, Wilt, Winchester, Worthen, Wright, Young.-48.

Nay: Askins, Begley, Benge, Blackburn, Braddock, Corn, Covey, Cox, Davis, Deutschendorf, Dunegan, Easley, Eddins, Ervin, Erwin, Fields, Gilbert, Gray, Hefner, Hilliard, Hutchison, Jones, Kirby, Langmacher, Leist, Lindley, Mass, Matlock, McCarter, Miller (Ray), Mitchell, Nations, Paulk, Plunk, Pope (Clay), Rice, Roan, Roberts, Ross, Smith (Dale), Staggs, Stites (J.T.), Taylor, Toure, Turner, Tyler, Walker, Wells, Wilson, Mr. Speaker.--50.

Excused: Bonny, Roach, Sweeden.--3.

Representative Pope (Clay) pressed adoption of his amendment, which amendment was declared adopted upon roll call as follows:

Aye: Adkins, Askins, Balkman, Begley, Benge, Benson, Blackburn, Braddock, Calvey, Cargill, Case, Claunch, Coleman, Corn, Covey, Cox, Dank, Davis, Deutschendorf, DeWitt, Dunegan, Easley, Eddins, Ericson, Ervin, Erwin, Ferguson, Fields, Friskup, Gilbert, Glover,

Graves, Gray, Greenwood, Hastings, Hefner, Hiatt, Hilliard, Hutchison, Ingmire, Jones, Kirby, Langmacher, Leist, Lindley, Liotta, Maddux, Mass, Matlock, McCarter, Miller (Doug), Miller (Ray), Mitchell, Morgan, Nance, Nations, Newport, O'Neal, Paulk, Perry, Peters, Peterson, Pettigrew, Phillips, Piatt, Plunk, Pope (Clay), Pope (Tim), Rice, Roach, Roan, Roberts, Roggow, Ross, Smaligo, Smith (Dale), Smith (Hopper), Staggs, Stanley, Steele, Stites (Chad), Stites (J.T.), Sullivan, Sweeden, Taylor, Tibbs, Turner, Tyler, Vaughn, Walker, Webb, Wells, Wilson, Wilt, Winchester, Worthen, Wright, Young, Mr. Speaker.--99.

Nay: Toure.--1.

Excused: Bonny.--1.

Representative Balkman moved that **SB 1664** be advanced from General Order, which motion was declared adopted.

By unanimous consent, upon request of Representative Balkman, **SB 1664** was considered engrossed and placed on Third Reading and Final Passage.

THIRD READING

SB 1664 was read at length for the third time. On passage of the measure and emergency, the roll call was as follows:

Aye: Adkins, Askins, Balkman, Begley, Benge, Benson, Blackburn, Braddock, Calvey, Cargill, Case, Claunch, Coleman, Corn, Covey, Cox, Dank, Davis, Deutschendorf, DeWitt, Dunegan, Easley, Eddins, Ericson, Ervin, Erwin, Ferguson, Fields, Friskup, Gilbert, Glover, Graves, Gray, Greenwood, Hastings, Hefner, Hiatt, Hilliard, Hutchison, Ingmire, Jones, Kirby, Langmacher, Leist, Lindley, Liotta, Maddux, Mass, Matlock, McCarter, Miller (Doug), Miller (Ray), Mitchell, Morgan, Nance, Nations, Newport, O'Neal, Paulk, Perry, Peters, Peterson, Pettigrew, Phillips, Piatt, Plunk, Pope (Clay), Pope (Tim), Rice, Roach, Roan, Roberts, Roggow, Ross, Smaligo, Smith (Dale), Smith (Hopper), Staggs, Stanley, Steele, Stites (Chad), Stites (J.T.), Sullivan, Sweeden, Taylor, Tibbs, Toure, Turner, Tyler, Vaughn, Walker, Webb, Wells, Wilson, Wilt, Winchester, Worthen, Wright, Young, Mr. Speaker.--100.

Excused: Bonny.--1.

The measure and emergency passed.

SB 1664 was referred for engrossment.

RESOLUTION FOR CONSIDERATION

HCR 1046 was called up for consideration.

Coauthored by Representative(s) Blackburn, Deutschendorf, Easley

Upon motion of Representative Benson, **HCR 1046** was considered and adopted.

HCR 1046 was referred for engrossment.

GENERAL ORDER

SB 1609 by Morgan of the Senate and Roggow of the House was read and considered.

Coauthored by Representative(s) Ingmire, Ross

Representative Roggow moved to amend **SB 1609** by striking the enacting clause, which amendment was declared adopted.

Representative Roggow moved that **SB 1609** be advanced from General Order, which motion was declared adopted.

By unanimous consent, upon request of Representative Roggow, **SB 1609** was considered engrossed and placed on Third Reading and Final Passage.

THIRD READING

SB 1609 was read at length for the third time. On passage of the measure and emergency, the roll call was as follows:

Aye: Adkins, Askins, Balkman, Begley, Benge, Benson, Blackburn, Braddock, Calvey, Cargill, Case, Claunch, Coleman, Corn, Covey, Cox, Dank, Davis, Deutschendorf, DeWitt, Dunegan, Easley, Eddins, Ericson, Ervin, Erwin, Ferguson, Fields, Friskup, Gilbert, Glover, Graves, Gray, Greenwood, Hastings, Hefner, Hiatt, Hilliard, Hutchison, Ingmire, Jones, Kirby, Langmacher, Leist, Lindley, Liotta, Maddux, Mass, Matlock, McCarter, Miller (Doug), Miller (Ray), Mitchell, Morgan, Nance, Nations, Newport, O'Neal, Paulk, Perry, Peters, Peterson, Pettigrew, Phillips, Piatt, Plunk, Pope (Clay), Pope (Tim), Rice, Roach, Roan, Roberts, Roggow, Ross, Smaligo, Smith (Dale), Smith (Hopper), Staggs, Stanley, Steele, Stites (Chad), Stites (J.T.), Sullivan, Sweeden, Taylor, Tibbs, Toure, Turner, Tyler, Vaughn, Walker, Webb, Wells, Wilson, Wilt, Winchester, Worthen, Wright, Young, Mr. Speaker.--100.

Excused: Bonny.--1.

The measure and emergency passed.

SB 1609 was referred for engrossment.

GENERAL ORDER

SB 1390 by Coffee of the Senate and Gray of the House was read and considered.

Coauthored by Representative(s) Deutschendorf, Easley, Worthen

Representative Gray moved to amend **SB 1390** by striking the enacting clause, which amendment was declared adopted.

Representative Gray moved that **SB 1390** be advanced from General Order, which motion was declared adopted.

By unanimous consent, upon request of Representative Gray, **SB 1390** was considered engrossed and placed on Third Reading and Final Passage.

THIRD READING

SB 1390 was read at length for the third time. On passage of the measure, the roll call was as follows:

Aye: Adkins, Askins, Balkman, Begley, Bengé, Benson, Blackburn, Braddock, Calvey, Cargill, Case, Claunch, Coleman, Corn, Covey, Cox, Dank, Davis, Deutschendorf, DeWitt, Dunegan, Easley, Eddins, Ericson, Ervin, Erwin, Ferguson, Fields, Friskup, Gilbert, Glover, Graves, Gray, Greenwood, Hastings, Hefner, Hiett, Hilliard, Hutchison, Ingmire, Jones, Kirby, Langmacher, Leist, Lindley, Liotta, Maddux, Mass, Matlock, McCarter, Miller (Doug), Miller (Ray), Mitchell, Morgan, Nance, Nations, Newport, O'Neal, Paulk, Perry, Peters, Peterson, Pettigrew, Phillips, Piatt, Plunk, Pope (Clay), Pope (Tim), Rice, Roach, Roan, Roberts, Roggow, Ross, Smaligo, Smith (Dale), Smith (Hopper), Staggs, Stanley, Steele, Stites (Chad), Stites (J.T.), Sullivan, Sweeden, Taylor, Tibbs, Toure, Turner, Tyler, Vaughn, Walker, Webb, Wells, Wilson, Wilt, Winchester, Worthen, Wright, Young, Mr. Speaker.--100.

Excused: Bonny.--1.

The measure passed.

SB 1390 was referred for engrossment.

GENERAL ORDER

SB 1460 by Leftwich of the Senate and Gray of the House was read and considered.

Representative Gray moved to amend **SB 1460** by striking the enacting clause, which amendment was declared adopted.

Representative Gray moved that **SB 1460** be advanced from General Order, which motion was declared adopted.

By unanimous consent, upon request of Representative Gray, **SB 1460** was considered engrossed and placed on Third Reading and Final Passage.

THIRD READING

SB 1460 was read at length for the third time. On passage of the measure, the roll call was as follows:

Aye: Adkins, Askins, Balkman, Begley, Bengel, Benson, Blackburn, Braddock, Calvey, Cargill, Case, Claunch, Coleman, Corn, Covey, Cox, Dank, Davis, Deutschendorf, DeWitt, Dunegan, Easley, Eddins, Ericson, Ervin, Erwin, Ferguson, Fields, Friskup, Gilbert, Glover, Graves, Gray, Greenwood, Hastings, Hefner, Hiatt, Hilliard, Hutchison, Ingmire, Jones, Kirby, Langmacher, Leist, Lindley, Liotta, Maddux, Mass, Matlock, McCarter, Miller (Doug), Miller (Ray), Mitchell, Morgan, Nance, Nations, Newport, O'Neal, Paulk, Perry, Peters, Peterson, Pettigrew, Phillips, Piatt, Plunk, Pope (Clay), Pope (Tim), Rice, Roach, Roan, Roberts, Roggow, Ross, Smaligo, Smith (Dale), Smith (Hopper), Staggs, Stanley, Steele, Stites (Chad), Stites (J.T.), Sullivan, Sweeden, Taylor, Tibbs, Toure, Turner, Tyler, Vaughn, Walker, Webb, Wells, Wilson, Wilt, Winchester, Worthen, Wright, Young, Mr. Speaker.--100.

Excused: Bonny.--1.

The measure passed.

SB 1460 was referred for engrossment.

GENERAL ORDER

SB 975 by Shurden of the Senate and Gray of the House was read and considered.

Representative Gray moved to amend **SB 975** by striking the title, the enacting clause and the entire measure and inserting in lieu thereof a floor substitute, which amendment was declared adopted. (Copies for Members)

Representative Gray moved to amend the floor substitute by striking the enacting clause, which amendment was declared adopted.

Representative Gray moved that **SB 975** be advanced from General Order, which motion was declared adopted.

By unanimous consent, upon request of Representative Gray, **SB 975** was considered engrossed and placed on Third Reading and Final Passage.

THIRD READING

SB 975 was read at length for the third time. On passage of the measure, the roll call was as follows:

Aye: Adkins, Askins, Balkman, Begley, Benge, Benson, Blackburn, Bonny, Braddock, Calvey, Cargill, Case, Claunch, Coleman, Corn, Covey, Cox, Dank, Davis, Deutschendorf, DeWitt, Dunegan, Easley, Eddins, Ericson, Ervin, Erwin, Ferguson, Fields, Friskup, Gilbert, Glover, Graves, Gray, Greenwood, Hastings, Hefner, Hiatt, Hilliard, Hutchison, Ingmire, Jones, Kirby, Langmacher, Leist, Lindley, Liotta, Maddux, Mass, Matlock, McCarter, Miller (Doug), Miller (Ray), Mitchell, Morgan, Nance, Nations, Newport, O'Neal, Paulk, Perry, Peters, Peterson, Pettigrew, Phillips, Piatt, Plunk, Pope (Clay), Pope (Tim), Rice, Roach, Roan, Roberts, Roggow, Ross, Smaligo, Smith (Dale), Smith (Hopper), Staggs, Stanley, Steele, Stites (Chad), Stites (J.T.), Sullivan, Sweeden, Taylor, Tibbs, Toure, Turner, Tyler, Vaughn, Walker, Webb, Wells, Wilson, Wilt, Winchester, Worthen, Wright, Young, Mr. Speaker.--101.

The measure passed.

SB 975 was referred for engrossment.

GENERAL ORDER

SB 1628 by Williams et al of the Senate and Vaughn et al of the House was read and considered.

Coauthored by Representative(s) Nance

Representative Vaughn moved to amend **SB 1628**, Page 1, Section 1, Line 3 by adding after the period "." the language "Any references in the statutes to the Oklahoma Organ Donor Education and Awareness Program Act shall be deemed references to the Cheryl Selman Organ Donor Education and Awareness Act." and Pages 2-6 by deleting Sections 2, 3 and 4, and renumbering subsequent sections, which amendment was declared adopted.

Representative Graves moved to amend **SB 1628**, Page 7, Section 5, Lines 7-11 by deleting the following language:

“B. An employee who is granted a leave of absence pursuant to the provisions of this section shall receive the base state pay without interruption during the leave of absence. For purposes of determining seniority, pay or pay advancement, and performance awards, and for the receipt of any benefit that may be affected by a leave of absence, the service of the employee shall be considered uninterrupted by the leave of absence.”,

which amendment failed of adoption upon roll call as follows:

Aye: Calvey, Coleman, Dank, Davis, Graves, Gray, Greenwood, Phillips, Pope (Tim), Smaligo, Smith (Hopper), Worthen, Wright.--13.

Nay: Adkins, Askins, Balkman, Begley, Bengé, Benson, Blackburn, Bonny, Braddock, Cargill, Case, Claunch, Corn, Covey, Cox, Deutschendorf, DeWitt, Dunegan, Easley, Eddins, Ericson, Ervin, Erwin, Ferguson, Fields, Friskup, Gilbert, Glover, Hastings, Hefner, Hiatt, Hilliard, Hutchison, Ingmire, Jones, Kirby, Langmacher, Leist, Lindley, Liotta, Maddux, Mass, Matlock, McCarter, Miller (Doug), Miller (Ray), Mitchell, Morgan, Nance, Nations, Newport, O'Neal, Paulk, Perry, Peters, Peterson, Pettigrew, Piatt, Plunk, Pope (Clay), Rice, Roach, Roan, Roberts, Roggow, Smith (Dale), Staggs, Stanley, Steele, Stites (Chad), Stites (J.T.), Sullivan, Sweeden, Taylor, Tibbs, Toure, Turner, Tyler, Vaughn, Walker, Webb, Wells, Wilson, Wilt, Winchester, Young, Mr. Speaker.--87.

Excused: Ross.--1.

Representative Vaughn moved that **SB 1628** be advanced from General Order, which motion was declared adopted.

By unanimous consent, upon request of Representative Vaughn, **SB 1628** was considered engrossed and placed on Third Reading and Final Passage.

THIRD READING

SB 1628 was read at length for the third time. On passage of the measure and emergency, the roll call was as follows:

Aye: Adkins, Askins, Balkman, Begley, Bengé, Benson, Blackburn, Bonny, Braddock, Calvey, Cargill, Case, Claunch, Coleman, Corn, Covey, Cox, Dank, Davis, Deutschendorf, DeWitt, Dunegan, Easley, Eddins, Ericson, Ervin, Erwin, Ferguson, Fields, Friskup, Gilbert, Glover, Graves, Gray, Greenwood, Hastings, Hefner, Hiatt, Hilliard, Hutchison, Ingmire, Jones, Kirby, Langmacher, Leist, Lindley, Liotta, Maddux, Mass, Matlock, McCarter, Miller (Doug), Miller (Ray), Mitchell, Morgan, Nance, Nations, Newport, O'Neal, Paulk, Perry, Peters, Peterson, Pettigrew, Phillips, Piatt, Plunk, Pope (Clay), Pope (Tim), Rice, Roach, Roan, Roberts, Roggow, Ross, Smaligo, Smith (Dale), Smith (Hopper), Staggs, Stanley, Steele, Stites (Chad), Stites (J.T.), Sullivan, Sweeden, Taylor, Tibbs,

Toure, Turner, Tyler, Vaughn, Walker, Webb, Wells, Wilson, Wilt, Winchester, Worthen, Wright, Young, Mr. Speaker.--101.

The measure and emergency passed.

SB 1628 was referred for engrossment.

MOTION

Representative Hilliard moved that the House stand at ease until 1:30 p.m., which was the order.

Speaker Pro Tempore Emeritus Glover Presiding

GENERAL ORDER

SB 871 by Easley of the Senate and Rice of the House was read and considered.

Representative Rice moved to amend **SB 871** by striking the enacting clause, which amendment was declared adopted.

Representative Rice moved that **SB 871** be advanced from General Order, which motion was declared adopted.

By unanimous consent, upon request of Representative Rice, **SB 871** was considered engrossed and placed on Third Reading and Final Passage.

THIRD READING

SB 871 was read at length for the third time. On passage of the measure, the roll call was as follows:

Aye: Adkins, Askins, Balkman, Begley, Bengé, Benson, Blackburn, Bonny, Braddock, Calvey, Cargill, Case, Claunch, Coleman, Corn, Cox, Dank, Davis, Deutschendorf, DeWitt, Dunegan, Easley, Eddins, Ericson, Ervin, Erwin, Ferguson, Fields, Friskup, Gilbert, Glover, Graves, Greenwood, Hastings, Hefner, Hiett, Hilliard, Hutchison, Ingmire, Jones, Kirby, Langmacher, Lindley, Liotta, Maddux, Mass, Matlock, McCarter, Miller (Doug), Miller (Ray), Mitchell, Morgan, Nance, Nations, Newport, O'Neal, Paulk, Perry, Peters, Peterson, Pettigrew, Phillips, Piatt, Plunk, Pope (Clay), Pope (Tim), Rice, Roach, Roan, Roberts, Roggow, Ross, Smaligo, Smith (Dale), Smith (Hopper), Staggs, Stanley, Steele, Stites (Chad), Stites (J.T.), Sullivan, Sweeden, Taylor, Tibbs, Tyler, Vaughn, Wells, Wilson, Wilt, Winchester, Worthen, Wright, Young, Mr. Speaker.--94.

Nay: Covey, Leist, Turner, Walker.--4.

Excused: Gray, Toure, Webb.--3.

The measure passed.

SB 871 was referred for engrossment.

GENERAL ORDER

SB 983 by Herbert of the Senate and Matlock of the House was read and considered.

Coauthored by Senator(s) Leftwich

Representative Matlock moved to amend **SB 983** by striking the title, the enacting clause and the entire measure and inserting in lieu thereof a floor substitute, which amendment was declared adopted. (Copies for Members)

Representative Matlock moved that **SB 983** be advanced from General Order, which motion was declared adopted.

By unanimous consent, upon request of Representative Matlock, **SB 983** was considered engrossed and placed on Third Reading and Final Passage.

THIRD READING

SB 983 was read at length for the third time. On passage of the measure, the roll call was as follows:

Aye: Adkins, Askins, Balkman, Begley, Benge, Benson, Blackburn, Bonny, Braddock, Calvey, Cargill, Case, Claunch, Coleman, Corn, Covey, Cox, Dank, Davis, Deutschendorf, DeWitt, Dunegan, Easley, Eddins, Ericson, Ervin, Erwin, Ferguson, Fields, Friskup, Gilbert, Glover, Graves, Greenwood, Hefner, Hiatt, Hilliard, Hutchison, Ingmire, Jones, Kirby, Langmacher, Leist, Lindley, Liotta, Maddux, Mass, Matlock, McCarter, Miller (Doug), Miller (Ray), Mitchell, Morgan, Nance, Nations, Newport, O'Neal, Paulk, Perry, Peters, Peterson, Pettigrew, Phillips, Piatt, Plunk, Pope (Clay), Pope (Tim), Rice, Roach, Roan, Roberts, Roggow, Ross, Smaligo, Smith (Dale), Smith (Hopper), Staggs, Stanley, Steele, Stites (Chad), Stites (J.T.), Sullivan, Sweeden, Taylor, Tibbs, Toure, Turner, Tyler, Vaughn, Walker, Webb, Wells, Wilson, Wilt, Winchester, Worthen, Wright, Young, Mr. Speaker.--99.

Nay: Hastings.--1.

Excused: Gray.--1.

The measure passed.

SB 983 was referred for engrossment.

GENERAL ORDER

SB 1285 by Stipe of the Senate and Tyler of the House was read and considered.

Representative Tyler moved that **SB 1285** be advanced from General Order, which motion was declared adopted.

Upon request of Representative Tyler, **SB 1285** was placed on Third Reading and Final Passage.

THIRD READING

SB 1285 was read at length for the third time. On passage of the measure and emergency, the roll call was as follows:

Aye: Adkins, Askins, Balkman, Begley, Bengé, Benson, Blackburn, Bonny, Braddock, Calvey, Cargill, Case, Claunch, Coleman, Corn, Covey, Cox, Dank, Davis, Deutschendorf, DeWitt, Dunegan, Easley, Eddins, Ericson, Ervin, Erwin, Ferguson, Fields, Friskup, Gilbert, Glover, Graves, Greenwood, Hastings, Hefner, Hiatt, Hilliard, Hutchison, Ingmire, Jones, Kirby, Langmacher, Leist, Lindley, Liotta, Maddux, Mass, Matlock, McCarter, Miller (Doug), Miller (Ray), Mitchell, Morgan, Nance, Nations, Newport, O'Neal, Paulk, Perry, Peters, Peterson, Pettigrew, Phillips, Piatt, Plunk, Pope (Clay), Pope (Tim), Rice, Roach, Roan, Roberts, Roggow, Ross, Smaligo, Smith (Dale), Smith (Hopper), Staggs, Stanley, Steele, Stites (Chad), Stites (J.T.), Sullivan, Sweeden, Taylor, Tibbs, Toure, Turner, Tyler, Vaughn, Walker, Webb, Wells, Wilson, Wilt, Winchester, Worthen, Wright, Young, Mr. Speaker.--100.

Excused: Gray.--1.

The measure and emergency passed.

The Presiding Officer signed, in open session, Engrossed **SB 1285** and ordered same returned to the Honorable Senate.

GENERAL ORDER

SB 1534 by Stipe of the Senate and Mass of the House was read and considered.

Coauthored by Representative(s) Sullivan, Davis

Representative Mass moved to amend **SB 1534**, Page 3, Section 4, Line 5 by deleting the word and figure "ninety (90) and inserting in lieu thereof the word and figure "one-hundred twenty (120)" and Line 6 by inserting after the word "any" and before the word "rules" the word "emergency", which amendment was declared adopted.

Representative Davis moved to amend **SB 1534**, Page 2, Section 3, Line 8 by adding after the word “freight” the words “or passenger”, which amendment was declared adopted.

Representative Mass moved to amend **SB 1534** by striking the enacting clause, which amendment was declared adopted.

Representative Mass moved that **SB 1534** be advanced from General Order, which motion was declared adopted.

By unanimous consent, upon request of Representative Mass, **SB 1534** was considered engrossed and placed on Third Reading and Final Passage.

THIRD READING

SB 1534 was read at length for the third time. On passage of the measure and emergency, the roll call was as follows:

Aye: Adkins, Askins, Balkman, Begley, Benge, Benson, Blackburn, Bonny, Braddock, Calvey, Cargill, Case, Claunch, Coleman, Corn, Covey, Cox, Dank, Davis, Deutschendorf, DeWitt, Dunegan, Easley, Eddins, Ericson, Ervin, Erwin, Ferguson, Fields, Friskup, Gilbert, Glover, Graves, Gray, Greenwood, Hastings, Hefner, Hiatt, Hilliard, Hutchison, Ingmire, Jones, Kirby, Langmacher, Leist, Lindley, Liotta, Maddux, Mass, Matlock, McCarter, Miller (Doug), Miller (Ray), Mitchell, Morgan, Nance, Nations, Newport, O'Neal, Paulk, Perry, Peters, Peterson, Pettigrew, Phillips, Piatt, Plunk, Pope (Clay), Pope (Tim), Rice, Roach, Roan, Roberts, Roggow, Ross, Smaligo, Smith (Dale), Smith (Hopper), Staggs, Stanley, Steele, Stites (Chad), Stites (J.T.), Sullivan, Sweeden, Taylor, Tibbs, Toure, Turner, Tyler, Vaughn, Walker, Webb, Wells, Wilson, Wilt, Winchester, Worthen, Wright, Young, Mr. Speaker.--101.

The measure and emergency passed.

SB 1534 was referred for engrossment.

Speaker Pro Tempore Matlock Presiding

GENERAL ORDER

SB 883 by Morgan of the Senate and Stanley of the House was read and considered.

Representative Stanley moved to amend **SB 883** by striking the title, the enacting clause and the entire measure and inserting in lieu thereof a floor substitute, which amendment was declared adopted. (Copies for Members)

Representative Stanley moved that **SB 883** be advanced from General Order, which motion was declared adopted.

By unanimous consent, upon request of Representative Stanley, **SB 883** was considered engrossed and placed on Third Reading and Final Passage.

THIRD READING

SB 883 was read at length for the third time. On passage of the measure, the roll call was as follows:

Aye: Adkins, Askins, Balkman, Begley, Benge, Benson, Blackburn, Bonny, Braddock, Calvey, Cargill, Case, Claunch, Coleman, Corn, Covey, Cox, Dank, Davis, Deutschendorf, DeWitt, Dunegan, Easley, Eddins, Ericson, Ervin, Erwin, Ferguson, Fields, Friskup, Gilbert, Glover, Graves, Gray, Greenwood, Hastings, Hefner, Hiatt, Hilliard, Hutchison, Ingmire, Jones, Kirby, Langmacher, Leist, Lindley, Liotta, Maddux, Mass, Matlock, McCarter, Miller (Doug), Miller (Ray), Mitchell, Morgan, Nance, Nations, Newport, O'Neal, Paulk, Perry, Peters, Peterson, Pettigrew, Phillips, Piatt, Plunk, Pope (Clay), Pope (Tim), Rice, Roach, Roan, Roberts, Roggow, Ross, Smaligo, Smith (Dale), Smith (Hopper), Staggs, Stanley, Steele, Stites (Chad), Stites (J.T.), Sullivan, Sweeden, Taylor, Tibbs, Toure, Turner, Tyler, Vaughn, Walker, Webb, Wells, Wilson, Wilt, Winchester, Worthen, Wright, Young, Mr. Speaker.--101.

The measure passed.

SB 883 was referred for engrossment.

GENERAL ORDER

SB 1624 by Cain of the Senate and Lindley et al of the House was read and considered.

Representative Lindley moved to amend **SB 1624** by striking the title, the enacting clause and the entire measure and inserting in lieu thereof a floor substitute, which amendment was declared adopted. (Copies for Members)

Representative Graves moved to amend the floor substitute by deleting Section 8 which reads as follows and renumbering subsequent sections, which amendment was declared adopted:

“SECTION 8. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 2-109 of Title 43A, unless there is created a duplication in numbering, reads as follows:

A. The Board of Mental Health and Substance Abuse Services is authorized and directed to establish the Office of Consumer Advocacy within the Department of Mental

Health and Substance Abuse Services and to employ such personnel as may be necessary to carry out the purposes of Section 2-108 of Title 43A of the Oklahoma Statutes.

1. The chief administrative officer of the Office of Consumer Advocacy shall be the Advocate General, who shall be an attorney admitted to practice in the State of Oklahoma with a minimum of three (3) years experience. The Advocate General shall report to the Board and be supervised by the Board, and may be dismissed only for cause.

2. The Advocate General shall have the following powers and duties:

- a. to serve as an advocate, but not as an attorney, for individuals receiving services from facilities operated by, subject to certification by or under contract with the Department, and, if an individual needs legal counsel, advise the individual of the right to seek counsel and refer the individual to counsel, if necessary,
- b. to supervise personnel assigned to the Office of Consumer Advocacy,
- c. to monitor and review grievance procedures in facilities operated by, subject to certification by or under contract with the Department,
- d. to investigate unresolved grievances and allegation of abuse, neglect and improper treatment of individuals receiving services from facilities operated by, subject to certification by or under contract with the Department,
- e. to access facilities operated by, subject to certification by or under contract with the Department and the records of such facilities. Reasonable access shall be granted for the purposes of conducting investigations of abuse, neglect and improper treatment, and performing other activities as necessary to monitor care and treatment provided by such facilities,
- f. to access the records of individuals receiving services from facilities operated by, subject to certification by or under contract with the Department. Records that are confidential under state and federal law shall be maintained as confidential and not be redisclosed by the Advocate General,
- g. to submit a report of the results of investigations of abuse to the appropriate district attorney and, if the individual is a juvenile in the custody of a state agency, submit a report to that state agency,
- h. to make recommendations to the Commissioner and provide regular or special reports regarding investigations and unresolved grievances to the Commissioner and the Board, and
- i. to perform such other duties as assigned by the Board.

B. The Advocate General and the staff of the Office of Consumer Advocacy shall not act as an attorney on behalf of individuals receiving services from facilities operated by, subject to certification by or under contract with the Department, except that they shall have the authority to file habeas corpus actions on behalf of such individuals and appear on their behalf in commitment proceedings.

C. Except as otherwise specifically provided in this section and as otherwise provided by state or federal laws, the information, records, materials and reports related to investigations by the Office of Consumer Advocacy are confidential and contain privileged information. Accordingly, such records, materials and reports shall not be open to public inspection nor their contents disclosed, nor shall a subpoena or subpoena duces tecum purporting to compel disclosure of such information be valid.

1. An order of the court authorizing the inspection, release or disclosure of information, records, materials and reports related to investigations by the Office of Consumer Advocacy shall be entered by a court only after a review of the records and a determination, with due regard for the confidentiality of the information and records and the privilege of the persons identified in the records, that a compelling reason exists, any applicable privilege has been waived and such inspection, release or disclosure is necessary for the protection of a legitimate public or private interest.

2. This section shall not be construed as prohibiting the Department or the Office of Consumer Advocacy from summarizing the outcome of an investigation, stating the allegation and finding. The summary may be provided to the person suspected of abuse, neglect or improper treatment, the person subject to alleged abuse, neglect or improper treatment, the person who reported an allegation, and the administrator of a facility certified by or under contract with the Department at which the alleged abuse, neglect or improper treatment occurred.”

Representative Greenwood moved to amend the floor substitute, Page 30, Section 12, Line 22 by deleting the new language “d. persons who commit domestic violence,”, which amendment was declared adopted upon a division of the question.

Representative Wright moved to amend the floor substitute, Page 31, Section 12, Lines 5-6 by striking the language “or to individuals who resist or avoid involvement in other needed mental health services”, which amendment was declared adopted.

Representative Nance moved to amend the floor substitute, Page 10, Section 3, Lines 22-25 by striking the new language “In addition, the identity of all persons who have received or are receiving mental health or drug or alcohol abuse treatment services shall be considered confidential and privileged.”, which amendment was declared adopted.

Representative Lindley moved that **SB 1624** be advanced from General Order, which motion was declared adopted.

By unanimous consent, upon request of Representative Lindley, **SB 1624** was considered engrossed and placed on Third Reading and Final Passage.

THIRD READING

SB 1624 was read at length for the third time. On passage of the measure, the roll call was as follows:

Aye: Adkins, Askins, Balkman, Benge, Benson, Blackburn, Bonny, Braddock, Calvey, Cargill, Case, Claunch, Coleman, Corn, Covey, Cox, Dank, Davis, Deutschendorf, DeWitt, Dunegan, Easley, Eddins, Ericson, Ervin, Erwin, Ferguson, Fields, Friskup, Gilbert, Glover, Graves, Gray, Greenwood, Hastings, Hefner, Hiatt, Hilliard, Hutchison, Ingmire, Jones, Kirby, Langmacher, Leist, Lindley, Liotta, Maddux, Mass, Matlock, McCarter, Miller (Doug), Miller (Ray), Mitchell, Morgan, Nance, Nations, Newport, O'Neal, Paulk, Perry, Peters, Peterson, Pettigrew, Phillips, Piatt, Plunk, Pope (Clay), Pope (Tim), Rice, Roach, Roan, Roberts, Roggow, Smaligo, Smith (Dale), Smith (Hopper), Staggs, Stanley, Steele,

Stites (Chad), Stites (J.T.), Sullivan, Sweeden, Taylor, Tibbs, Toure, Turner, Tyler, Vaughn, Walker, Webb, Wells, Wilson, Wilt, Winchester, Worthen, Wright, Young, Mr. Speaker.--99.

Excused: Begley, Ross.--2.

The measure passed.

SB 1624 was referred for engrossment.

GENERAL ORDER

SB 1378 by Morgan of the Senate and Ingmire et al of the House was read and considered.

Representative Ingmire moved to amend **SB 1378** by striking the enacting clause, which amendment was declared adopted.

Representative Ingmire moved that **SB 1378** be advanced from General Order, which motion was declared adopted.

By unanimous consent, upon request of Representative Ingmire, **SB 1378** was considered engrossed and placed on Third Reading and Final Passage.

THIRD READING

SB 1378 was read at length for the third time. On passage of the measure and emergency, the roll call was as follows:

Aye: Adkins, Askins, Balkman, Benge, Benson, Blackburn, Bonny, Braddock, Calvey, Cargill, Case, Claunch, Coleman, Corn, Covey, Cox, Dank, Davis, Deutschendorf, DeWitt, Dunegan, Easley, Eddins, Ericson, Ervin, Erwin, Ferguson, Fields, Friskup, Gilbert, Glover, Graves, Gray, Greenwood, Hastings, Hefner, Hiett, Hilliard, Hutchison, Ingmire, Jones, Kirby, Langmacher, Leist, Lindley, Liotta, Maddux, Mass, Matlock, McCarter, Miller (Doug), Miller (Ray), Mitchell, Morgan, Nance, Nations, Newport, O'Neal, Paulk, Perry, Peters, Peterson, Pettigrew, Phillips, Piatt, Plunk, Pope (Clay), Pope (Tim), Rice, Roach, Roan, Roberts, Roggow, Ross, Smaligo, Smith (Dale), Smith (Hopper), Staggs, Stanley, Steele, Stites (Chad), Stites (J.T.), Sullivan, Sweeden, Taylor, Tibbs, Toure, Turner, Tyler, Vaughn, Walker, Webb, Wells, Wilson, Wilt, Winchester, Worthen, Wright, Young, Mr. Speaker.--100.

Excused: Begley.--1.

The measure and emergency passed.

SB 1378 was referred for engrossment.

GENERAL ORDER

SB 980 by Herbert of the Senate and Cargill of the House was read and considered.

Representative Cargill moved to amend **SB 980** by striking the title, the enacting clause and the entire measure and inserting in lieu thereof a floor substitute, which amendment was declared adopted. (Copies for Members)

Representative Cargill moved that **SB 980** be advanced from General Order, which motion was declared adopted.

By unanimous consent, upon request of Representative Cargill, **SB 980** was considered engrossed and placed on Third Reading and Final Passage.

THIRD READING

SB 980 was read at length for the third time. On passage of the measure, the roll call was as follows:

Aye: Adkins, Askins, Balkman, Benge, Benson, Blackburn, Bonny, Braddock, Calvey, Cargill, Case, Claunch, Coleman, Corn, Covey, Cox, Dank, Davis, Deutschendorf, DeWitt, Dunegan, Easley, Eddins, Ericson, Ervin, Erwin, Ferguson, Fields, Friskup, Gilbert, Glover, Graves, Gray, Greenwood, Hastings, Hefner, Hiatt, Hilliard, Hutchison, Ingmire, Jones, Kirby, Langmacher, Leist, Lindley, Liotta, Maddux, Mass, Matlock, McCarter, Miller (Doug), Miller (Ray), Mitchell, Morgan, Nance, Nations, Newport, O'Neal, Paulk, Perry, Peters, Peterson, Pettigrew, Phillips, Piatt, Plunk, Pope (Clay), Pope (Tim), Rice, Roach, Roan, Roberts, Roggow, Ross, Smaligo, Smith (Dale), Smith (Hopper), Staggs, Stanley, Steele, Stites (Chad), Stites (J.T.), Sullivan, Sweeden, Taylor, Tibbs, Toure, Turner, Tyler, Vaughn, Walker, Webb, Wells, Wilson, Wilt, Winchester, Worthen, Wright, Young, Mr. Speaker.--100.

Excused: Begley.--1.

The measure passed.

SB 980 was referred for engrossment.

GENERAL ORDER

SB 904 by Morgan of the Senate and Hastings of the House was read and considered.

Remove Representative Hastings as principal House author and substitute with Representative Stanley

Representative Liotta moved to amend **SB 904** by deleting Section 1 and renumbering subsequent sections.

Representative Stanley moved to amend the Liotta amendment, Page 2, Section 1 by striking only the new language on Line 8 as follows “and any third-party administrator”, which amendment was declared adopted.

Representative Liotta pressed adoption of his amendment, as amended, which amendment was declared adopted.

Representative Stanley moved to amend **SB 904**, Page 2, Section 1, Line 8 by adding the following language: “For purposes of the Unfair Claims Settlement Practices Act, a third-party administrator shall not be considered an insurer.”, which amendment was declared adopted.

Representative Stanley move to amend **SB 904** by deleting Section 2 and inserting a new Section 2 to read as follows and renumbering subsequent section:

“SECTION 2. AMENDATORY 36 O.S. 2001, Section 6055, is amended to read as follows:

A. Under any accident and health insurance policy, hereafter renewed or issued for delivery from out of Oklahoma or in Oklahoma by any insurer and covering an Oklahoma risk, the services and procedures may be performed by any practitioner selected by the insured, or the parent or guardian of the insured if the insured is a minor, if the services and procedures fall within the licensed scope of practice of the practitioner providing the same.

B. An accident and health insurance policy may:

1. Exclude or limit coverage for a particular illness, disease, injury or condition; but, except for such exclusions or limits, shall not exclude or limit particular services or procedures that can be provided for the diagnosis and treatment of a covered illness, disease, injury or condition, if such exclusion or limitation has the effect of discriminating against a particular class of practitioner. However, such services and procedures, in order to be a covered medical expense, must:

- a. be medically necessary,
- b. be of proven efficacy, and
- c. fall within the licensed scope of practice of the practitioner providing same; and

2. Provide for the application of deductibles and copayment provisions, when equally applied to all covered charges for services and procedures that can be provided by any practitioner for the diagnosis and treatment of a covered illness, disease, injury or condition. This provision shall not be construed to prohibit differences in deductibles and copayment provisions between practitioners, hospitals and ambulatory surgical centers who are participating preferred provider organization providers and practitioners, hospitals and ambulatory surgical centers who are not participating in the preferred provider organization, subject to the following limitations:

- a. the amount of any annual deductible per covered person or per family for treatment in a hospital or ambulatory surgical center that is not a preferred provider shall not exceed three times the amount of a

- corresponding annual deductible for treatment in a hospital or ambulatory surgical center that is a preferred provider,
- b. if the policy has no deductible for treatment in a preferred provider hospital or ambulatory surgical center, the deductible for treatment in a hospital or ambulatory surgical center that is not a preferred provider shall not exceed One Thousand Dollars (\$1,000.00) per covered-person visit,
 - c. the amount of any annual deductible per covered person or per family treatment, other than inpatient treatment, by a practitioner that is not a preferred practitioner shall not exceed three times the amount of a corresponding annual deductible for treatment, other than inpatient treatment, by a preferred practitioner,
 - d. if the policy has no deductible for treatment by a preferred practitioner, the annual deductible for treatment received from a practitioner that is not a preferred practitioner shall not exceed Five Hundred Dollars (\$500.00) per covered person,
 - e. the percentage amount of any coinsurance to be paid by an insured to a practitioner, hospital or ambulatory surgical center that is not a preferred provider shall not exceed by more than thirty (30) percentage points the percentage amount of any coinsurance payment to be paid to a preferred provider,
 - f. a practitioner, hospital or ambulatory surgical center that is not a preferred provider shall disclose to the insured, in writing, that the insured may be responsible for:
 - (1) higher coinsurance and deductibles, and
 - (2) practitioner, hospital or ambulatory surgical center charges which exceed the allowable charges of a preferred provider, and
 - g. when a referral is made to a nonparticipating hospital or ambulatory surgical center, the referring practitioner must disclose in writing to the insured, any ownership interest in the nonparticipating hospital or ambulatory surgical center.

C. Upon submission of a claim by a practitioner, hospital, home care agency, or ambulatory surgical center to an insurer on a uniform health care claim form adopted by the Insurance Commissioner pursuant to Section 6581 of this title, the insurer shall provide a timely explanation of benefits to the practitioner, hospital, home care agency, or ambulatory surgical center regardless of the network participation status of such person or entity.

D. Benefits available under an accident and health insurance policy, at the option of the insured, shall be assignable to a practitioner, hospital, home care agency or ambulatory surgical center who has provided services and procedures which are covered under the policy. A practitioner, hospital, home care agency or ambulatory surgical center shall be compensated directly by an insurer for services and procedures which have been provided when the following conditions are met:

1. Benefits available under a policy have been assigned in writing by an insured to the practitioner, hospital, home care agency or ambulatory surgical center;

2. A copy of the assignment has been provided by the practitioner, hospital, home care agency or ambulatory surgical center to the insurer;

3. A claim has been submitted by the practitioner, hospital, home care agency or ambulatory surgical center to the insurer on a uniform health insurance claim form adopted by the Insurance Commissioner pursuant to Section 6581 of this title; and

4. A copy of the claim has been provided by the practitioner, hospital, home care agency or ambulatory surgical center to the insured.

~~E.~~ The provisions of subsection D of this section shall not apply to:

~~1. Any preferred provider organization (PPO) contract, as defined by generally accepted industry standards; or~~

~~2. Any statewide provider network which:~~

~~a. — provides that a practitioner, hospital, home care agency or ambulatory surgical center who joins the provider network shall be compensated directly by the insurer;~~

~~b. — does not have any terms or conditions which have the effect of discriminating against a particular class of practitioner; and~~

~~c. — allows any practitioner, hospital, home care agency or ambulatory surgical center, except a practitioner who has a prior felony conviction, to become a network provider if said hospital or practitioner is willing to comply with the terms and conditions of a standard network provider contract.~~

~~F.~~ E. A nonparticipating practitioner, hospital or ambulatory surgical center may request from an insurer and the insurer shall supply a good-faith estimate of the allowable fee for a procedure to be performed upon an insured based upon information regarding the anticipated medical needs of the insured provided to the insurer by the nonparticipating practitioner.

~~G.~~ F. A practitioner shall be equally compensated for covered services and procedures provided to an insured on the basis of charges prevailing in the same geographical area or in similar sized communities for similar services and procedures provided to similarly ill or injured persons regardless of the branch of the healing arts to which the practitioner may belong, if:

1. The practitioner does not authorize or permit false and fraudulent advertising regarding the services and procedures provided by the practitioner; and

2. The practitioner does not aid or abet the insured to violate the terms of the policy.

~~H.~~ G. Nothing in the Health Care Freedom of Choice Act shall prohibit an insurer from establishing a preferred provider organization and a standard participating provider contract therefor, specifying the terms and conditions, including, but not limited to, provider qualifications, and alternative levels or methods of payment that must be met by a practitioner selected by the insurer as a participating preferred provider organization provider.

~~I.~~ H. A preferred provider organization, in executing a contract, shall not, by the terms and conditions of the contract or internal protocol, discriminate within its network of practitioners with respect to participation and reimbursement as it relates to any practitioner who is acting within the scope of the practitioner's license under the law solely on the basis of such license.

~~J. I.~~ Decisions by an insurer or a preferred provider organization (PPO) to authorize or deny coverage for an emergency service shall be based on the patient presenting symptoms arising from any injury, illness, or condition manifesting itself by acute symptoms of sufficient severity, including severe pain, such that a reasonable and prudent layperson could expect the absence of medical attention to result in serious:

1. Jeopardy to the health of the patient;
2. Impairment of bodily function; or
3. Dysfunction of any bodily organ or part.

~~K. J.~~ An insurer or preferred provider organization (PPO) shall not deny an otherwise covered emergency service based solely upon lack of notification to the insurer or PPO.

~~L. K.~~ An insurer or a preferred provider organization (PPO) shall compensate a provider for patient screening, evaluation, and examination services that are reasonably calculated to assist the provider in determining whether the condition of the patient requires emergency service. If the provider determines that the patient does not require emergency service, coverage for services rendered subsequent to that determination shall be governed by the policy or PPO contract.

~~M. L.~~ Nothing in this act shall be construed as prohibiting an insurer, preferred provider organization or other network from determining the adequacy of the size of its network.”

Representative Greenwood asked a ruling of the Presiding Officer whether the Stanley amendment is germane to **SB 904**.

The Presiding Officer ruled the point not well taken and the amendment germane.

Representative Claunch moved to amend the Stanley amendment by creating a new subparagraph a. under paragraph 2 to read as follows and relettering subsequent subparagraphs, which amendment was declared adopted:

“a. a practitioner who provides health care services to any individual requesting services who is eligible for medicaid or medicare coverage must treat that person, as regards billing, as other individuals requesting services.”

Representative Greenwood moved to amend the Stanley amendment subsection D, paragraph 4 by inserting after the word “insured” and before the period “.” the following language: “; and 5. Benefits available under the policy are accepted as payment in full by the provider.”

Representative Stanley moved to table the Greenwood amendment, which tabling motion failed upon roll call as follows:

Aye: Adkins, Bonny, Braddock, Coleman, Dank, Dunegan, Ervin, Ferguson, Gray, Hastings, Hilliard, Langmacher, Leist, Lindley, Mass, McCarter, Miller (Doug), Nations, Paulk, Piatt, Plunk, Pope (Clay), Rice, Stanley, Stites (J.T.), Sullivan, Toure.--27.

Nay: Balkman, Benge, Benson, Blackburn, Calvey, Cargill, Case, Claunch, Corn, Covey, Cox, Davis, Deutschendorf, DeWitt, Easley, Eddins, Ericson, Erwin, Fields, Friskup, Gilbert, Glover, Graves, Greenwood, Hefner, Hiatt, Hutchison, Ingmire, Jones,

Kirby, Liotta, Maddux, Matlock, Miller (Ray), Mitchell, Morgan, Nance, Newport, O'Neal, Peters, Peterson, Pettigrew, Phillips, Pope (Tim), Roan, Roberts, Roggow, Smaligo, Smith (Dale), Smith (Hopper), Staggs, Steele, Stites (Chad), Sweeden, Taylor, Tibbs, Turner, Tyler, Vaughn, Walker, Webb, Wells, Wilson, Wilt, Winchester, Worthen, Wright, Young, Mr. Speaker.--69.

Excused: Askins, Begley, Perry, Roach, Ross.--5.

Representative Greenwood pressed adoption of her amendment to the amendment, which amendment was declared adopted.

Representative Stanley pressed adoption of his amendment, as amended, which amendment was declared adopted.

Representative Wright moved to amend **SB 904** by striking the title, which amendment was declared adopted.

Representative Stanley moved that **SB 904** be advanced from General Order, which motion was declared adopted.

By unanimous consent, upon request of Representative Stanley, **SB 904** was considered engrossed and placed on Third Reading and Final Passage.

THIRD READING

SB 904 was read at length for the third time. On passage of the measure, the roll call was as follows:

Aye: Adkins, Askins, Balkman, Benge, Benson, Blackburn, Bonny, Braddock, Calvey, Cargill, Case, Claunch, Coleman, Corn, Covey, Cox, Dank, Davis, Deutschendorf, DeWitt, Dunegan, Easley, Ericson, Ervin, Erwin, Ferguson, Fields, Friskup, Gilbert, Glover, Graves, Gray, Greenwood, Hastings, Hefner, Hiatt, Hilliard, Hutchison, Ingmire, Jones, Kirby, Langmacher, Leist, Lindley, Maddux, Mass, Matlock, McCarter, Miller (Doug), Miller (Ray), Mitchell, Morgan, Nance, Nations, Newport, O'Neal, Paulk, Peters, Peterson, Pettigrew, Phillips, Piatt, Plunk, Pope (Clay), Pope (Tim), Rice, Roach, Roan, Roberts, Roggow, Smaligo, Smith (Dale), Smith (Hopper), Staggs, Stanley, Steele, Stites (Chad), Stites (J.T.), Sweeden, Taylor, Tibbs, Toure, Turner, Tyler, Walker, Webb, Wells, Wilson, Wilt, Winchester, Wright, Young, Mr. Speaker.--93.

Nay: Eddins, Liotta, Sullivan, Vaughn, Worthen.--5.

Excused: Begley, Perry, Ross.--3.

The measure passed.

SB 904 was referred for engrossment.

PENDING CONSIDERATION OF SAs

SAs to **HB 2383** were rejected upon motion of Representative Roan. Conferees to be named later.

PENDING CONSIDERATION OF SAs

SAs to **HBs 2180** and **2853** were rejected upon motion of Representative Easley. Conferees to be named later.

PENDING CONSIDERATION OF SAs

SAs to **HB 2032** were rejected upon motion of Representative Rice. Conferees to be named later.

PENDING CONSIDERATION OF SAs

SAs to **HB 2403** were rejected upon motion of Representative Vaughn. Conferees to be named later.

PENDING CONSIDERATION OF SAs

SAs to **HBs 2083** and **2086** were rejected upon motion of Representative Kirby. Conferees to be named later.

PENDING CONSIDERATION OF SAs

SAs to **HB 2659** were rejected upon motion of Representative Sweeden. Conferees to be named later.

PENDING CONSIDERATION OF SAs

SAs to **HB 2368** were rejected upon motion of Representative Turner. Conferees to be named later.

PENDING CONSIDERATION OF SAs

SAs to **HBs 2764** and **2765** were rejected upon motion of Representative Paulk. Conferees to be named later.

PENDING CONSIDERATION OF SAs

SAs to **HB 2316** were rejected upon motion of Representative Miller (Ray). Conferees to be named later.

PENDING CONSIDERATION OF SAs

SAs to **HBs 2635** and **2637** were rejected upon motion of Representative Toure. Conferees to be named later.

PENDING CONSIDERATION OF SAs

SAs to **HB 2715** were rejected upon motion of Representative Stanley. Conferees to be named later.

PENDING CONSIDERATION OF SAs

SAs to **HB 2723** were rejected upon motion of Representative Bonny. Conferees to be named later.

PENDING CONSIDERATION OF SAs

SAs to **HBs 2357** and **2768** were rejected upon motion of Representative Dunegan. Conferees to be named later.

PENDING CONSIDERATION OF SAs

SAs to **HB 2777** were rejected upon motion of Representative Adkins. Conferees to be named later.

PENDING CONSIDERATION OF SAs

SAs to **HJR 1045** were rejected upon motion of Representative Pope (Clay). Conferees to be named later.

PENDING CONSIDERATION OF SAs

SAs to **HB 2904** were rejected upon motion of Representative Roach. Conferees to be named later.

PENDING CONSIDERATION OF SAs

SAs to **HB 2744** were rejected upon motion of Representative Nations. Conferees to be named later.

PENDING CONSIDERATION OF SAs

SAs to **HB 2680** were rejected upon motion of Representative Steele. Conferees to be named later.

MESSAGES FROM THE SENATE

Advising Senate naming conferees as follows:

SB 1458 - Smith, Morgan, Henry

Transmitting enrolled measure

Advising the signing of and transmitting for signature Enrolled **SCR 62**.

The above-numbered enrolled measure was properly signed and ordered returned to the Honorable Senate.

Returning engrossed measure

Announcing the passage of **HCR 1059**, Coauthored by all members of the Senate.

The above-numbered measure was referred for enrollment.

MESSAGES FROM THE GOVERNOR

Advising of his approval of **HBs 2371, 2374, 2567, 2610, 2673** and **2729** on April 24, 2002.

MEASURES REREFERRED

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

SB 898 – County and Municipal Government

SB 967 – Government Operations and Agency Oversight

SB 1340 – County and Municipal Government

Representative Hilliard moved that when the clerk's desk is clear, the House stand adjourned to reconvene at 8:45 a.m., Thursday, April 25, 2002, which was the order.

Pursuant to the motion of Representative Hilliard, the House was adjourned at 3:20 p.m., to reconvene Thursday, April 25, 2002, at 8:45 a.m.