

# HOUSE JOURNAL

**First Regular Session of the Forty-ninth Legislature**

**of the State of Oklahoma**

**Twenty-third Legislative Day, Tuesday, March 11, 2003**

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

The roll was called with 101 Members present.

The Speaker Pro Tempore declared a quorum present.

Prayer was offered by Pastor Ed Hollie, Heaven Bound Freewill Baptist Church, Whitefield.

The Journal for the last legislative day was approved.

## **ENGROSSED AND ENROLLED MEASURES**

**HBs 1040, 1196, 1201, 1202, 1203, 1204, 1205, 1206, 1207, 1208, 1209, 1210, 1211, 1212, 1213, 1214, 1215, 1216, 1217, 1218, 1219, 1220, 1221, 1222, 1223, 1224, 1225, 1226, 1227, 1228, 1229, 1300, 1362, 1430, 1439, 1442, 1443, 1444, 1445, 1450, 1493, 1524, 1526, 1574, 1615, 1663, 1675, 1696, 1740, 1744 and 1802** were reported correctly engrossed, properly signed, in open session, and ordered transmitted to the Honorable Senate.

## **SECOND READING**

The following were read for the second time and referred to committee:

**SB 318** – Appropriations and Budget

**SB 323** – Common Education

**SB 338** – Appropriations and Budget

**SB 340** – Appropriations and Budget  
**SB 401** – Agriculture and Rural Development  
**SB 409** – Retirement Laws  
**SB 492** – Human Services  
**SB 525** – Public Health  
**SB 527** – Tourism and Recreation  
**SB 552** – Insurance  
**SB 586** – Public Health  
**SB 610** – Human Services  
**SB 639** – Retirement Laws  
**SB 643** – Retirement Laws  
**SB 645** – Retirement Laws  
**SB 665** – Retirement Laws  
**SB 668** – Retirement Laws  
**SB 686** – Judiciary  
**SB 807** – Appropriations and Budget

## **MESSAGES FROM THE SENATE**

Advising the signing of and transmitting for signature Enrolled **SCR 11**.

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

### **Transmitting engrossed measures**

Announcing the passage of the following engrossed measures.

The measures were introduced and read for the first time.

**SB 19** – By Shurden and Capps of the Senate and Leist of the House.

An Act relating to state officers; amending 74 O.S. 2001, Section 10.3, which relates to the Governor's cabinet; allowing creation of a cabinet system; and declaring an emergency.

**SB 216** – By Laughlin of the Senate and Coleman of the House.

[ schools – district boards of education – contracts with certain personnel – effective date – emergency ]

**SB 241** – By Leftwich and Crutchfield of the Senate and Pope of the House.

An Act relating to the Corporation Commission; amending 17 O.S. 2001, Section 137, which relates to telephone companies; modifying the criteria by which telephone companies are subject to rate regulation; modifying exemptions from regulation by authorizing companies to modify rates, charges or terms and conditions of service under certain circumstances; modifying type of rates and charges subject to time limit; modifying application of section; broadening Corporation Commission authority to investigate and rescind specified rates and charges; clarifying terms; and providing an effective date.

**SB 245** – By Helton of the Senate and Kirby of the House.

[ authority for operation - cable television systems - effective date ]

**SB 328** – By Kerr of the Senate and McCarter of the House.

[ education employees - flexible benefit allowance – insurance - effective date – emergency ]

**SB 358** – By Leftwich of the Senate and Hefner of the House.

[ elections - which relate to duties of the secretary – adding participants in the Address Confidentiality Program – authorizing certain persons to remove deceased candidate’s name from the ballot – prohibiting talking on cellular telephones – extending overseas absentee ballot receipt deadline – codification ]

**SB 361** – By Shurden of the Senate and Leist of the House.

[ motor vehicles - powers of local authorities – emergency ]

**SB 363** – By Shurden of the Senate and Wilson of the House.

[ tourism - Oklahoma Tourism and Recreation Department – certain consideration – codification ]

**SB 365** – By Shurden of the Senate and Smith (Dale) of the House.

[ game and fish - tags and permits – codification – emergency ]

**SB 412** – By Corn of the Senate and Askins of the House.

An Act relating to health insurance; amending 74 O.S. 2001, Section 1315, as last amended by Section 1, Chapter 450, O.S.L. 2002 (74 O.S. Supp. 2002, Section 1315), which relates to participation in state-offered plans; allowing certain persons and entities to participate; providing an effective date; and declaring an emergency.

**SB 414** – By Corn of the Senate and Braddock of the House.

An Act relating to the State and Education Employees Group Insurance Board; amending 74 O.S. 2001, Section 1316.3, as last amended by Section 9, Chapter 438, O.S.L. 2002 (74 O.S. Supp. 2002, Section 1316.3), which relates to continuation of insurance benefits; deleting provisions allowing participation in certain plans if school was not a participant or employee was not a participant in certain plans; providing an effective date; and declaring an emergency.

**SB 421** – By Gumm of the Senate and Carey of the House.

[ state employees - Oklahoma Personnel Act - requiring certain approval prior to re-posting notice of vacancy for a position - effective date ]

**SB 447** – By Lawler of the Senate and Paulk of the House.

An Act relating to insurance; prohibiting certain actions by insurers; providing for codification; and providing an effective date.

**SB 452** – By Coffee of the Senate and Blackburn of the House.

An Act relating to schools; amending 70 O.S. 2001, Sections 5-117, as amended by Section 2, Chapter 483, O.S.L. 2002, and 24-101.3 (70 O.S. Supp. 2002, Section 5-117) which relate to powers of district boards of education, and out-of-school suspensions; authorizing leases of property to not-for-profit entities; authorizing district boards of education to delegate certain powers and duties to district superintendent; deleting obsolete language; deleting redundant language; authorizing certain district boards of education to appoint hearing officers to conduct certain hearing and render final decisions; repealing Section 5-117, as amended by Section 1, Chapter 283, O.S.L. 2002 (70 O.S. Supp. 2002, Section 5-117), which is a duplicate section and which relates to powers of district boards of education; and declaring an emergency.

**SB 490** – By Pruitt of the Senate and Winchester of the House.

[ poor persons – Oklahoma Health Care Authority Board – Medicaid program – coverage – codification – effective date ]

**SB 501** – By Robinson of the Senate and Turner of the House.

[ public finance and property - Oklahoma Private Activity Bond Allocation Act - effective date ]

**SB 542** – By Littlefield of the Senate and Coleman of the House.

[ tourism - Division of Parks – removing park entry fee prohibition – removing requirement for deposit of monies – emergency ]

**SB 545** – By Snyder of the Senate and Paulk of the House.

[ professions and occupations - Construction Industries Board – effective date ]

**SB 553** – By Hobson of the Senate and Adair of the House.

[ Oklahoma Horse Racing Act – rules – codification - effective date ]

**SB 557** – By Coffee and Laughlin of the Senate and Hiatt of the House.

An Act relating to agriculture; requiring notification to the State Board of Agriculture of suspected animal diseases; requiring certain information; amending Sections 15, 16, 17, 18 and 19, Chapter 173, O.S.L. 2002 (2 O.S. Supp. 2002, Sections 6-401, 6-402, 6-403, 6-404 and 6-405), which relate to the Animal Disease Outbreak Temporary Emergency Act; providing for public welfare; adding statutory reference; clarifying language; authorizing expert medical testimony in certain instances; requiring certain person to submit certain information in writing; defining terms; providing vaccination programs for first responders who may be exposed to infectious diseases deployed to disaster locations; making program voluntary; providing exceptions; providing for priority; providing for notification; authorizing certain contracts making section effective upon receipt of certain funds; providing for codification; and declaring an emergency.

**SB 566** – By Robinson of the Senate and Vaughn of the House.

[ Smoking in public places - exempt workplaces - smoking rooms - effective date ]

**SB 573** – By Littlefield of the Senate and Kirby and Covey of the House.

An Act relating to motor vehicles; amending 47 O.S. 2001, Sections 583, 585, 591.5, 591.9 and 591.11, which relate to the Oklahoma Used Motor Vehicle and Parts Commission; adding new fees and modifying current fees; expanding application of certain fees; providing new requirements for waiver of bond; deleting requirement for bond for certain salespersons; establishing dollar limit on fine; deleting obsolete language; authorizing Commission to deny, suspend or revoke license or buyer's identification card; establishing administrative fine for certain false statements; deleting fees; making language gender neutral; clarifying language; and providing an effective date.

**SB 578** – By Laughlin of the Senate and Vaughn of the House.

[ competitive events – membership – codification - effective date – emergency ]

**SB 587** – By Cain, Horner, Lawler, Monson, Riley and Williams of the Senate and Hamilton, Blackburn, Easley, McIntyre, Staggs and Tibbs of the House.

An Act relating to insurance; requiring provision of specified coverage by certain health benefit plans; prohibiting diminishing or limiting of certain diagnostic benefits; specifying services to be covered; providing for construction; defining term; stating nonapplicability of term; providing for codification; and providing an effective date.

**SB 636** – By Corn of the Senate and Brannon of the House.

An Act relating to the Oklahoma State Employees Benefits Council; amending 74 O.S. 2001, Section 1372, which relates to the flexible spending account benefits plan; clarifying language; deleting exception; requiring the Council to prescribe certain forms and procedures; providing right to a hearing; providing for notice; applying provisions of the Administrative Procedures Act; requiring promulgation of rules for notice of denial, requests for explanation and hearing for certain claims denial; deleting certain provisions of the notice of claim denial; providing an effective date; and declaring an emergency.

**SB 642** – By Corn of the Senate and Miller (Ray) of the House.

An Act relating to state employees; amending 74 O.S. 2001, Section 913, which relates to the Oklahoma Public Employees Retirement System; providing for treatment of certain leave; requiring implementation of voluntary furlough program prior to involuntary furlough or reduction-in-force; requiring submission for review and approval; setting maximum furlough leave; allowing appointing authority to designate how leave may be taken; requiring posting of plan; restricting implementation of involuntary furloughs; allowing participation in the voluntary furlough program; specifying treatment of certain benefits; requiring promulgation of rules; allowing certain state employees to take certain leave; requiring request be made by state employee and employee organization; allowing renewal of leave; allowing continuation of health insurance; allowing return to similar employment; providing for treatment of leave; prohibiting cancellation of leave after acceptance; requiring promulgation of rules; providing for codification; and declaring an emergency.

**SB 646** – By Corn of the Senate and Askins of the House.

[ Oklahoma Central Purchasing Act - deleting obsolete language - effective date ]

**SB 658** – By Robinson of the Senate and Nations of the House.

An Act relating to public health and safety; amending 63 O.S. 2001, Section 1-1950.5, which relates to caregiver compensation; permitting establishment of certain employee recognition program; stating program requirements; prohibiting inclusion of care provider in specified activities; providing for disbursements; and providing an effective date.

**SB 710** – By Gumm of the Senate and Carey of the House.

[ public health and safety - Oklahoma Health Care Authority – multistate purchasing groups – emergency ]

**SB 725** – By Smith of the Senate and Toure of the House.

An Act relating to civil procedure; amending 12 O.S. 2001, Section 721, which relates to foreign judgments; modifying requirements for filing certain judgments for specified purpose; modifying requirements related to certain offers; amending 23 O.S. 2001, Section 9.1, as amended by Section 1, Chapter 462, O.S.L. 2002 (23 O.S. Supp. 2002, Section 9.1), which relates to punitive damages; modifying requirements for certain findings; amending 30 O.S. 2001, Sections 4-201 and 4-303, which relate to guardian's bond and settlement of accounts; modifying requirement for certain finding by court; modifying requirements for filing of certain report; repealing 12 O.S. 2001, Section 1101.1, as amended by Section 7, Chapter 468, O.S.L. 2002 (12 O.S. Supp. 2002, Section 1101.1), which relates to offers of judgment; providing for codification; and providing an effective date.

**SB 740** – By Pruitt of the Senate and Morgan (Fred) of the House.

[ damages – requirements - circumstances – effective date ]

**SB 755** – By Pruitt, Gumm, Brogdon, Aldridge, Reynolds, Branan, Myers and Coates of the Senate and Smith (Hopper) of the House.

An Act relating to crimes and punishments; requiring internet service providers to remove child pornography items from services when discovered; setting time for certain removal of certain items; construing duty to remove certain items; stating misdemeanor penalties; providing for application for certain order to remove certain items; stating contents of application; authorizing ex parte orders; authorizing removal of certain items upon probable cause evidence; providing for notification; stating time period for certain notification; specifying information to be in certain notification; allowing designation of service agent for certain purpose; requiring an annual report; allowing certain recommendations by Attorney General; defining terms; providing for codification; and declaring an emergency.

**SB 785** – By Monson of the Senate and Toure of the House.

An Act relating to public health and safety; directing the State Commissioner of Health to convene a task force on Hepatitis C; specifying potential consideration topics; requiring report; providing for noncodification; and declaring an emergency.

**SB 789** – By Wilkerson of the Senate and Braddock of the House.

[ corrections - judicial review - modifying when report is provided - directing certain treatment in lieu of incarceration - effective date – emergency ]

**SB 795** – By Lawler of the Senate and Braddock of the House.

[ Oklahoma Drug Court Act - driving under the influence of intoxicating substance - effective date – emergency]

**SB 799** – By Williams of the Senate and Blackburn of the House.

An Act relating to schools; creating the Task Force 2007 Act; providing short title and stating purpose; creating task force and providing for appointment of members; establishing qualifications for appointed members; establishing power of designees; establishing quorum requirements; providing for reimbursement of travel expenses; requiring State Department of Education to provide assistance; requiring certain report; providing for noncodification; providing an effective date; and declaring an emergency.

**SB 803** – By Robinson of the Senate and Kirby of the House.

[ privacy of information - authorizing release of certain information about inmates under certain circumstances – emergency ]

**SB 808** – By Wilkerson of the Senate and Braddock of the House.

An Act relating to criminal procedure; amending 22 O.S. 2001, Section 991b, as amended by Section 19, Chapter 460, O.S.L. 2002 (22 O.S. Supp. 2002, Section 991b), which relates to revocation of suspended sentences; providing for motion, hearing, evidence, and sanction for technical infractions and violations; providing petition, notice, hearing for revocation of suspended sentence after commission of another crime; providing an effective date; and declaring an emergency.

**SB 823** – By Wilkerson of the Senate and Kirby of the House.

[ criminal procedure - sentencing to community punishment - effective date – emergency ]

**SB 826** – By Wilkerson of the Senate and Paulk of the House.

[ public safety - creating Oklahoma Homeland Security Act – emergency ]

**SJR 21** – By Hobson and Morgan of the Senate and Adair of the House.

[ A Joint Resolution relating to smoking in public places - amending sections in Title 21 and 63 - restricting smoking - effective date ]

## GENERAL ORDER

**HB 1764** by Adair of the House and Hobson of the Senate was read and considered.

Speaker Adair moved to amend **HB 1764** by striking the title, which amendment was declared adopted.

Speaker Adair moved that **HB 1764** be advanced from General Order, which motion was declared adopted.

By unanimous consent, upon request of Speaker Adair, **HB 1764** was considered engrossed and placed on Third Reading and Final Passage.

### **THIRD READING**

**HB 1764** was read at length for the third time. On passage of the measure, the roll call was as follows:

Aye: Adkins, Armes, Askins, Benge, Blackburn, Blackwell, Bonny, Boren, Braddock, Brannon, Calvey, Carey, Case, Claunch, Coleman, Covey, Cox, Dank, Deutschendorf, DeWitt, Dorman, Easley, Ellis, Erwin, Ferguson, Gilbert, Greenwood, Hamilton, Harrison, Hastings, Hefner, Hilliard, Hutchison, Ingmire, Jones, Kirby, Lamons, Langmacher, Leist, Lerblance, Lindley, McCarter, McClain, McIntyre, Miller (Ray), Mitchell, Morgan (Danny), Nance, Nations, Newport, O'Neal, Paulk, Perry, Peters, Peterson, Pettigrew, Phillips, Plunk, Pope, Roan, Roberts, Roggow, Smaligo, Smith (Dale), Smith (Hopper), Smithson, Staggs, Stanley, Steele, Sweeden, Taylor, Tibbs, Toure, Trebilcock, Turner, Tyler, Vaughn, Walker, Wells, Wilson, Wilt, Worthen, Young, Mr. Speaker.--84.

Nay: Balkman, Cargill, Davis, Ericson, Graves, Liotta, Miller (Doug), Morgan (Fred), Piatt, Reynolds, Sullivan, Winchester, Wright.--13.

Excused: Eddins, Hiett, Maddux, Rice.--4.

The measure passed.

**HB 1764** was referred for engrossment.

### **GENERAL ORDER**

**HB 1447** by McClain of the House and Robinson of the Senate was read and considered.

Representative McClain moved that **HB 1447** be advanced from General Order, which motion was declared adopted.

By unanimous consent, upon request of Representative McClain, **HB 1447** was considered engrossed and placed on Third Reading and Final Passage.

### THIRD READING

**HB 1447** was read at length for the third time. On passage of the measure, the roll call was as follows:

Aye: Adkins, Armes, Askins, Balkman, Benge, Blackburn, Blackwell, Boren, Braddock, Brannon, Calvey, Carey, Cargill, Case, Claunch, Covey, Cox, Deutschendorf, Dorman, Easley, Ellis, Erwin, Ferguson, Gilbert, Hamilton, Harrison, Hastings, Hefner, Hilliard, Hutchison, Ingmire, Kirby, Lamons, Langmacher, Leist, Lerblance, Lindley, Maddux, McCarter, McClain, McIntyre, Miller (Doug), Miller (Ray), Mitchell, Morgan (Danny), Nance, Nations, Newport, O'Neal, Paulk, Perry, Peters, Phillips, Piatt, Plunk, Pope, Roan, Roberts, Roggow, Smaligo, Smith (Dale), Smithson, Staggs, Stanley, Steele, Sullivan, Sweeden, Taylor, Toure, Trebilcock, Turner, Tyler, Walker, Wells, Wilson, Winchester, Mr. Speaker.--77.

Nay: Coleman, Dank, Davis, DeWitt, Ericson, Graves, Greenwood, Hiatt, Jones, Liotta, Morgan (Fred), Peterson, Pettigrew, Reynolds, Smith (Hopper), Tibbs, Vaughn, Wilt, Worthen, Wright, Young.--21.

Excused: Bonny, Eddins, Rice.--3.

The measure passed.

**HB 1447** was referred for engrossment.

### GENERAL ORDER

**HB 1509** by Covey of the House and Kerr of the Senate was read and considered.

Representative Covey moved to amend **HB 1509** 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 **HB 1509** be advanced from General Order, which motion was declared adopted.

By unanimous consent, upon request of Representative Covey, **HB 1509** was considered engrossed and placed on Third Reading and Final Passage.

### THIRD READING

**HB 1509** was read at length for the third time. On passage of the measure and emergency, the roll call was as follows:

Aye: Adkins, Armes, Askins, Balkman, Bengé, Blackburn, Blackwell, Bonny, Boren, Braddock, Brannon, Calvey, Carey, Cargill, Case, Claunch, Coleman, Covey, Cox, Dank, Davis, Deutschendorf, DeWitt, Dorman, Easley, Eddins, Ellis, Ericson, Erwin, Ferguson, Gilbert, Graves, Greenwood, Hamilton, Harrison, Hastings, Hefner, Hiatt, Hilliard, Hutchison, Ingmire, Jones, Kirby, Lamons, Langmacher, Leist, Lerblance, Lindley, Liotta, Maddux, McCarter, McClain, McIntyre, Miller (Doug), Miller (Ray), Mitchell, Morgan (Danny), Morgan (Fred), Nance, Nations, Newport, O'Neal, Paulk, Perry, Peters, Peterson, Pettigrew, Phillips, Piatt, Plunk, Pope, Reynolds, Roan, Roberts, Roggow, Smaligo, Smith (Dale), Smith (Hopper), Smithson, Staggs, Stanley, Steele, Sullivan, Sweeden, Taylor, Tibbs, Toure, Trebilcock, Turner, Tyler, Vaughn, Walker, Wells, Wilson, Wilt, Winchester, Worthen, Wright, Young, Mr. Speaker.--100.

Excused: Rice.--1.

The measure and emergency passed.

**HB 1509** was referred for engrossment.

## GENERAL ORDER

**HB 1716** by Deutschendorf of the House and Monson of the Senate was read and considered.

Representative Deutschendorf moved to amend **HB 1716** by striking the title, which amendment was declared adopted.

Representative Deutschendorf moved to amend **HB 1716**, Page 4, Section 1, Line 6 by striking the words and figure “twenty-five percent (25%)” and inserting in lieu thereof “thirty-five percent (35%)”, which amendment was declared adopted.

Representative Deutschendorf moved to amend **HB 1716** by inserting a new Section 2 to read as follows and renumbering subsequent section, which amendment was declared adopted:

“SECTION 2. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 578.1 of Title 62, unless there is created a duplication in numbering, reads as follows:

The governing board of any city or town or county, with respect to unincorporated areas, is prohibited from approving the issuance of bonds or other indebtedness by an issuer located outside this state.”

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

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

### THIRD READING

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

Aye: Adkins, Armes, Askins, Balkman, Benge, Blackburn, Blackwell, Boren, Braddock, Brannon, Calvey, Carey, Cargill, Case, Claunch, Covey, Cox, Dank, Davis, Deutschendorf, DeWitt, Dorman, Easley, Eddins, Ellis, Erwin, Ferguson, Gilbert, Hamilton, Harrison, Hastings, Hefner, Hiatt, Hilliard, Hutchison, Ingmire, Jones, Kirby, Lamons, Langmacher, Leist, Lerblance, Lindley, Maddux, McCarter, McClain, McIntyre, Miller (Doug), Miller (Ray), Mitchell, Morgan (Danny), Nance, Nations, O'Neal, Paulk, Perry, Peters, Pettigrew, Phillips, Plunk, Pope, Reynolds, Roan, Roberts, Roggow, Smaligo, Smith (Dale), Smithson, Staggs, Stanley, Steele, Sullivan, Sweeden, Taylor, Tibbs, Toure, Trebilcock, Turner, Tyler, Vaughn, Walker, Wells, Wilson, Wilt, Winchester, Worthen, Young, Mr. Speaker.--88.

Nay: Coleman, Ericson, Graves, Greenwood, Liotta, Morgan (Fred), Newport, Peterson, Piatt, Smith (Hopper), Wright.--11.

Excused: Bonny, Rice.--2.

The measure passed.

**HB 1716** was referred for engrossment.

### RECONSIDERATION

Representative Peters moved to reconsider the vote whereby the emergency failed on **HB 1094**, which motion prevailed upon roll call as follows:

Aye: Adkins, Armes, Askins, Balkman, Benge, Blackburn, Bonny, Boren, Braddock, Brannon, Calvey, Carey, Cargill, Case, Covey, Cox, Deutschendorf, DeWitt, Dorman, Easley, Eddins, Ellis, Ericson, Erwin, Ferguson, Gilbert, Harrison, Hastings, Hefner, Hiatt, Hilliard, Hutchison, Ingmire, Kirby, Lamons, Langmacher, Leist, Lerblance, Lindley, Maddux, McCarter, McClain, McIntyre, Miller (Doug), Miller (Ray), Morgan (Danny), Morgan (Fred), Nance, Nations, Newport, Paulk, Peters, Peterson, Pettigrew, Phillips, Piatt, Plunk, Pope, Roan, Roberts, Roggow, Smaligo, Smith (Dale), Smith (Hopper), Smithson, Staggs, Stanley, Steele, Sweeden, Taylor, Toure, Trebilcock, Turner, Tyler, Walker, Wells, Wilson, Wilt, Winchester, Mr. Speaker.--80.

Nay: Blackwell, Claunch, Coleman, Dank, Davis, Graves, Greenwood, Hamilton, Jones, Liotta, Mitchell, O'Neal, Perry, Reynolds, Sullivan, Tibbs, Vaughn, Worthen, Wright, Young.--20.

Excused: Rice.--1.

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

Aye: Adkins, Armes, Askins, Balkman, Blackburn, Bonny, Boren, Braddock, Brannon, Calvey, Carey, Case, Covey, Cox, Deutschendorf, DeWitt, Dorman, Easley, Eddins, Ellis, Ericson, Erwin, Ferguson, Gilbert, Harrison, Hastings, Hefner, Hilliard, Hutchison, Ingmire, Kirby, Lamons, Langmacher, Leist, Lindley, McCarter, McClain, McIntyre, Miller (Ray), Mitchell, Morgan (Danny), Nance, Nations, Newport, Paulk, Peters, Peterson, Pettigrew, Phillips, Piatt, Plunk, Roan, Roberts, Roggow, Smith (Dale), Smithson, Staggs, Stanley, Steele, Sweeden, Taylor, Toure, Trebilcock, Turner, Tyler, Walker, Wells, Wilson, Mr. Speaker.--69.

Nay: Bengé, Blackwell, Cargill, Claunch, Coleman, Dank, Davis, Graves, Greenwood, Hamilton, Hiatt, Jones, Lerblance, Liotta, Maddux, Miller (Doug), Morgan (Fred), O'Neal, Perry, Pope, Reynolds, Smaligo, Smith (Hopper), Sullivan, Tibbs, Vaughn, Wilt, Winchester, Worthen, Wright, Young.--31.

Excused: Rice.--1.

The emergency passed.

**HB 1094** was referred for engrossment.

## GENERAL ORDER

**HB 1461** by Coleman et al of the House and Wilcoxson of the Senate was read and considered.

Representative Coleman moved to amend **HB 1461** 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 Coleman moved to amend the floor substitute by striking the title, which amendment was declared adopted.

Representative Toure moved to amend the floor substitute, Page 4, Section 1, Line 2 1/2 by adding a new Paragraph 2 to read as follows, and renumbering subsequent paragraphs:

“2. Any faith-based organization contracting with a state agency shall not discriminate against a person or entity with respect to rendering assistance funded under any state program on the basis of religion, a religious belief or refusal to participate in a religious practice or on the basis of race, age, color, sex or national origin. Proven discrimination shall be grounds for termination of any contract with the state agency.”,

which amendment was declared adopted upon roll call as follows:

Aye: Askins, Blackburn, Bonny, Boren, Braddock, Brannon, Carey, Case, Claunch, Covey, Cox, Deutschendorf, Dorman, Eddins, Ellis, Ericson, Erwin, Gilbert, Hamilton, Harrison, Hefner, Hilliard, Hutchison, Ingmire, Kirby, Lamons, Langmacher, Leist, Lerblance, Lindley, McCarter, McClain, McIntyre, Miller (Ray), Mitchell, Morgan (Danny), Nations, Paulk, Plunk, Pope, Rice, Roan, Roberts, Smith (Dale), Smithson, Staggs, Stanley, Sweeden, Taylor, Toure, Trebilcock, Turner, Tyler, Walker, Wells, Wilson, Mr. Speaker.--57.

Nay: Adkins, Armes, Balkman, Bengel, Blackwell, Calvey, Cargill, Dank, Davis, DeWitt, Ferguson, Graves, Greenwood, Hastings, Hiatt, Jones, Liotta, Maddux, Miller (Doug), Morgan (Fred), Nance, Newport, O'Neal, Perry, Peters, Peterson, Pettigrew, Phillips, Piatt, Reynolds, Roggow, Smaligo, Smith (Hopper), Steele, Sullivan, Tibbs, Vaughn, Wilt, Winchester, Worthen, Wright, Young.--42.

Excused: Coleman, Easley.--2.

Representative Blackwell moved to amend the floor substitute, Page 3, Section 1, Line 8 1/2 by inserting a new Paragraph 2 to read as follows, and renumbering subsequent paragraphs:

“2. Any faith-based organization contracting with a state agency shall not discriminate against a person or entity with respect to rendering assistance funded under any state program on the basis of religion, a religious belief or refusal to participate in a religious practice or on the basis of race, age, color, sex or national origin. Proven discrimination shall be grounds for termination of any contract with the state agency.”,

which amendment was declared adopted

Representative Coleman moved that **HB 1461** be advanced from General Order, which motion was declared adopted.

By unanimous consent, upon request of Representative Coleman, **HB 1461** was considered engrossed and placed on Third Reading and Final Passage.

### **THIRD READING**

**HB 1461** was read at length for the third time. On passage of the measure and emergency, the roll call was as follows:

Aye: Armes, Askins, Balkman, Bengel, Blackwell, Boren, Brannon, Calvey, Carey, Cargill, Case, Claunch, Coleman, Cox, Dank, Davis, DeWitt, Dorman, Eddins, Ellis, Ericson, Erwin, Ferguson, Graves, Greenwood, Hamilton, Harrison, Hastings, Hefner, Hiatt, Hilliard, Hutchison, Ingmire, Jones, Kirby, Langmacher, Leist, Lerblance, Liotta, Maddux, Miller (Doug), Miller (Ray), Mitchell, Morgan (Danny), Morgan (Fred), Nance, Nations, Newport, O'Neal, Paulk, Perry, Pettigrew, Phillips, Piatt, Plunk, Pope, Reynolds, Rice, Roan, Roberts, Roggow, Smaligo, Smith (Dale), Smith (Hopper), Smithson, Stanley,

Steele, Sullivan, Taylor, Tibbs, Toure, Trebilcock, Tyler, Vaughn, Walker, Wilt, Winchester, Worthen, Wright, Young, Mr. Speaker.--81.

Nay: Adkins, Blackburn, Bonny, Braddock, Covey, Deutschendorf, Easley, Gilbert, Lamons, Lindley, McCarter, McClain, McIntyre, Peters, Peterson, Staggs, Sweeden, Turner, Wells, Wilson.--20.

The measure and emergency passed.

**HB 1461** was referred for engrossment.

### **Speaker Adair Presiding**

### **MEASURE REREFERRED**

Upon motion of Representative Kirby, **HB 1020** was withdrawn from the Calendar and rereferred to the Rules Committee.

### **RECONSIDERATION**

Representative Kirby moved to reconsider the vote whereby **HB 1278** failed.

Representative Morgan (Fred), pursuant to House Rule 11, Section 4, moved to commit **HB 1278** to the Revenue and Taxation Committee.

The Presiding Officer ruled **HB 1278** was in reconsideration status and the point not well taken.

Representative Davis moved to table the Kirby motion to reconsider, which tabling motion failed upon roll call as follows:

Aye: Adkins, Balkman, Benge, Blackwell, Calvey, Cargill, Claunch, Coleman, Dank, Davis, DeWitt, Easley, Eddins, Ericson, Ferguson, Graves, Greenwood, Hiatt, Jones, Langmacher, Liotta, Maddux, Miller (Doug), Mitchell, Morgan (Fred), Nance, Newport, O'Neal, Paulk, Perry, Peterson, Phillips, Piatt, Reynolds, Roggow, Smaligo, Smith (Hopper), Steele, Sullivan, Tibbs, Trebilcock, Vaughn, Wilt, Winchester, Worthen, Wright, Young.--47.

Nay: Armes, Askins, Blackburn, Bonny, Boren, Braddock, Brannon, Carey, Case, Covey, Cox, Deutschendorf, Dorman, Ellis, Erwin, Gilbert, Hamilton, Hastings, Hefner, Hilliard, Hutchison, Ingmire, Kirby, Lamons, Leist, Lerblance, Lindley, McCarter, McClain, McIntyre, Miller (Ray), Morgan (Danny), Nations, Peters, Pettigrew, Plunk, Pope, Rice, Roan, Roberts, Smith (Dale), Smithson, Staggs, Stanley, Sweeden, Taylor, Toure, Turner, Tyler, Walker, Wells, Wilson, Mr. Speaker.--53.

Excused: Harrison.--1.

Representative Kirby pressed his motion to reconsider the vote whereby **HB 1278** failed, which reconsideration motion prevailed upon roll call as follows:

Aye: Armes, Askins, Blackburn, Bonny, Boren, Braddock, Brannon, Carey, Case, Covey, Cox, Deutschendorf, Dorman, Ellis, Erwin, Gilbert, Hamilton, Harrison, Hastings, Hefner, Hilliard, Hutchison, Ingmire, Kirby, Lamons, Leist, Lerblance, Lindley, McCarter, McClain, McIntyre, Miller (Ray), Morgan (Danny), Nations, Peters, Pettigrew, Plunk, Pope, Rice, Roan, Roberts, Smith (Dale), Smithson, Staggs, Stanley, Sweeden, Taylor, Toure, Turner, Tyler, Walker, Wells, Wilson, Mr. Speaker.--54.

Nay: Adkins, Balkman, Bengé, Blackwell, Calvey, Cargill, Claunch, Coleman, Dank, Davis, DeWitt, Easley, Eddins, Ericson, Ferguson, Graves, Greenwood, Hiatt, Jones, Langmacher, Liotta, Maddux, Miller (Doug), Mitchell, Morgan (Fred), Nance, Newport, O'Neal, Paulk, Perry, Peterson, Phillips, Piatt, Reynolds, Roggow, Smaligo, Smith (Hopper), Steele, Sullivan, Tibbs, Trebilcock, Vaughn, Wilt, Winchester, Worthen, Wright, Young.--47.

Representative Kirby asked unanimous consent to amend **HB 1278** by striking the title, to which objection was heard.

Representative Morgan (Fred) pressed his previous motion to commit **HB 1278** to the Revenue and Taxation Committee.

The Presiding Officer ruled **HB 1278** was on Third Reading pursuant to adoption of the reconsideration motion and the point not well taken.

Representative Pettigrew moved to suspend House Rule 11, Section 7(a) to return **HB 1278** to General Order for the purpose of amendment, which motion failed of adoption upon roll call as follows:

Aye: Armes, Askins, Blackburn, Bonny, Boren, Braddock, Brannon, Carey, Case, Covey, Cox, Deutschendorf, Dorman, Ellis, Erwin, Ferguson, Gilbert, Hamilton, Harrison, Hastings, Hefner, Hilliard, Hutchison, Ingmire, Kirby, Lamons, Leist, Lerblance, Lindley, McCarter, McClain, McIntyre, Miller (Ray), Morgan (Danny), Nations, Peters, Pettigrew, Plunk, Pope, Rice, Roan, Roberts, Smith (Dale), Smithson, Staggs, Stanley, Sweeden, Taylor, Toure, Turner, Tyler, Walker, Wells, Wilson, Mr. Speaker.--55.

Nay: Adkins, Balkman, Bengé, Blackwell, Calvey, Cargill, Claunch, Coleman, Dank, Davis, DeWitt, Easley, Eddins, Ericson, Graves, Greenwood, Hiatt, Jones, Langmacher, Liotta, Maddux, Miller (Doug), Mitchell, Morgan (Fred), Nance, Newport, O'Neal, Paulk, Perry, Peterson, Phillips, Piatt, Reynolds, Roggow, Smaligo, Smith (Hopper), Steele, Sullivan, Tibbs, Trebilcock, Vaughn, Wilt, Winchester, Worthen, Wright, Young.--46.

**Speaker Pro Tempore Hilliard Presiding****THIRD READING**

**HB 1278** was read at length for the third time. On passage of the measure, the roll call was as follows:

Aye: Armes, Askins, Blackburn, Bonny, Boren, Braddock, Carey, Case, Covey, Cox, Deutschendorf, Dorman, Ellis, Erwin, Gilbert, Hamilton, Harrison, Hastings, Hefner, Hilliard, Hutchison, Ingmire, Kirby, Lamons, Leist, Lerblance, Lindley, McCarter, McClain, McIntyre, Miller (Ray), Morgan (Danny), Nations, Peters, Pettigrew, Plunk, Pope, Rice, Roan, Roberts, Smith (Dale), Smithson, Staggs, Stanley, Sweeden, Taylor, Toure, Turner, Tyler, Wells, Wilson, Mr. Speaker.--52.

Nay: Adkins, Balkman, Bengel, Blackwell, Brannon, Calvey, Cargill, Claunch, Coleman, Dank, Davis, DeWitt, Easley, Eddins, Ericson, Ferguson, Graves, Greenwood, Hiatt, Jones, Langmacher, Liotta, Maddux, Miller (Doug), Mitchell, Morgan (Fred), Nance, Newport, O'Neal, Paulk, Perry, Peterson, Phillips, Piatt, Reynolds, Roggow, Smaligo, Smith (Hopper), Steele, Sullivan, Tibbs, Trebilcock, Vaughn, Walker, Wilt, Winchester, Worthen, Wright, Young.--49.

The measure passed.

**HB 1278** was referred for engrossment.

**GENERAL ORDER**

**HB 1575** by Dorman of the House and Helton of the Senate was read and considered.

Representative Dorman moved that **HB 1575** be advanced from General Order, which motion was declared adopted.

By unanimous consent, upon request of Representative Dorman, **HB 1575** was considered engrossed and placed on Third Reading and Final Passage.

**THIRD READING**

**HB 1575** was read at length for the third time. On passage of the measure and emergency, the roll call was as follows:

Aye: Adkins, Armes, Askins, Blackburn, Bonny, Boren, Braddock, Brannon, Carey, Case, Claunch, Coleman, Covey, Cox, Dank, Davis, Deutschendorf, DeWitt, Dorman, Easley, Eddins, Ellis, Erwin, Ferguson, Gilbert, Greenwood, Hamilton, Harrison, Hastings, Hefner, Hiatt, Hilliard, Hutchison, Ingmire, Jones, Kirby, Lamons, Langmacher, Leist, Lerblance, Lindley, Liotta, Maddux, McCarter, McClain, McIntyre, Miller (Doug), Miller

(Ray), Mitchell, Morgan (Danny), Morgan (Fred), Nance, Nations, Newport, O'Neal, Paulk, Perry, Phillips, Piatt, Plunk, Pope, Rice, Roan, Roberts, Roggow, Smaligo, Smith (Dale), Smithson, Staggs, Stanley, Sweeden, Taylor, Toure, Trebilcock, Turner, Tyler, Walker, Wells, Wilson, Winchester, Mr. Speaker.--81.

Nay: Balkman, Benge, Blackwell, Calvey, Cargill, Ericson, Graves, Peters, Peterson, Pettigrew, Reynolds, Smith (Hopper), Steele, Sullivan, Tibbs, Vaughn, Wilt, Worthen, Wright, Young.--20.

The measure and emergency passed.

**HB 1575** was referred for engrossment.

## GENERAL ORDER

**HB 1635** by Dorman et al of the House and Gumm of the Senate was read and considered.

Representative Dorman moved to amend **HB 1635** 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 Dorman moved to amend the floor substitute by striking the title, which amendment was declared adopted.

Representative Dorman moved that **HB 1635** be advanced from General Order, which motion was declared adopted.

By unanimous consent, upon request of Representative Dorman, **HB 1635** was considered engrossed and placed on Third Reading and Final Passage.

## THIRD READING

**HB 1635** was read at length for the third time. On passage of the measure, the roll call was as follows:

Aye: Adkins, Armes, Askins, Balkman, Benge, Blackburn, Blackwell, Bonny, Boren, Braddock, Brannon, Carey, Case, Claunch, Cox, Dank, Deutschendorf, DeWitt, Dorman, Easley, Eddins, Ellis, Ericson, Erwin, Ferguson, Gilbert, Hamilton, Harrison, Hastings, Hefner, Hiatt, Hilliard, Hutchison, Ingmire, Jones, Kirby, Lamons, Langmacher, Leist, Lerblance, Lindley, Liotta, McCarter, McClain, McIntyre, Miller (Doug), Miller (Ray), Mitchell, Morgan (Danny), Morgan (Fred), Nance, Nations, Newport, O'Neal, Paulk, Perry, Peters, Pettigrew, Phillips, Piatt, Plunk, Pope, Rice, Roan, Roberts, Roggow, Smaligo, Smith (Dale), Smithson, Staggs, Stanley, Sweeden, Taylor, Toure, Trebilcock, Turner, Tyler, Walker, Wells, Wilson, Wilt, Winchester, Worthen, Mr. Speaker.--84.

Nay: Calvey, Cargill, Coleman, Davis, Graves, Greenwood, Maddux, Peterson, Reynolds, Smith (Hopper), Steele, Sullivan, Tibbs, Vaughn, Wright, Young.--16.

Excused: Covey.--1.

The measure passed.

**HB 1635** was referred for engrossment.

## **GENERAL ORDER**

**HB 1316** by Paulk of the House and Monson of the Senate was read and considered.

Representative Paulk moved to amend **HB 1316** by striking the title, which amendment was declared adopted.

Representative Paulk moved that **HB 1316** be advanced from General Order, which motion was declared adopted.

By unanimous consent, upon request of Representative Paulk, **HB 1316** was considered engrossed and placed on Third Reading and Final Passage.

## **THIRD READING**

**HB 1316** was read at length for the third time. On passage of the measure and emergency, the roll call was as follows:

Aye: Adkins, Armes, Askins, Balkman, Benge, Blackburn, Blackwell, Bonny, Boren, Braddock, Brannon, Calvey, Carey, Cargill, Case, Claunch, Coleman, Cox, Dank, Davis, Deutschendorf, DeWitt, Dorman, Easley, Eddins, Ellis, Ericson, Erwin, Ferguson, Gilbert, Graves, Greenwood, Hamilton, Harrison, Hastings, Hefner, Hiett, Hilliard, Hutchison, Ingmire, Jones, Kirby, Lamons, Langmacher, Leist, Lerblance, Lindley, Liotta, Maddux, McCarter, McClain, McIntyre, Miller (Doug), Miller (Ray), Mitchell, Morgan (Danny), Morgan (Fred), Nance, Nations, Newport, O'Neal, Paulk, Perry, Peters, Peterson, Pettigrew, Phillips, Piatt, Plunk, Pope, Reynolds, Rice, Roan, Roberts, Roggow, Smaligo, Smith (Dale), Smith (Hopper), Smithson, Staggs, Stanley, Steele, Sullivan, Sweeden, Taylor, Tibbs, Toure, Trebilcock, Turner, Tyler, Vaughn, Walker, Wells, Wilson, Wilt, Winchester, Worthen, Wright, Young, Mr. Speaker.--100.

Excused: Covey.--1.

The measure and emergency passed.

**HB 1316** was referred for engrossment.

## GENERAL ORDER

**HB 1440** by Brannon of the House and Corn of the Senate was read and considered.

Representative Brannon moved to amend **HB 1440** by striking the title, which amendment was declared adopted.

Representative Brannon moved that **HB 1440** be advanced from General Order, which motion was declared adopted.

By unanimous consent, upon request of Representative Brannon, **HB 1440** was considered engrossed and placed on Third Reading and Final Passage.

## THIRD READING

**HB 1440** was read at length for the third time. On passage of the measure and emergency, the roll call was as follows:

Aye: Adkins, Armes, Askins, Balkman, Benge, Blackburn, Blackwell, Bonny, Boren, Braddock, Brannon, Calvey, Carey, Cargill, Case, Claunch, Coleman, Cox, Davis, Deutschendorf, DeWitt, Dorman, Easley, Eddins, Ellis, Ericson, Erwin, Ferguson, Gilbert, Graves, Greenwood, Hamilton, Harrison, Hastings, Hefner, Hiatt, Hilliard, Hutchison, Ingmire, Jones, Kirby, Lamons, Langmacher, Leist, Lerblance, Lindley, Liotta, Maddux, McCarter, McClain, McIntyre, Miller (Doug), Miller (Ray), Mitchell, Morgan (Danny), Morgan (Fred), Nance, Nations, Newport, O'Neal, Paulk, Perry, Peters, Peterson, Phillips, Piatt, Plunk, Pope, Reynolds, Rice, Roan, Roberts, Roggow, Smaligo, Smith (Dale), Smith (Hopper), Smithson, Staggs, Stanley, Steele, Sullivan, Sweeden, Taylor, Tibbs, Toure, Trebilcock, Turner, Tyler, Vaughn, Walker, Wells, Wilson, Wilt, Winchester, Worthen, Wright, Young, Mr. Speaker.--98.

Nay: Dank, Pettigrew.--2.

Excused: Covey.--1.

The measure and emergency passed.

**HB 1440** was referred for engrossment.

## RECONSIDERATION

Representative Braddock moved to reconsider the vote whereby **HB 1724** failed, which motion prevailed upon roll call as follows:

Aye: Adkins, Armes, Askins, Balkman, Benge, Blackburn, Bonny, Boren, Braddock, Brannon, Calvey, Carey, Case, Claunch, Cox, Dank, Deutschendorf, DeWitt, Dorman, Easley, Eddins, Ellis, Erwin, Ferguson, Gilbert, Hamilton, Harrison, Hastings, Hefner,

Hiett, Hilliard, Hutchison, Ingmire, Jones, Kirby, Lamons, Langmacher, Leist, Lerblance, Lindley, Liotta, Maddux, McCarter, McClain, McIntyre, Miller (Doug), Miller (Ray), Mitchell, Morgan (Danny), Morgan (Fred), Nance, Nations, O'Neal, Paulk, Perry, Peters, Peterson, Phillips, Piatt, Plunk, Pope, Rice, Roan, Roberts, Roggow, Smaligo, Smith (Dale), Smith (Hopper), Smithson, Staggs, Stanley, Steele, Sullivan, Sweeden, Taylor, Tibbs, Toure, Trebilcock, Turner, Tyler, Walker, Wells, Wilson, Wilt, Winchester, Worthen, Wright, Mr. Speaker.--88.

Nay: Blackwell, Cargill, Coleman, Davis, Ericson, Graves, Greenwood, Newport, Pettigrew, Reynolds, Vaughn, Young.--12.

Excused: Covey.--1.

Upon unanimous consent request of Representative Braddock, **HB 1724** was returned to General Order.

Representative Braddock moved to amend **HB 1724**, Page 3, Section 3, Line 16 by inserting after the comma “,” and before the word “police” the word “and”; and by deleting the language “and school buildings,” which amendment was declared adopted.

Representative Braddock moved that **HB 1724** be advanced from General Order, which motion was declared adopted.

By unanimous consent, upon request of Representative Braddock, **HB 1724** was considered engrossed and placed on Third Reading and Final Passage.

### **THIRD READING**

**HB 1724** was read at length for the third time. On passage of the measure and emergency, the roll call was as follows:

Aye: Adkins, Armes, Askins, Benge, Blackburn, Blackwell, Bonny, Boren, Braddock, Brannon, Calvey, Carey, Case, Claunch, Cox, Dank, Deutschendorf, DeWitt, Dorman, Easley, Eddins, Ellis, Ericson, Erwin, Ferguson, Gilbert, Hamilton, Harrison, Hastings, Hefner, Hiett, Hilliard, Hutchison, Ingmire, Jones, Kirby, Lamons, Langmacher, Leist, Lerblance, Lindley, Maddux, McCarter, McClain, McIntyre, Miller (Ray), Mitchell, Morgan (Danny), Nance, Nations, Newport, O'Neal, Paulk, Perry, Peters, Peterson, Phillips, Piatt, Plunk, Pope, Rice, Roan, Roberts, Roggow, Smaligo, Smith (Dale), Smithson, Staggs, Stanley, Steele, Sullivan, Sweeden, Taylor, Tibbs, Toure, Trebilcock, Turner, Tyler, Walker, Wells, Wilson, Wilt, Mr. Speaker.--83.

Nay: Balkman, Cargill, Coleman, Davis, Graves, Greenwood, Liotta, Miller (Doug), Morgan (Fred), Pettigrew, Reynolds, Smith (Hopper), Vaughn, Winchester, Worthen, Wright, Young.--17.

Excused: Covey.--1.

The measure and emergency passed.

**HB 1724** was referred for engrossment.

## GENERAL ORDER

**HB 1067** by Roberts of the House and Wilkerson of the Senate was read and considered.

Representative Roberts moved to amend **HB 1067** 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 Roberts moved that **HB 1067** be advanced from General Order, which motion was declared adopted.

By unanimous consent, upon request of Representative Roberts, **HB 1067** was considered engrossed and placed on Third Reading and Final Passage.

## THIRD READING

**HB 1067** was read at length for the third time. On passage of the measure and emergency, the roll call was as follows:

Aye: Adkins, Armes, Askins, Balkman, Bengé, Blackburn, Blackwell, Bonny, Braddock, Brannon, Calvey, Carey, Cargill, Case, Claunch, Coleman, Cox, Dank, Davis, Deutschendorf, DeWitt, Dorman, Easley, Eddins, Ellis, Ericson, Erwin, Ferguson, Gilbert, Graves, Greenwood, Hamilton, Harrison, Hefner, Hiett, Hilliard, Hutchison, Ingmire, Jones, Kirby, Lamons, Langmacher, Leist, Lerblance, Lindley, Liotta, Maddux, McCarter, McClain, McIntyre, Miller (Doug), Miller (Ray), Mitchell, Morgan (Danny), Morgan (Fred), Nance, Nations, Newport, O'Neal, Paulk, Perry, Peters, Peterson, Phillips, Piatt, Plunk, Pope, Reynolds, Rice, Roan, Roberts, Roggow, Smaligo, Smith (Dale), Smith (Hopper), Smithson, Staggs, Stanley, Steele, Sullivan, Sweeden, Taylor, Tibbs, Toure, Trebilcock, Turner, Tyler, Vaughn, Walker, Wells, Wilson, Wilt, Winchester, Worthen, Wright, Young, Mr. Speaker.--97.

Nay: Hastings, Pettigrew.--2.

Excused: Boren, Covey.--2.

The measure and emergency passed.

**HB 1067** was referred for engrossment.

**GENERAL ORDER**

**HB 1710** by Roberts of the House and Corn of the Senate was read and considered.

Coauthored by Representative(s) Ferguson

Representative Roberts moved to amend **HB 1710** by striking the title, which amendment was declared adopted.

Representative Roberts moved that **HB 1710** be advanced from General Order, which motion was declared adopted.

By unanimous consent, upon request of Representative Roberts, **HB 1710** was considered engrossed and placed on Third Reading and Final Passage.

**THIRD READING**

**HB 1710** was read at length for the third time. On passage of the measure, the roll call was as follows:

Aye: Adkins, Armes, Askins, Balkman, Bengé, Blackburn, Blackwell, Bonny, Braddock, Brannon, Calvey, Carey, Cargill, Case, Claunch, Coleman, Cox, Dank, Davis, Deutschendorf, DeWitt, Dorman, Easley, Eddins, Ellis, Ericson, Erwin, Ferguson, Gilbert, Graves, Greenwood, Hamilton, Harrison, Hastings, Hefner, Hiatt, Hilliard, Hutchison, Ingmire, Jones, Kirby, Lamons, Langmacher, Leist, Lerblance, Lindley, Liotta, Maddux, McCarter, McClain, McIntyre, Miller (Doug), Miller (Ray), Mitchell, Morgan (Danny), Morgan (Fred), Nance, Nations, Newport, O'Neal, Paulk, Perry, Peters, Peterson, Pettigrew, Phillips, Piatt, Plunk, Pope, Reynolds, Rice, Roan, Roberts, Roggow, Smaligo, Smith (Dale), Smith (Hopper), Smithson, Stanley, Steele, Sullivan, Sweeden, Taylor, Tibbs, Toure, Trebilcock, Turner, Tyler, Vaughn, Walker, Wells, Wilson, Wilt, Winchester, Worthen, Wright, Young, Mr. Speaker.--98.

Nay: Staggs.--1.

Excused: Boren, Covey.--2.

The measure passed.

**HB 1710** was referred for engrossment.

**PENDING CONSIDERATION OF SAs**

**SAs to HB 1017** were called up for consideration.

Coauthored by Representative(s) Askins

Upon motion of Representative Leist, the House concurred in the **SAs** to **HB 1017**.

**HB 1017**, as amended by the Honorable Senate, was read at length for the fourth time and the roll was called on the measure and emergency as follows:

Aye: Adkins, Armes, Askins, Balkman, Benge, Blackburn, Blackwell, Bonny, Braddock, Brannon, Calvey, Carey, Cargill, Case, Claunch, Coleman, Cox, Dank, Davis, Deutschendorf, DeWitt, Dorman, Easley, Eddins, Ellis, Ericson, Erwin, Ferguson, Gilbert, Graves, Greenwood, Hamilton, Harrison, Hastings, Hefner, Hiatt, Hilliard, Hutchison, Ingmire, Jones, Lamons, Langmacher, Leist, Lerblance, Lindley, Maddux, McCarter, McClain, McIntyre, Miller (Doug), Miller (Ray), Mitchell, Morgan (Danny), Morgan (Fred), Nance, Nations, Newport, O'Neal, Paulk, Perry, Peters, Peterson, Pettigrew, Phillips, Piatt, Plunk, Pope, Reynolds, Rice, Roan, Roberts, Roggow, Smaligo, Smith (Dale), Smithson, Staggs, Stanley, Steele, Sullivan, Sweeden, Taylor, Tibbs, Toure, Trebilcock, Turner, Tyler, Vaughn, Walker, Wells, Wilson, Wilt, Winchester, Worthen, Young, Mr. Speaker.--95.

Nay: Liotta, Smith (Hopper), Wright.--3.

Excused: Boren, Covey, Kirby.--3.

The measure and emergency passed.

Senate amendments were properly signed, in open session, and the above-numbered measure was referred for enrollment.

## **GENERAL ORDER**

**HB 1151** by Smith (Dale) of the House and Laster of the Senate was read and considered.

Representative Smith (Dale) moved that **HB 1151** be advanced from General Order, which motion was declared adopted.

By unanimous consent, upon request of Representative Smith (Dale), **HB 1151** was considered engrossed and placed on Third Reading and Final Passage.

## **THIRD READING**

**HB 1151** was read at length for the third time. On passage of the measure and emergency, the roll call was as follows:

Aye: Adkins, Armes, Askins, Balkman, Benge, Blackburn, Blackwell, Bonny, Braddock, Brannon, Calvey, Carey, Cargill, Case, Claunch, Coleman, Cox, Dank, Davis, Deutschendorf, DeWitt, Dorman, Easley, Eddins, Ellis, Ericson, Erwin, Ferguson, Gilbert, Graves, Greenwood, Hamilton, Harrison, Hastings, Hefner, Hiatt, Hilliard, Hutchison,

Ingmire, Jones, Kirby, Lamons, Langmacher, Leist, Lerblance, Lindley, Liotta, Maddux, McCarter, McClain, McIntyre, Miller (Doug), Miller (Ray), Mitchell, Morgan (Danny), Morgan (Fred), Nance, Nations, Newport, O'Neal, Paulk, Perry, Peters, Peterson, Pettigrew, Phillips, Piatt, Plunk, Pope, Reynolds, Rice, Roan, Roberts, Roggow, Smaligo, Smith (Dale), Smith (Hopper), Smithson, Staggs, Stanley, Steele, Sullivan, Sweeden, Taylor, Tibbs, Toure, Trebilcock, Turner, Tyler, Vaughn, Walker, Wells, Wilson, Wilt, Winchester, Worthen, Wright, Young, Mr. Speaker.--99.

Excused: Boren, Covey.--2.

The measure and emergency passed.

**HB 1151** was referred for engrossment.

### GENERAL ORDER

**HB 1491** by Smith (Dale) of the House and Rabon of the Senate was read and considered.

Coauthored by Representative(s) Ericson, Blackwell, Trebilcock, Armes, Sweeden, Steele

Representative Smith (Dale) moved that **HB 1491** be advanced from General Order, which motion was declared adopted.

By unanimous consent, upon request of Representative Smith (Dale), **HB 1491** was considered engrossed and placed on Third Reading and Final Passage.

### THIRD READING

**HB 1491** was read at length for the third time. On passage of the measure and emergency, the roll call was as follows:

Aye: Adkins, Armes, Askins, Balkman, Bengé, Blackburn, Blackwell, Bonny, Boren, Braddock, Brannon, Calvey, Carey, Cargill, Case, Claunch, Coleman, Cox, Dank, Davis, Deutschendorf, DeWitt, Dorman, Easley, Eddins, Ellis, Ericson, Erwin, Ferguson, Gilbert, Graves, Greenwood, Hamilton, Harrison, Hastings, Hefner, Hiett, Hilliard, Hutchison, Ingmire, Jones, Kirby, Lamons, Langmacher, Leist, Lerblance, Lindley, Liotta, Maddux, McCarter, McClain, McIntyre, Miller (Doug), Miller (Ray), Mitchell, Morgan (Danny), Morgan (Fred), Nance, Nations, Newport, O'Neal, Paulk, Perry, Peters, Peterson, Pettigrew, Phillips, Piatt, Plunk, Pope, Reynolds, Rice, Roan, Roberts, Roggow, Smaligo, Smith (Dale), Smith (Hopper), Smithson, Staggs, Stanley, Steele, Sullivan, Sweeden, Taylor, Tibbs, Toure, Trebilcock, Turner, Tyler, Vaughn, Walker, Wells, Wilson, Wilt, Winchester, Worthen, Wright, Young, Mr. Speaker.--100.

Excused: Covey.--1.

The measure and emergency passed.

**HB 1491** was referred for engrossment.

## GENERAL ORDER

**HJR 1024** by Langmacher of the House and Easley of the Senate was read and considered.

Representative Langmacher moved to amend **HJR 1024** 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 Langmacher moved to amend the floor substitute by striking the title, which amendment was declared adopted.

Representative Langmacher moved that **HJR 1024** be advanced from General Order, which motion was declared adopted.

By unanimous consent, upon request of Representative Langmacher, **HJR 1024** was considered engrossed and placed on Third Reading and Final Passage.

## THIRD READING

**HJR 1024** was read at length for the third time. On passage of the measure, the roll call was as follows:

Aye: Adkins, Armes, Askins, Balkman, Benge, Blackburn, Blackwell, Bonny, Boren, Braddock, Brannon, Calvey, Carey, Cargill, Case, Coleman, Cox, Dank, Davis, Deutschendorf, DeWitt, Dorman, Easley, Eddins, Ellis, Ericson, Erwin, Ferguson, Gilbert, Greenwood, Hamilton, Harrison, Hastings, Hefner, Hiett, Hilliard, Hutchison, Ingmire, Jones, Kirby, Lamons, Langmacher, Leist, Lerblance, Lindley, Liotta, Maddux, McCarter, McClain, McIntyre, Miller (Doug), Miller (Ray), Mitchell, Morgan (Danny), Morgan (Fred), Nance, Nations, Newport, O'Neal, Paulk, Perry, Peters, Peterson, Pettigrew, Phillips, Piatt, Plunk, Pope, Reynolds, Rice, Roan, Roberts, Roggow, Smaligo, Smith (Dale), Smith (Hopper), Smithson, Staggs, Stanley, Steele, Sullivan, Sweeden, Taylor, Tibbs, Toure, Trebilcock, Turner, Tyler, Vaughn, Walker, Wells, Wilson, Wilt, Winchester, Worthen, Wright, Young, Mr. Speaker.--98.

Nay: Graves.--1.

Excused: Claunch, Covey.--2.

The measure passed.

**HJR 1024** was referred for engrossment.

### GENERAL ORDER

**HB 1528** by Perry of the House and Coffee of the Senate was read and considered.

Coauthored by Representative(s) Case, Pettigrew

Representative Perry moved to amend **HB 1528** 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 Perry moved that **HB 1528** be advanced from General Order, which motion was declared adopted.

By unanimous consent, upon request of Representative Perry, **HB 1528** was considered engrossed and placed on Third Reading and Final Passage.

### THIRD READING

**HB 1528** was read at length for the third time. On passage of the measure, the roll call was as follows:

Aye: Adkins, Armes, Askins, Balkman, Bengé, Blackburn, Blackwell, Bonny, Boren, Braddock, Brannon, Calvey, Carey, Cargill, Case, Coleman, Cox, Dank, Davis, Deutschendorf, DeWitt, Dorman, Easley, Eddins, Ellis, Ericson, Erwin, Ferguson, Gilbert, Graves, Greenwood, Hamilton, Harrison, Hastings, Hefner, Hiatt, Hilliard, Hutchison, Ingmire, Jones, Kirby, Lamons, Langmacher, Leist, Lerblance, Lindley, Liotta, Maddux, McCarter, McClain, McIntyre, Miller (Doug), Miller (Ray), Mitchell, Morgan (Danny), Morgan (Fred), Nance, Nations, Newport, O'Neal, Paulk, Perry, Peters, Peterson, Pettigrew, Phillips, Piatt, Plunk, Pope, Reynolds, Rice, Roan, Roberts, Roggow, Smaligo, Smith (Dale), Smith (Hopper), Smithson, Staggs, Stanley, Steele, Sullivan, Sweeden, Taylor, Tibbs, Toure, Trebilcock, Turner, Tyler, Vaughn, Walker, Wells, Wilson, Wilt, Winchester, Worthen, Wright, Young, Mr. Speaker.--99.

Excused: Claunch, Covey.--2.

The measure passed.

**HB 1528** was referred for engrossment.

## GENERAL ORDER

**HB 1511** by Dank et al of the House and Coffee of the Senate was read and considered.

Coauthored by Representative(s) Morgan (Fred)

Representative Toure moved to amend **HB 1511** by inserting a new Section 3 to read as follows and renumbering subsequent sections, which amendment was declared adopted:

“SECTION 3. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 18-202 of Title 70, unless there is created a duplication in numbering, reads as follows:

No later than December 31, 2003, and by December 31 of each subsequent year, every school district with an average daily membership of thirty thousand (30,000) or more that receives State Aid funds generated by the economically disadvantaged pupil weight category calculation, as provided in Section 18-201.1 of Title 70 of the Oklahoma Statutes, shall submit a report to the State Department of Education outlining how the funds received during the previous fiscal year were distributed and expended. The report shall include, but not be limited to, an accounting of the amount of funds distributed to each school site in the district, the percentage of economically disadvantaged students at each school site, and a description of the programs or services funded at each school site which are provided to address the specific needs of economically disadvantaged students including, but not limited to, remediation programs, before and after school programs, and tutoring services. The State Board of Education shall withhold from a school district any State Aid funds generated by the economically disadvantaged pupil weight if the district fails to submit an annual report.”

Representative Dank moved that **HB 1511** be advanced from General Order, which motion was declared adopted.

By unanimous consent, upon request of Representative Dank, **HB 1511** was considered engrossed and placed on Third Reading and Final Passage.

## THIRD READING

**HB 1511** was read at length for the third time. On passage of the measure, the roll call was as follows:

Aye: Balkman, Blackburn, Braddock, Calvey, Cargill, Claunch, Coleman, Cox, Dank, Davis, Deutschendorf, Easley, Ericson, Ferguson, Gilbert, Graves, Greenwood, Hamilton, Hastings, Hefner, Lindley, Liotta, Miller (Doug), Mitchell, Morgan (Fred), Nations, Newport, Paulk, Perry, Pettigrew, Phillips, Piatt, Reynolds, Smaligo, Staggs, Stanley, Sullivan, Sweeden, Tibbs, Vaughn, Winchester, Worthen, Wright, Young.--44.

Nay: Adkins, Armes, Askins, Bengé, Blackwell, Bonny, Boren, Brannon, Carey, Case, DeWitt, Dorman, Eddins, Ellis, Erwin, Harrison, Hilliard, Hutchison, Ingmire, Jones, Lamons, Langmacher, Leist, Lerblance, Maddux, McCarter, McClain, McIntyre, Miller (Ray), Morgan (Danny), Nance, O'Neal, Peters, Peterson, Plunk, Pope, Rice, Roan, Roberts, Roggow, Smith (Dale), Smith (Hopper), Smithson, Steele, Taylor, Trebilcock, Turner, Tyler, Walker, Wells, Wilson, Wilt, Mr. Speaker.--53.

Excused: Covey, Hiatt, Kirby, Toure.--4.

The measure failed.

Representative Dank served notice to reconsider the vote whereby **HB 1511** failed.

## **MOTION**

Representative Boren asked that the Journal reflect that had he been present in the Chamber, he would have voted aye on **HBs 1017, 1067, 1151** and **1710**, which was the order.

## **GENERAL ORDER**

**HB 1679** by Blackburn of the House and Easley of the Senate was read and considered.

Coauthored by Representative(s) Roan

Representative Blackburn moved that **HB 1679** be advanced from General Order, which motion was declared adopted.

By unanimous consent, upon request of Representative Blackburn, **HB 1679** was considered engrossed and placed on Third Reading and Final Passage.

## **THIRD READING**

**HB 1679** was read at length for the third time. On passage of the measure and emergency, the roll call was as follows:

Aye: Adkins, Armes, Askins, Balkman, Bengé, Blackburn, Bonny, Boren, Braddock, Brannon, Carey, Cargill, Case, Cox, Dank, Deutschendorf, DeWitt, Dorman, Easley, Eddins, Ellis, Ericson, Erwin, Ferguson, Gilbert, Hamilton, Harrison, Hastings, Hefner, Hilliard, Hutchison, Ingmire, Jones, Lamons, Langmacher, Leist, Lerblance, Lindley, Liotta, Maddux, McCarter, McClain, McIntyre, Miller (Doug), Miller (Ray), Mitchell, Morgan (Danny), Morgan (Fred), Nance, Nations, O'Neal, Paulk, Perry, Peters, Peterson, Pettigrew, Phillips, Piatt, Plunk, Pope, Reynolds, Rice, Roan, Roberts, Roggow, Smaligo, Smith (Dale), Smith (Hopper), Smithson, Staggs, Stanley, Steele, Sweeden, Taylor, Tibbs,

Toure, Trebilcock, Turner, Tyler, Walker, Wells, Wilson, Wilt, Winchester, Worthen, Wright, Young, Mr. Speaker.--88.

Nay: Blackwell, Calvey, Claunch, Coleman, Davis, Graves, Greenwood, Newport, Sullivan, Vaughn.--10.

Excused: Covey, Hiatt, Kirby.--3.

The measure and emergency passed.

**HB 1679** was referred for engrossment.

## GENERAL ORDER

**HB 1680** by Blackburn of the House and Monson of the Senate was read and considered.

Representative Blackburn moved to amend **HB 1680**, Page 3, Section 1, Line 9 by deleting after the word “the” the language “financial institution account number, brokerage” and inserting in lieu thereof the language “loan account or deposit account number at any insured depository institution, or brokerage”, which amendment was declared adopted.

Representative Blackburn moved that **HB 1680** be advanced from General Order, which motion was declared adopted.

By unanimous consent, upon request of Representative Blackburn, **HB 1680** was considered engrossed and placed on Third Reading and Final Passage.

## THIRD READING

**HB 1680** was read at length for the third time. On passage of the measure, the roll call was as follows:

Aye: Adkins, Armes, Askins, Balkman, Benge, Blackburn, Blackwell, Bonny, Boren, Braddock, Brannon, Calvey, Carey, Cargill, Case, Claunch, Coleman, Cox, Dank, Davis, Deutschendorf, DeWitt, Dorman, Easley, Eddins, Ellis, Ericson, Erwin, Ferguson, Gilbert, Graves, Greenwood, Hamilton, Harrison, Hastings, Hefner, Hilliard, Hutchison, Ingmire, Jones, Kirby, Lamons, Langmacher, Leist, Lerblance, Lindley, Liotta, Maddux, McCarter, McClain, McIntyre, Miller (Doug), Miller (Ray), Mitchell, Morgan (Danny), Morgan (Fred), Nance, Nations, Newport, O'Neal, Paulk, Perry, Peters, Peterson, Pettigrew, Phillips, Piatt, Plunk, Pope, Reynolds, Rice, Roan, Roberts, Roggow, Smaligo, Smith (Dale), Smith (Hopper), Smithson, Staggs, Stanley, Steele, Sullivan, Sweeden, Taylor, Tibbs, Toure, Trebilcock, Turner, Tyler, Vaughn, Walker, Wells, Wilson, Wilt, Winchester, Worthen, Wright, Young, Mr. Speaker.--99.

Excused: Covey, Hiett.--2.

The measure passed.

**HB 1680** was referred for engrossment.

### **GENERAL ORDER**

**HB 1052** by Hastings of the House and Smith of the Senate was read and considered.

Representative Hastings moved to amend **HB 1052** by striking the title, which amendment was declared adopted.

Representative Hastings moved that **HB 1052** be advanced from General Order, which motion was declared adopted.

By unanimous consent, upon request of Representative Hastings, **HB 1052** was considered engrossed and placed on Third Reading and Final Passage.

### **THIRD READING**

**HB 1052** was read at length for the third time. On passage of the measure, the roll call was as follows:

Aye: Adkins, Armes, Askins, Balkman, Bonny, Boren, Brannon, Carey, Case, Cox, Dank, Deutschendorf, DeWitt, Dorman, Easley, Eddins, Ellis, Ericson, Erwin, Ferguson, Gilbert, Hamilton, Harrison, Hastings, Hefner, Hilliard, Hutchison, Ingmire, Kirby, Lamons, Langmacher, Leist, Lerblance, Lindley, Maddux, McCarter, McClain, McIntyre, Miller (Doug), Miller (Ray), Mitchell, Morgan (Danny), Nance, Nations, O'Neal, Peters, Peterson, Pettigrew, Phillips, Plunk, Pope, Rice, Roan, Roberts, Roggow, Smaligo, Smith (Dale), Smithson, Staggs, Stanley, Steele, Sweeden, Taylor, Trebilcock, Turner, Tyler, Vaughn, Walker, Wells, Wilson, Wilt, Mr. Speaker.--72.

Nay: Benge, Blackburn, Blackwell, Braddock, Calvey, Cargill, Claunch, Coleman, Davis, Graves, Greenwood, Jones, Liotta, Morgan (Fred), Newport, Paulk, Perry, Piatt, Reynolds, Smith (Hopper), Sullivan, Tibbs, Toure, Winchester, Worthen, Wright, Young.--27.

Excused: Covey, Hiett.--2.

The measure passed.

**HB 1052** was referred for engrossment.

## GENERAL ORDER

**HB 1718** by Hastings of the House and Smith of the Senate was read and considered.

Representative Hastings moved to amend **HB 1718** by striking the title, which amendment was declared adopted.

Representative Hastings moved that **HB 1718** be advanced from General Order, which motion was declared adopted.

By unanimous consent, upon request of Representative Hastings, **HB 1718** was considered engrossed and placed on Third Reading and Final Passage.

## THIRD READING

**HB 1718** was read at length for the third time. On passage of the measure, the roll call was as follows:

Aye: Adkins, Armes, Askins, Bengé, Blackburn, Bonny, Boren, Braddock, Brannon, Carey, Case, Cox, Deutschendorf, DeWitt, Dorman, Easley, Eddins, Ellis, Erwin, Ferguson, Gilbert, Hamilton, Harrison, Hastings, Hefner, Hilliard, Hutchison, Ingmire, Kirby, Lamons, Langmacher, Leist, Lerblance, Lindley, McCarter, McClain, McIntyre, Miller (Doug), Miller (Ray), Mitchell, Morgan (Danny), Nance, Nations, O'Neal, Paulk, Perry, Peters, Peterson, Pettigrew, Phillips, Plunk, Pope, Rice, Roan, Roberts, Roggow, Smaligo, Smith (Dale), Smithson, Staggs, Stanley, Steele, Sweeden, Taylor, Toure, Trebilcock, Turner, Tyler, Walker, Wells, Wilson, Wright, Mr. Speaker.--73.

Nay: Balkman, Blackwell, Calvey, Cargill, Claunch, Coleman, Dank, Davis, Ericson, Graves, Greenwood, Jones, Liotta, Maddux, Morgan (Fred), Newport, Piatt, Reynolds, Smith (Hopper), Sullivan, Tibbs, Vaughn, Wilt, Winchester, Worthen, Young.--26.

Excused: Covey, Hiatt.--2.

The measure passed.

**HB 1718** was referred for engrossment.

## GENERAL ORDER

**HB 1496** by Sweeden of the House and Corn of the Senate was read and considered.

Representative Sweeden moved that **HB 1496** be advanced from General Order, which motion was declared adopted.

By unanimous consent, upon request of Representative Sweeden, **HB 1496** was considered engrossed and placed on Third Reading and Final Passage.

### **THIRD READING**

**HB 1496** was read at length for the third time. On passage of the measure and emergency, the roll call was as follows:

Aye: Adkins, Armes, Benge, Blackburn, Bonny, Boren, Braddock, Brannon, Carey, Coleman, Cox, Deutschendorf, DeWitt, Dorman, Easley, Eddins, Ellis, Ericson, Erwin, Ferguson, Gilbert, Hamilton, Harrison, Hastings, Hefner, Hilliard, Hutchison, Ingmire, Jones, Kirby, Lamons, Langmacher, Leist, Lerblance, Lindley, Liotta, Maddux, McCarter, McClain, McIntyre, Miller (Doug), Miller (Ray), Mitchell, Morgan (Danny), Nance, Nations, Newport, O'Neal, Perry, Phillips, Piatt, Plunk, Pope, Reynolds, Rice, Roan, Roberts, Roggow, Smaligo, Smith (Dale), Smith (Hopper), Smithson, Staggs, Stanley, Sweeden, Taylor, Toure, Trebilcock, Turner, Tyler, Walker, Wells, Wilson, Wilt, Winchester, Worthen, Young, Mr. Speaker.--78.

Nay: Askins, Balkman, Blackwell, Calvey, Cargill, Case, Claunch, Dank, Davis, Graves, Greenwood, Morgan (Fred), Paulk, Peters, Peterson, Pettigrew, Steele, Sullivan, Tibbs, Vaughn, Wright.--21.

Excused: Covey, Hiett.--2.

The measure and emergency passed.

**HB 1496** was referred for engrossment.

### **GENERAL ORDER**

**HB 1500** by Sweeden of the House and Gumm of the Senate was read and considered.

Representative Sweeden moved to amend **HB 1500** 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 Sweeden moved to amend the floor substitute by striking the title, which amendment was declared adopted.

Representative Sweeden moved that **HB 1500** be advanced from General Order, which motion was declared adopted.

By unanimous consent, upon request of Representative Sweeden, **HB 1500** was considered engrossed and placed on Third Reading and Final Passage.

### THIRD READING

**HB 1500** was read at length for the third time. On passage of the measure and emergency, the roll call was as follows:

Aye: Adkins, Armes, Askins, Balkman, Benge, Blackburn, Blackwell, Bonny, Boren, Braddock, Brannon, Calvey, Carey, Cargill, Case, Claunch, Coleman, Cox, Dank, Davis, Deutschendorf, DeWitt, Dorman, Easley, Eddins, Ellis, Ericson, Erwin, Ferguson, Gilbert, Graves, Greenwood, Hamilton, Harrison, Hastings, Hefner, Hilliard, Hutchison, Ingmire, Jones, Kirby, Lamons, Langmacher, Leist, Lerblance, Lindley, Liotta, Maddux, McCarter, McClain, McIntyre, Miller (Ray), Mitchell, Morgan (Danny), Morgan (Fred), Nance, Nations, Newport, O'Neal, Paulk, Perry, Peters, Peterson, Pettigrew, Phillips, Piatt, Plunk, Pope, Reynolds, Rice, Roan, Roberts, Roggow, Smaligo, Smith (Dale), Smith (Hopper), Smithson, Staggs, Stanley, Steele, Sullivan, Sweeden, Taylor, Tibbs, Toure, Trebilcock, Turner, Tyler, Vaughn, Walker, Wells, Wilson, Wilt, Winchester, Worthen, Wright, Mr. Speaker.--97.

Excused: Covey, Hiatt, Miller (Doug), Young.--4.

The measure and emergency passed.

**HB 1500** was referred for engrossment.

### GENERAL ORDER

**HB 1647** by Ferguson of the House and Corn of the Senate was read and considered.

Representative Ferguson moved to amend **HB 1647**, Page 10, Section 3, Line 28; Page 50, Section 17, Line 13 and Page 88, Section 29, Line 26 by adding after the word "plan" and before the word "shall" the language "for the first time on or after July 1, 2003,"; Page 10, Section 3, Line 30; Page 50, Section 17, Line 15 and Page 88, Section 29, Line 28 by restoring the stricken comma "," and the words "but no less than"; and Page 11, Section 3, Line 1; Page 50, Section 17, Line 17 and Page 88, Section 29, Line 30 by inserting after the stricken word "actuary" and before the period "." the words and figure "zero (0)", which amendment was declared adopted.

Representative Staggs moved to amend **HB 1647**, Page 68, Section 23, Line 24 and Page 102, Section 34, Line 23 by inserting after the period "." the following language, which amendment was declared adopted:

"For members of the System hired on or after July 1, 2003, if the military service credit authorized by this subsection is used to compute the retirement benefit of the member and the member retires from the System, such military service credit shall not be used to compute the retirement benefit in any other retirement system created pursuant to the Oklahoma Statutes and the member may receive credit for such service only in the retirement system from which the member first retires."

Representative Staggs moved to amend **HB 1647** by inserting a new Section 37 to read as follows and renumbering subsequent sections, which amendment was declared adopted:

“SECTION 37. AMENDATORY 20 O.S. 2001, Section 1102.2, is amended to read as follows:

Section 1102.2 A. Any active member of the Uniform Retirement System for Justices and Judges who served in the Armed Forces of the United States, as defined in paragraph (23) of Section 902 of Title 74 of the Oklahoma Statutes, prior to membership in the Uniform Retirement System for Justices and Judges shall be granted service credit, not to exceed five (5) years, for those periods of active military service during which the member was a war veteran. Any active member of the Uniform Retirement System for Justices and Judges whose initial membership in the System began on or after July 1, 2000, may receive up to five (5) years of prior military service credit as otherwise provided in this section, only upon payment of the amount determined by the Board pursuant to Section 1103G of this title. For a person becoming a member of the System on or after July 1, 2003, if the military service credit authorized by this section is used to compute the retirement benefit of the member and the member retires from the System, such military service credit shall not be used to compute the retirement benefit in any other retirement system created pursuant to the Oklahoma Statutes and the member may receive credit for such service only in the retirement system from which the member first retires.

B. Effective December 12, 1994, and thereafter, a leave of absence on account of a period of qualified military service in the uniformed services of the United States within the meaning of Section 414(u)(5) of the federal Internal Revenue Code, followed by a return to service as a Justice or judge within ninety (90) days after completion of the period of service may be eligible for service credit under this System. Notwithstanding any provision of this plan to the contrary, contributions, benefits and service credit with respect to qualified military service will be allowed in accordance with Section 414(u) of the federal Internal Revenue Code.”

Representative Staggs moved to amend **HB 1647** by inserting new Sections 39 and 40 to read as follows and renumbering subsequent sections, which amendment was declared adopted:

“SECTION 39. AMENDATORY 74 O.S. 2001, Section 913, is amended to read as follows:

Section 913. A. Prior service shall be credited as follows:

1. A member shall receive full credit for employment with any participating employer prior to the entry date of his or her employer whether or not continuous and whether or not he or she was employed with a participating employer on such entry date, provided that any member who has retired before the passage of Section 901 et seq. of this title, shall not receive retirement benefits retroactively for such prior service. Provided, that at such time that an employer becomes a participating employer on or after January 1, 1965, and before January 1, 1975, each member and each retirant, upon making proper written application therefor, shall receive prior service credit for service with such employer in the same manner as if such participating employer had been a participating employer on the date first eligible to become a participating employer; and increased benefits attributable to such increased prior service credit shall commence with the next monthly benefit payment due following receipt and approval of such application by the Board of Trustees. No prior

service shall be granted, however, for periods of service in which the employee made contributions which he or she subsequently withdrew, unless he or she has complied with the provisions of subsection (5) of Section 917 of this title. The burden of proof regarding prior service shall be with the member and shall be documented in such manner as the Board may direct;

2. Any member who was employed in an institution of higher learning by a State Board of Regents or who was employed by an Oklahoma school district prior to July 1, 1943, may receive prior service credit under this act for the period of time they were so employed;

3. Any member who served in the Armed Forces of the United States, as defined in paragraph (23) of Section 902 of this title, prior to membership in the Oklahoma Public Employees Retirement System shall be granted prior service credit, not to exceed five (5) years, for those periods of active military service during which he or she was a war veteran. For a member of the System hired on or after July 1, 2003, if the military service credit authorized by this paragraph is used to compute the retirement benefit of the member and the member retires from the System, such military service credit shall not be used to compute the retirement benefit in any other retirement system created pursuant to the Oklahoma Statutes and the member may receive credit for such service only in the retirement system from which the member first retires;

4. An elective state, county, city or town official who is ineligible for membership as a result of any applicable state law or constitutional provision making him or her ineligible solely because of his or her being such an official at the time of his or her eligibility for membership at the time his or her employer becomes a participating employer shall nevertheless not forfeit the prior service credit to which he or she would be entitled except for such ineligibility, provided that he or she either:

- a. becomes an employee of a participating employer within four (4) calendar months of the expiration of his or her term of office current at the time of his or her eligibility except for his or her being an elective state or county official, or
- b. within a period of four (4) years after the expiration of his or her term of office current at the time of his or her eligibility except for his or her being an elective state or county official, is elected as a state or county official and thereupon becomes a member of the System, or
- c. has completed ten (10) years of credited service as of the date of his or her eligibility for membership except for his or her being an elective state or county official;

5. Beginning July 1, 1965, all employees of the Department of Human Services shall participate in the Oklahoma Public Employees Retirement System to the same extent as other employees of participating employers in such System. Provided, that any employee performing teaching services in the Oklahoma School for the Deaf or the Oklahoma School for the Blind may elect to participate in the Teachers' Retirement System of Oklahoma in lieu of the Oklahoma Public Employees Retirement System; and any other employee at each such institution or any other institution under the jurisdiction of the Department of Human Services, participating in the Teachers' Retirement System of Oklahoma, may elect to continue to participate in such system in lieu of the Oklahoma Public Employees Retirement System. All employees who shall have participated in the Teachers' Retirement System of Oklahoma and not continuing therein shall have the right to withdraw their membership from the Teachers' Retirement System of Oklahoma on the same terms as

other members withdrawing from such System before retirement. Provided, all persons employed at the Oklahoma School for the Blind and Oklahoma School for the Deaf on June 30, 1965, who became subject to the Oklahoma Public Employees Retirement System, on July 1, 1965, shall receive credit for prior service and be eligible for participation, regardless of age;

6. A member employed as a temporary employee by the Legislative Service Bureau or its predecessors, the State Senate or the House of Representatives for the full duration of a regular legislative session prior to the member's eligibility for membership in the System shall receive six (6) months of prior service credit for each such full regular legislative session if the employee is employed by the Legislative Service Bureau or its predecessors, the State Senate or the House of Representatives as either a full-time or temporary employee for a minimum of six (6) full regular legislative sessions beginning January 1, 1983. For purposes of this subsection, the determination of whether an employee is employed for the full duration of a regular legislative session shall be made by the Legislative Service Bureau if such employee is employed by the Legislative Service Bureau, the State Senate if such employee is employed by the State Senate, or by the House of Representatives if such employee is employed by the House of Representatives;

7. A member of the System shall receive prior service credit for any years of service after January 1, 1975, the member had with a participating employer if the member is not receiving or eligible to receive such prior service credit for the same time in any other state or county retirement system authorized by law. To receive the service credit, the member shall pay the amount determined by the Board pursuant to Section 913.5 of this title-; and

8. Any member who is a state employee and receives temporary total disability benefits during the period of absence with a participating employer due to a work-related injury or illness incurred while engaged in a governmental function for said participating employer pursuant to the Workers' Compensation Act shall receive credit for participating service during said period of absence subject to the following requirements:

- a. the member was employed by the participating employer immediately prior to and during the period of absence,
- b. the member must notify the System in writing not later than four (4) months after the member's return to his or her job duties with the participating employer, or termination of employment with the participating employer, or termination of the temporary total disability benefits, whichever is earlier, of the member's desire to receive participating service credit for the period of absence,
- c. the participating employer must certify to the System in writing the dates during which temporary total disability benefits payments were paid to the member, and
- d. the member and the participating employer shall each pay their respective contributions required for the period of absence without interest within sixty (60) days of invoicing by the System, or with interest of seven and one-half percent (7 1/2%) compounded annually if paid after said sixty (60) days.

B. Participating service shall be credited as follows:

1. A member shall receive credit for participating service with a participating employer in accordance with the rules and regulations established by the Board; provided, however, that a member who is not a full-time employee shall receive prorated credit for actual hours worked;

2. Leaves of absence shall not count as a break in continuous employment provided the member leaves his or her accumulated contribution on deposit with the fund; however, the leaves of absence shall not be credited except that involuntary furloughs established by Office of Personnel Management rules shall be credited;

3. Any member who has served in the Armed Forces of the United States, as defined in paragraph (23) of Section 902 of this title, shall be granted participating service for those periods of active military service during which he or she was a war veteran provided this service is immediately preceded by a period of employment with a participating employer and is followed by return to employment as an employee with the same or another participating employer within ninety (90) days immediately following discharge from such military service provided the member leaves his or her accumulated contributions on deposit with the fund;

4. A period of total disability under the System immediately followed by employment with a participating employer, shall not count as a break in continuous employment; provided, that such periods while not employed shall not be credited except that involuntary furloughs established by Office of Personnel Management Rule 6.13, shall be credited;

5. Termination of employment with a participating employer followed by employment with the same or another participating employer within four (4) calendar months shall not constitute a break in continuous employment; provided, that such period while not employed shall not be credited as participating service;

6. Provided, however, that all employee contributions required by this act made by employees prior to June 30, 1977, will entitle the employee to additional years of participating service in accordance with the following schedule.

Employee accumulated contributions:

More than \$1.00 up to \$500 = 1 year participating service

More than \$500 up to \$1,000 = 2 years participating service

More than \$1,000 up to \$1,500 = 3 years participating service

More than \$1,500 up to \$2,000 = 4 years participating service

More than \$2,000 = 5 years participating service

In no event shall the employee be entitled to more than five (5) additional years of participating service as provided hereunder.

Provided further, that upon termination of employment prior to retirement, the accumulated contributions will be credited as above indicated to establish a vested benefit if so elected by any such employee; and

7. The total participating service credit of a member who retires or terminates employment and elects a vested benefit shall include not to exceed one hundred thirty (130) days of unused sick leave accumulated subsequent to August 1, 1959, during the member's employment with any participating employer. Such credit shall be added in terms of whole months. Twenty (20) days of unused sick leave shall equal one (1) month for purposes of participating service credit. If unused sick leave entitles a member to an additional year of service credit, the member's employer shall reimburse the System for the cost of funding the additional reserve. Each participating employer shall provide the System with adequate and timely information necessary to determine additional benefits and its cost under this paragraph. This paragraph shall apply to members retiring or vesting on or after July 1, 1984.

C. In determining the number of years of credited service, a fractional year of six (6) months or more shall be considered as one (1) year, and less than six (6) months shall be disregarded.

D. A member may receive credit for those years of credited service accumulated by the member while a member of the Oklahoma Firefighters Pension and Retirement System, the Oklahoma Police Pension and Retirement System, the Uniform Retirement System for Justices and Judges, the Oklahoma Law Enforcement Retirement System, or the Teachers' Retirement System of Oklahoma, if the member is not receiving or eligible to receive retirement credit or benefits from said service in any other public retirement system. To receive the service credit, the member shall pay the amount determined by the Board pursuant to Section 913.5 of this title.

E. A member may receive credit for those years of service accumulated by the member as an elected official if the member is not receiving or eligible to receive retirement credit or benefits from said service in any public retirement system. Prior to January 1, 1991, to receive the service credit, the member shall pay to the Board for each year of service purchased pursuant to this subsection a sum equal to the employee and employer contribution rate that would have been applicable to the member as determined by the Board and interest of not to exceed five percent (5%), and effective January 1, 1991, to receive the service credit, the member shall pay the amount determined by the Board pursuant to Section 913.5 of this title.

F. Effective December 12, 1994, and thereafter, a leave of absence on account of a period of qualified military service in the uniformed services of the United States within the meaning of Section 414(u)(5) of the federal Internal Revenue Code, followed by a return to employment with the participating employer within ninety (90) days after completion of the period of service may be eligible for credited service under this System. Notwithstanding any provision of this plan to the contrary, contributions, benefits and service credit with respect to qualified military service will be allowed in accordance with Section 414(u) of the federal Internal Revenue Code.

G. 1. An active member of the Oklahoma Public Employees Retirement System may receive credit for those years of service accumulated by the member while a member of the Teachers' Retirement System of Oklahoma if:

- a. the member is an active member of the Oklahoma Public Employees Retirement System, and
- b. the member provides notice to the Teachers' Retirement System of Oklahoma and the Oklahoma Public Employees Retirement System of the member's election to transfer said retirement credit. The notice shall include a list of the years to be transferred, and
- c. the member is not receiving or eligible to receive retirement credit or benefits from said service in any other public retirement system, notwithstanding the years of service sought to be transferred under this subsection.

Members electing to take advantage of the transfer authorized by this subsection who are receiving or eligible to receive retirement credit or benefits from said service in any other public retirement system shall have all service credit with the Teachers' Retirement System of Oklahoma canceled which is not transferred to the Oklahoma Public Employees Retirement System or used as a cash offset in such a transfer pursuant to subparagraph d of paragraph 2 of this subsection. Service credit transferred to the Teachers' Retirement

System of Oklahoma under this subsection shall also be canceled with the Oklahoma Public Employees Retirement System.

2. For purposes of this subsection, the "sending system" shall mean the Teachers' Retirement System of Oklahoma. The "receiving system" shall mean the Oklahoma Public Employees Retirement System.

- a. Within thirty (30) days notification of an intent to transfer is received by the sending system, the sending system shall, according to its own rules and regulations:
  - (1) for members who have vested with the sending system, determine the present value of the member's earned benefits attributable to the years of service sought to be transferred, discounted according to the member's age at the time of transfer and computed as of the earliest age at which the member would be able to retire. Said computation shall assume an unreduced benefit and be computed using interest and mortality assumptions consistent with the actuarial assumptions adopted by the Board of Trustees for purposes of preparing the annual actuarial evaluation but shall not make any projections regarding future salary. For vested employees the sending system shall use the product of this calculation for purposes of determining the transfer fee to be paid by the employee under subparagraph c of this paragraph so long as it is greater than the product of the calculation in this division, and
  - (2) determine the sum of the employee and employer contributions applicable to the years of service sought to be transferred plus interest consistent with the actuarial assumptions adopted by the Board of Trustees for purposes of preparing the annual actuarial evaluation. For all nonvested members, and for vested members if the product of this calculation is greater than the product of the calculation in division (1) of this subparagraph, the sending system shall use the product of this calculation for purposes of determining the amount to be transferred by the sending system under subparagraph c of this paragraph and any transfer fee to be paid by the members under subparagraph d of this paragraph.
- b. Within thirty (30) days notification of an intent to transfer is received by the receiving system, the receiving system shall determine, according to the system's own rules and regulations, the present value of the member's incremental projected benefits discounted according to the member's age at the time of the transfer. Incremental projected benefits shall be the difference between the projected benefit said member would receive without transferring the service credit and the projected benefit after transfer of service credit computed as of the earliest age at which the member would be able to retire. Said computation shall assume an unreduced benefit and be computed using interest, salary projections and mortality assumptions consistent with

the actuarial assumptions adopted by the Board of Trustees for purposes of preparing the annual actuarial evaluation.

- c. The sending system shall, within sixty (60) days from the date notification of an intent to transfer is received by the sending system, transfer to the receiving system the amount determined in subparagraph a of this paragraph. Except, if the cost under subparagraph a of this paragraph for the same years of service to the sending system is greater than the actuarial value of the incremental benefit in the receiving system, as established in subparagraph b of this paragraph, the sending system shall send the receiving system an amount equal to the actuarial value of the incremental projected benefit in the receiving system.
- d. In order to receive the credit provided for in paragraph 1 of this subsection, if the cost of the actuarial value of the incremental benefit to the receiving system is greater than the cost as calculated under subparagraph a of this paragraph for the same years of service to the sending system as established in subparagraphs a and b of this paragraph, the employee shall elect to:
  - (1) pay any difference to receive full credit for the years sought to be transferred, or
  - (2) receive prorated service credit for only the amount received from the Teachers' Retirement System of Oklahoma pursuant to this subsection.

Such an election shall be made in writing, filed with the System prior to receiving the credit provided for in paragraph 1 of this subsection, and shall be irrevocable.

3. Within sixty (60) days of successfully completing all of the requirements for transfer under this subsection, the sending system shall pay the receiving system any amount due under this subsection. Within sixty (60) days of successfully completing all of the requirements for transfer under this subsection, the member shall pay the receiving system any amount due under this subsection. In the event that the member is unable to pay the transfer fee provided for in this subsection by the due date, the Board of Trustees of the receiving system shall permit the member to amortize the transfer fee over a period not to exceed sixty (60) months. Said payments shall be made by payroll deductions unless the Board of Trustees permits an alternate payment source. The amortization shall include interest in an amount not to exceed the actuarially assumed interest rate adopted by the Board of Trustees for investment earnings each year. Any member who ceases to make payment, terminates, retires or dies before completing the payments provided for in this section shall receive prorated service credit for only those payments made, unless the unpaid balance is paid by said member, his or her estate or successor in interest within six (6) months after said member's death, termination of employment or retirement, provided no retirement benefits shall be payable until the unpaid balance is paid, unless said member or beneficiary affirmatively waives the additional six-month period in which to pay the unpaid balance.

4. Years of service transferred pursuant to this subsection shall be used both in determining the member's retirement benefit and in determining the years of service for retirement and/or vesting purposes. Years of service rendered as a member of the Teachers' Retirement System of Oklahoma prior to July 1, 1992, if any, shall be deemed to be years

of service rendered as a member of the Oklahoma Public Employees Retirement System prior to July 1, 1992, and shall qualify such person as a member of the Oklahoma Public Employees Retirement System before July 1, 1992.

5. Notwithstanding the requirements of Section 17-104 of Title 70 of the Oklahoma Statutes, members electing to take advantage of the transfer authorized by this subsection who have withdrawn their contributions from the sending system shall remit to the sending system the amount of the accumulated contributions the member has withdrawn plus simple interest of ten percent (10%) per annum prior to making said election or the election shall be deemed invalid and the transfer shall be canceled. If such an election is deemed invalid and the transfer is canceled, the accumulated contribution remitted to the sending system by the member who originally withdrew their contributions shall be returned to the member. The member's rights and obligations regarding any service credit reestablished in the sending system due to a failure to satisfy the requirements of this subsection shall be determined by the sending system in accordance with Section 17-101 et seq. of Title 70 of the Oklahoma Statutes.

6. If any member fails for any reason to satisfy the requirements of this subsection, the election to transfer retirement credit shall be void and of no effect, and any retirement credited as a result of this transfer shall be canceled. If such retirement credit is canceled, the years of canceled retirement credit which were unsuccessfully transferred to the receiving system from the sending system shall be reestablished in the sending system. The member's rights and obligations regarding any retirement credit reestablished in the sending system due to a failure to satisfy the requirements of this subsection shall be determined by the sending in accordance with Section 17-101 et seq. of Title 70 of the Oklahoma Statutes.

7. The Board of Trustees shall promulgate such rules as are necessary to implement the provisions of this subsection.

H. 1. A member of the Teachers' Retirement System of Oklahoma whose last service with the Teachers' Retirement System of Oklahoma was with an entity or institution within The Oklahoma State System of Higher Education, State Board of Education, State Board of Vocational and Technical Education, Oklahoma Department of Vocational and Technical Education, Oklahoma School of Science and Mathematics, Oklahoma Center for the Advancement of Science and Technology, State Department of Rehabilitation Services, Oklahoma State Regents for Higher Education, Department of Corrections, State Department of Education, Oklahoma Board of Private Vocational Schools, Board of Regents of Oklahoma Colleges, Oklahoma Student Loan Authority, or the Teachers' Retirement System of Oklahoma, may elect to receive credit for those years of service accumulated by the member in the Teachers' Retirement System of Oklahoma, pursuant to this subsection. A member shall be eligible to elect to transfer credit for such years of service from the Teachers' Retirement System of Oklahoma to the Oklahoma Public Employees Retirement System if:

- a. the member is an active member of the Oklahoma Public Employees Retirement System,
- b. the member provides notice to the Teachers' Retirement System of Oklahoma and the Oklahoma Public Employees Retirement System of the member's election to transfer such retirement credit. The notice shall include a list of the years to be transferred, and

- c. the member is not receiving or eligible to receive retirement credit or benefits from such service in any other public retirement system, notwithstanding the years of service sought to be transferred under this subsection.

Members electing to take advantage of the transfer authorized by this subsection shall have all service credit with the Teachers' Retirement System of Oklahoma canceled which is transferred to the Oklahoma Public Employees Retirement System.

2. For purposes of this subsection, the "sending system" shall mean the Teachers' Retirement System of Oklahoma. The "receiving system" shall mean the Oklahoma Public Employees Retirement System.

Within thirty (30) days after notification of an intent to transfer is received by the sending system, the sending system shall, according to its own rules, send to the receiving system all employer and employee contributions made on behalf of the member which were made to the sending system plus an additional amount of earnings based on the actuarial assumed rate of the sending system. Upon receipt of these contributions by the receiving system, the receiving system shall give credit to the transferring member in an amount equal to the years of service accrued in the sending system.

3. If the transferring member's normal retirement date calculation is based upon the sum of the member's age and number of years of credited service totaling eighty (80) in the sending system, then the member shall retain such calculation in the receiving system.

4. The Board of Trustees shall promulgate such rules as are necessary to implement the provisions of this subsection.

I. A member of the System in the employment of the Governor, the State Senate or the House of Representatives, on or after July 1, 1999, may make an election prior to December 31, 2000, which shall be irrevocable and on a form prescribed for such purpose by the System, to continue participation in the System upon becoming employed by a participating employer of the Teachers' Retirement System of Oklahoma. The Board shall promulgate all rules necessary to implement the provisions of this subsection.

SECTION 40. AMENDATORY 74 O.S. 2001, Section 913.8, is amended to read as follows:

Section 913.8 A. Any active member of the Oklahoma Public Employees Retirement System whose initial membership in the System began on or after July 1, 2000, may receive up to five (5) years of prior or participating military service credit as otherwise provided in this act, only upon payment of the amount determined by the Board pursuant to Section 913.5 of this title.

B. For a member of the System hired on or after July 1, 2003, if the military service credit authorized by this section is used to compute the retirement benefit of the member and the member retires from the System, such military service credit shall not be used to compute the retirement benefit in any other retirement system created pursuant to the Oklahoma Statutes and the member may receive credit for such service only in the retirement system from which the member first retires."

Representative Ferguson moved that **HB 1647** be advanced from General Order, which motion was declared adopted.

By unanimous consent, upon request of Representative Ferguson, **HB 1647** was considered engrossed and placed on Third Reading and Final Passage.

### THIRD READING

**HB 1647** was read at length for the third time. On passage of the measure and emergency, the roll call was as follows:

Aye: Adkins, Armes, Askins, Balkman, Benge, Blackburn, Blackwell, Bonny, Boren, Braddock, Brannon, Calvey, Carey, Cargill, Case, Claunch, Coleman, Cox, Dank, Davis, Deutschendorf, DeWitt, Dorman, Easley, Eddins, Ellis, Ericson, Erwin, Ferguson, Gilbert, Graves, Greenwood, Hamilton, Harrison, Hastings, Hefner, Hilliard, Hutchison, Ingmire, Jones, Kirby, Lamons, Langmacher, Leist, Lerblance, Lindley, Liotta, Maddux, McCarter, McClain, McIntyre, Miller (Doug), Miller (Ray), Mitchell, Morgan (Danny), Morgan (Fred), Nance, Nations, Newport, O'Neal, Paulk, Perry, Peters, Peterson, Pettigrew, Phillips, Piatt, Plunk, Pope, Reynolds, Rice, Roberts, Roggow, Smaligo, Smith (Dale), Smith (Hopper), Staggs, Stanley, Steele, Sullivan, Sweeden, Taylor, Tibbs, Toure, Trebilcock, Turner, Tyler, Vaughn, Walker, Wells, Wilson, Wilt, Winchester, Worthen, Wright, Mr. Speaker.--96.

Nay: Roan, Smithson.--2.

Excused: Covey, Hiatt, Young.--3.

The measure and emergency passed.

**HB 1647** was referred for engrossment.

### MOTION EXPIRED

Time expired for consideration of the motion to reconsider the vote whereby the emergency failed on **HB 1597**.

**HB 1597** 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 1056** – Government Operations and Agency Oversight and Administrative Rules

**HB 1459** – Revenue and Taxation

**HJR 1013** – Government Operations and Agency Oversight and Administrative Rules

Representative Rice moved that when the clerk's desk is clear, the House stand adjourned to reconvene at 10:00 a.m., Wednesday, March 12, 2003, which was the order.

Pursuant to the motion of Representative Rice, the House was adjourned at 6:05 p.m., to reconvene Wednesday, March 12, 2003, at 10:00 a.m.