

HOUSE JOURNAL

First Regular Session of the Forty-ninth Legislature

of the State of Oklahoma

Thirty-second Legislative Day, Wednesday, March 26, 2003

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

The roll was called with 100 Members present.

The following Member was excused: Walker—1.

The Speaker Pro Tempore declared a quorum present.

Prayer was offered by Pastor Rodney Fouts, North Church Assembly of God Church, Edmond.

The Journal for the last legislative day was approved.

ENGROSSED AND ENROLLED MEASURES

HAs to SBs 40, 41, 42, 43, 44, 45, 281, 534 and 652 were reported correctly engrossed, properly signed, in open session, and the measures, as amended, were ordered returned to the Honorable Senate.

HBs 1495, 1537, 1538, 1539, 1540 and 1541 were reported correctly enrolled and, after fourth reading, properly signed, in open session, and ordered transmitted to the Honorable Senate.

MESSAGES FROM THE SENATE

Advising fourth reading of and transmitting for signature Enrolled **SBs 444, 455** and **833**.

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

Returning engrossed measures

Announcing the passage of **HBs 1542, 1543, 1545** and **1546**.

The above-numbered measures were referred for enrollment.

Returning enrolled measures

Announcing that Enrolled **HBs 1495, 1537, 1538, 1539, 1540** and **1541** have been read at length for the fourth time and signed by the Presiding Officer of Senate, in open session.

The above measures were ordered transmitted to the Honorable Governor.

GENERAL ORDER

SB 243 by Robinson of the Senate and Staggs of the House was read and considered.

Coauthored by Representative(s) Nance

Representative Staggs moved that **SB 243** be advanced from General Order, which motion was declared adopted.

By unanimous consent, upon request of Representative Staggs, **SB 243** was considered engrossed and placed on Third Reading and Final Passage.

THIRD READING

SB 243 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, 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), 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, Wells, Wilson, Wilt, Winchester, Worthen, Wright, Young, Mr. Speaker.--98.

Excused: Bonny, Morgan (Fred), Walker.--3.

The measure passed.

SB 243 was referred for engrossment.

GENERAL ORDER

SB 257 by Robinson of the Senate and Staggs of the House was read and considered.

Coauthored by Representative(s) Nance

Representative Staggs moved to amend **SB 257**, Page 1, Section 1, Line 10 by adding the word “digital” after the word “A” and before the word “driver” and after the word “or” and before the word “identification” and Page 4, Section 2, Line 7 by deleting the word “November” and replacing it with the word “July”, which amendment was declared adopted.

Representative Staggs moved to amend **SB 257** by adding an emergency clause, which amendment was declared adopted.

Representative Staggs moved that **SB 257** be advanced from General Order, which motion was declared adopted.

By unanimous consent, upon request of Representative Staggs, **SB 257** was considered engrossed and placed on Third Reading and Final Passage.

THIRD READING

SB 257 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, 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), 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, Wells, Wilson, Wilt, Winchester, Worthen, Wright, Young, Mr. Speaker.--98.

Excused: Bonny, Morgan (Fred), Walker.--3.

The measure and emergency passed.

SB 257 was referred for engrossment.

GENERAL ORDER

SB 274 by Crutchfield of the Senate and Turner of the House was read and considered.

Representative Turner moved to amend **SB 274**, Page 3, Section 1, Line 18 by deleting the word "within" after the word "more" and before the word "the" and inserting in lieu thereof the language "annexed into" and by inserting after the word "limits" and before the word "shall" the language "on or after July 1, 2003", which amendment was declared adopted.

Representative Turner moved that **SB 274** be advanced from General Order, which motion was declared adopted.

By unanimous consent, upon request of Representative Turner, **SB 274** was considered engrossed and placed on Third Reading and Final Passage.

THIRD READING

SB 274 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, 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), 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, Wells, Wilson, Winchester, Worthen, Wright, Young, Mr. Speaker.--96.

Nay: Case, Wilt.--2.

Excused: Bonny, Morgan (Fred), Walker.--3.

The measure passed.

SB 274 was referred for engrossment.

GENERAL ORDER

SB 379 by Helton of the Senate and McCarter of the House was read and considered.

Representative Claunch moved to amend **SB 379** by creating a new Section 2 to read as follows, and renumbering subsequent section, which amendment was declared adopted:

“SECTION 2. AMENDATORY 47 O. S. 2001, Section 956, as amended by Section 3, Chapter 474, O.S.L. 2002 (47 O.S. Supp. 2002, Section 956), is amended to read as follows:

Section 956. A. No operator, employee, or contractor of a wrecker or towing service or of a person or business that derives any business or income from a wrecker or towing service shall offer, and no officer or employee of the Department of Public Safety or any political subdivision of the state shall accept, directly or indirectly, any compensation, gift, loan, favor or service given for the purpose of influencing the officer or employee in the discharge of official duties of the person.

B. No officer of the Department of Public Safety or any law enforcement officer of any political subdivision of the state shall have any interest, financial or otherwise, in a wrecker or towing service, or with a person or in a business that derives business or income from a wrecker or towing service, nor shall a wrecker or towing service or a person or business that derives any business or income from a wrecker or towing service employ such officer.

C. Nothing in subsection B of this section shall apply to a wrecker or towing service that possesses only a Class “General” license as provided in the rules of the Department of Public Safety.”

Representative McCarter moved that **SB 379** be advanced from General Order, which motion was declared adopted.

By unanimous consent, upon request of Representative McCarter, **SB 379** was considered engrossed and placed on Third Reading and Final Passage.

THIRD READING

SB 379 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, 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, Langmacher, Leist, Lerblance, Lindley, Liotta, Maddux, McCarter, McClain, Miller (Doug), Miller (Ray), Mitchell, Morgan (Danny), 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, Wells, Wilson, Wilt, Winchester, Worthen, Wright, Young, Mr. Speaker.--96.

Nay: Lamons, McIntyre.--2.

Excused: Bonny, Morgan (Fred), Walker.--3.

The measure and emergency passed.

SB 379 was referred for engrossment.

GENERAL ORDER

SB 429 by Laughlin et al of the Senate and Covey et al of the House was read and considered.

Coauthored by Representative(s) Blackwell

Representative Peters moved to amend **SB 429** by creating new Sections 2, 3 and 4 to read as follows, and renumbering subsequent sections:

“SECTION 2. AMENDATORY 68 O.S. 2001, Section 2817, as amended by Section 1, Chapter 345, O.S.L. 2002 (68 O.S. Supp. 2002, Section 2817), is amended to read as follows:

Section 2817. A. All taxable personal property, except intangible personal property, personal property exempt from ad valorem taxation, or household personal property, shall be listed and assessed each year at its fair cash value, estimated at the price it would bring at a fair voluntary sale, as of January 1.

The fair cash value of household personal property shall be valued at ten percent (10%) of the appraised value of the improvement to the residential real property within which such personal property is located as of January 1 each year. The assessment of household personal property as provided by this section may be altered by the taxpayer listing such property at its actual fair cash value. For purposes of establishing the value of household personal property, pursuant to the requirement of Section 8 of Article X of the Oklahoma Constitution, the percentage of value prescribed by this section for the household personal property shall be presumed to constitute the fair cash value of the personal property.

All unmanufactured farm products shall be assessed and valued as of the preceding May 31. Every person, firm, company, association, or corporation, in making the assessment, shall assess all unmanufactured farm products owned by the person, firm, company, association or corporation on the preceding May 31, at its fair cash value on that date instead of January 1.

Stocks of goods, wares and merchandise shall be assessed at the value of the average amount on hand during the preceding year, or the average amount on hand during the part of the preceding year the stock of goods, wares or merchandise was at its January 1 location.

B. All taxable real property shall be assessed annually as of January 1, at its fair cash value, estimated at the price it would bring at a fair voluntary sale for:

1. The highest and best use for which the property was actually used during the preceding calendar year; or

2. The highest and best use for which the property was last classified for use if not actually used during the preceding calendar year.

The Ad Valorem Division of the Tax Commission shall be responsible for the promulgation of rules which shall be followed by each county assessor of the state, for the purposes of providing for the equitable use valuation of locally assessed real property in this state. Agricultural land and nonresidential improvements necessary or convenient for agricultural purposes shall be assessed for ad valorem taxation based upon the highest and best use for which the property was actually used, or was previously classified for use, during the calendar year next preceding January 1 on which the assessment is made.

C. The use value of agricultural land shall be based on the income capitalization approach using cash rent. The rental income shall be calculated using the direct capitalization method based upon factors including, but not limited to:

1. Soil types, as depicted on soil maps published by the Natural Resources Conservation Service of the United States Department of Agriculture;

2. Soil productivity indices approved by the Ad Valorem Division of the Tax Commission;

3. The specific agricultural purpose of the soil based on use categories approved by the Ad Valorem Division of the Tax Commission; and

4. A capitalization rate to be determined annually by the Ad Valorem Division of the Tax Commission based on the sum of the average first mortgage interest rate charged by the Federal Land Bank for the immediately preceding five (5) years, weighted with the prevailing rate or rates for additional loans or equity, and the effective tax rate.

The final use value will be calculated using the soil productivity indices and the agricultural use classification as defined by rules promulgated by the State Board of Equalization. This subsection shall not be construed in a manner which is inconsistent with the duties, powers and authority of the Board as to valuation of the counties as fixed and defined by Section 21 of Article X of the Oklahoma Constitution.

However, in calculating the use value of buffer strips as defined in Section 2817.2 of this title, exclusive consideration shall be based on income production from such buffer strips, not including federal or state subsidies, when valued as required by subsection C of Section 2817.2 of this title.

D. The use value of nonresidential improvements on agricultural land shall be based on the cost approach to value estimation using currently updated cost manuals published by the Marshall and Swift Company or similar cost manuals approved by the Ad Valorem Division of the Tax Commission. The use value estimates for the nonresidential

improvements shall take obsolescence and depreciation into consideration in addition to necessary adjustments for local variations in the cost of labor and materials. This section shall not be construed in a manner which is inconsistent with the duties, powers and authority of the Board as to equalization of valuation of the counties as determined and defined by Section 21 of Article X of the Oklahoma Constitution.

The use value of facilities used for poultry production shall be determined according to the following procedures:

1. The Ad Valorem Division of the Tax Commission is hereby directed to develop a standard system of valuation of both real and personal property of such facilities, which shall be used by all county assessors in this state, under which valuation based on the following shall be presumed to be the fair cash value of the property:

- a. for real property, a ten-year depreciation schedule, at the end of which the residual value is twenty percent (20%) of the value of the facility during its first year of operation, and
- b. for personal property, a five-year depreciation schedule, at the end of which the residual value is zero;

2. Such facilities shall be valued only in comparison to other facilities used exclusively for poultry production. Such a facility which is no longer used for poultry production shall be deemed to have no productive use;

3. During the first year such a facility is placed on the tax rolls, its fair cash value shall be presumed to be the lesser of the actual purchase price or the actual documented cost of construction; and

4. For the purpose of determining the valuation of nonresidential improvements used for poultry production, the provisions of this subsection shall be applicable and such improvements shall not be considered to be commercial property.

E. The value of investment in property used exclusively by ~~a small~~ an oil refinery, ~~as defined in Section 2 of this act~~, that is used wholly as a facility, device or method for the desulphurization of gasoline or diesel fuel as defined in Section 2817.3 of this title shall not be included in the capitalization used in the determination of fair market value of ~~a small~~ such oil refinery.

F. The transfer of real property without a change in its use classification shall not require a reassessment thereof based exclusively upon the sale value of the property. However, if the county assessor determines:

1. That by reason of the transfer of a property there is a change in the actual use or classification of the property; or
 2. That by reason of the amount of the sales consideration it is obvious that the use classification prior to the transfer of the property is not commensurate with and would not justify the amount of the sales consideration of the property;
- then the assessor shall, in either event, reassess the property for the new use classification for which the property is being used, or, the highest and best use classification for which the property may, by reason of the transfer, be classified for use.

G. When the term "fair cash value" or the language "fair cash value, estimated at the price it would bring at a fair voluntary sale" is used in the Ad Valorem Tax Code, in connection with and in relation to the assessment of real property, it is defined to mean and shall be given the meaning ascribed and assigned to it in this section and when the term or language is used in the Code in connection with the assessment of personal property it shall be given its ordinary or literal meaning.

H. Where any real property is zoned for a use by a proper zoning authority, and the use of the property has not been changed, the use and not zoning shall determine assessment. Any reassessment required shall be effective January 1 following the change in use. Taxable real property need not be listed annually with the county assessor.

I. If any real property shall become taxable after January 1 of any year, the county assessor shall assess the same and place it upon the tax rolls for the next ensuing year. When any building is constructed upon land after January 1 of any year, the value of the building shall be added by the county assessor to the assessed valuation of the land upon which the building is constructed at the fair cash value thereof for the next ensuing year. However, the building shall be deemed to have a value for assessment purposes of the fair cash value of the materials used in such building only, until the building and the land on which the building is located shall have been conveyed to a bona fide purchaser or shall have been occupied or used for any purpose other than as a sales office by the owner thereof, or shall have been leased, whichever event shall first occur. The county assessor shall continue to assess the building based upon the fair market value of the materials used therein until the building and land upon which the building is located shall have been conveyed to a bona fide purchaser or is occupied or used for any purpose other than as a sales office by the owner thereof, or is leased, whichever event shall first occur. However, the fair cash value of a lot in any platted addition or a subdivision in a city, town or county zoned for residential, commercial, industrial or other use shall be deemed to be the total purchase price paid by the developer of the addition or subdivision for the land comprising the platted addition or subdivision divided by the number of lots contained in the addition or subdivision until the lot with building or buildings located thereon shall have been conveyed to a bona fide purchaser or shall have been occupied other than as a sales office by the owner thereof, or shall have been leased, whichever event shall first occur. The cost of any land or improvements to any real property required to be dedicated to public use, including, but not limited to, streets, curbs, gutters, sidewalks, storm or sanitary sewers, utilities, detention or retention ponds, easements, parks or reserves shall not be utilized by the county assessor in the valuation of any real property for assessment purposes.

J. In case improvements on land or personal property located therein or thereon are destroyed by fire, lightning, storm, winds, floodwaters, overflow of streams or other cause, or the value of land is impaired, damaged or destroyed by fire, lightning, storm, winds, floodwaters, overflow of streams or other cause, after January 1 and before the adjournment of the county board of equalization during any year, the county board of equalization, in cooperation with the county assessor, shall determine the amount of damage, and shall make an order directing the assessment of the property for that year at the fair cash value of the property, as defined herein, taking into account the damage occasioned by fire, lightning, storm, winds, floodwaters, overflow of streams or other cause.

SECTION 3. AMENDATORY Section 2, Chapter 345, O.S.L. 2002 (68 O.S. Supp. 2002, Section 2817.3), is amended to read as follows:

Section 2817.3 A. As used in subsection E of Section 2817 of ~~Title 68 of the Oklahoma Statutes~~ this title:

1. ~~“Small oil refinery” means a refinery, including a refinery owned by a subsidiary, parent company, subsidiary of a parent company in which the parent company has a fifty percent (50%) or greater interest or any joint venture partners of the refinery, which:~~

- a. ~~produces diesel fuel and gasoline by processing crude oil through refinery processing units,~~

- b. ~~employs a company wide average of no more than one thousand five hundred (1,500) full-time equivalent employees, based on the average number of employees, and~~
- e. ~~had a company wide average crude oil capacity less than or equal to one hundred fifty five thousand (155,000) barrels per calendar day for 1999; and~~

2. "Facility, device or method for the desulphurization of gasoline or diesel fuel" means any structure, building, installation, excavation, machinery, equipment or device and any attachment or addition to or reconstruction, replacement or improvement of that property, that is used, constructed, acquired or installed on or after January 1, 2003, wholly or partly to meet or exceed rules adopted by the Oklahoma Environmental Quality Board, or by the United States Environmental Protection Agency with respect to any program which has been delegated to the Department of Environmental Quality for the prevention, monitoring, control or reduction of the amount of sulfur in gasoline or diesel fuel. This definition shall not apply to a motor vehicle.

B. In applying for an exclusion of property under the provisions of subsection E of Section 2817 of ~~Title 68 of the Oklahoma Statutes~~ this title, a person seeking the exclusion shall present in a request to the Executive Director of the Department of Environmental Quality information detailing:

1. The anticipated environmental benefits from the installation of the facility, device or method for the desulphurization of gasoline or diesel fuel;
2. The estimated cost of the facility, device or method; and
3. The purpose of the installation of such facility, device or method and the proportion of the installation that is such a facility, device or method.

C. Following submission of the information required by subsection B of this section, the Executive Director of the Department of Environmental Quality shall determine if the facility, device or method is used wholly as a facility, device or method for the desulphurization of gasoline or diesel fuel. As soon as practicable, the Executive Director shall send notice by regular mail to the Director of the Ad Valorem Division of the Oklahoma Tax Commission that the person has applied for a determination under this section. If the Executive Director determines that the facility, device or method is used wholly for the desulphurization of gasoline or diesel fuel, the Executive Director shall issue a letter to the person stating that determination and the proportion of the installation that is a facility, device or method for the desulphurization of gasoline or diesel fuel.

D. The Department of Environmental Quality may charge a person seeking a determination under the provisions of this section an additional fee not to exceed its administrative costs for processing the information, making the determination and issuing the letter required by this section. The Environmental Quality Board may adopt rules to implement this section.

E. A person seeking an exclusion under this section shall provide to the county assessor or the Director of the Ad Valorem Division of the Oklahoma Tax Commission a copy of the letter issued by the Executive Director of the Department of Environmental Quality under subsection C of this section. The county assessor or the Director of the Ad Valorem Division of the Tax Commission shall accept the copy of the letter from the Executive Director as conclusive evidence that the facility, device or method is used wholly for the desulphurization of gasoline or diesel fuel. The county assessor or the Director of the Ad Valorem Division of the Tax Commission shall further determine if the property for

which the exclusion is sought is qualified as provided in subsection E of Section 2817 of ~~Title 68 of the Oklahoma Statutes~~ this title.

F. This section does not apply to a facility, device or method for the desulphurization of gasoline or diesel fuel that is subject to any other ad valorem tax exemptions under the laws of this state.

G. The exclusion provided by this section, once allowed, need not be applied for subsequent years, and the exclusion applies to the property until it changes ownership or the qualification of the property for the exclusion changes. However, the county assessor or the Director of the Ad Valorem Division of the Tax Commission may require a person allowed an exclusion in a prior year to file a new application to confirm the current qualification for the exclusion by delivering a written notice that a new application is required, accompanied by an appropriate application form, to the person previously allowed the exclusion.

SECTION 4. Sections 2 and 3 of this act shall become effective January 1, 2004.”,

and Page 4, Line 18 by deleting the capitalized word “This” and inserting in lieu thereof the words “Section 1 of this”,

which amendment was declared adopted upon roll call as follows:

Aye: Adkins, Balkman, Benge, Blackwell, Boren, Calvey, Cargill, Case, Claunch, Coleman, Dank, Davis, Ericson, Ferguson, Graves, Greenwood, Hastings, Hiett, Hilliard, Ingmire, Jones, Lamons, Liotta, Maddux, McClain, McIntyre, Miller (Doug), Nance, Newport, O'Neal, Perry, Peters, Peterson, Pettigrew, Phillips, Piatt, Reynolds, Roggow, Smaligo, Smith (Hopper), Steele, Sullivan, Taylor, Tibbs, Trebilcock, Vaughn, Wells, Wilt, Winchester, Worthen, Wright, Young.--52.

Nay: Armes, Askins, Blackburn, Bonny, Braddock, Brannon, Carey, Covey, Cox, Deutschendorf, DeWitt, Dorman, Easley, Eddins, Ellis, Erwin, Gilbert, Hamilton, Harrison, Hefner, Hutchison, Kirby, Langmacher, Leist, Lerblance, Lindley, McCarter, Miller (Ray), Mitchell, Morgan (Danny), Nations, Paulk, Plunk, Pope, Roan, Roberts, Smith (Dale), Smithson, Staggs, Stanley, Sweeden, Toure, Turner, Tyler, Wilson, Mr. Speaker.--46.

Excused: Morgan (Fred), Rice, Walker.--3.

Representative Pope moved to amend **SB 429** by striking the title, which amendment was declared adopted upon a division of the question.

Representative Covey moved that **SB 429** be advanced from General Order, which motion was declared adopted.

By unanimous consent, upon request of Representative Covey, **SB 429** was considered engrossed and placed on Third Reading and Final Passage.

THIRD READING

SB 429 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, 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), Nance, Nations, Newport, O'Neal, 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, Wells, Wilson, Wilt, Winchester, Worthen, Young, Mr. Speaker.--96.

Nay: Paulk, Pettigrew, Wright.--3.

Excused: Morgan (Fred), Walker.--2.

The measure and emergency passed.

SB 429 was referred for engrossment.

GENERAL ORDER

SB 443 by Morgan of the Senate and Ingmire of the House was read and considered.

Coauthored by Representative(s) Sweeden, Miller (Ray)

Representative Sullivan moved to amend **SB 443**, Page 1, Section 1, Line 3 by deleting the language "One Hundred Fifty Dollars (\$150.00)" and inserting in lieu thereof the language "Twenty-five Dollars (\$25.00) per hour", which amendment failed of adoption.

Representative Ingmire moved that **SB 443** be advanced from General Order, which motion was declared adopted.

Upon request of Representative Ingmire, **SB 443** was placed on Third Reading and Final Passage.

THIRD READING

SB 443 was read at length for the third time. On passage of the measure, the roll call was as follows:

Aye: Adkins, Armes, Askins, Blackburn, Blackwell, Braddock, Brannon, Calvey, Carey, Covey, Cox, Davis, Deuschendorf, DeWitt, Dorman, Easley, Eddins, Ferguson, Gilbert, Hamilton, Hastings, Hefner, Hiatt, Hilliard, Hutchison, Ingmire, Jones, Kirby, Lerblance, Maddux, McClain, McIntyre, Miller (Doug), Miller (Ray), Nations, Newport, O'Neal, Perry, Peters, Phillips, Pope, Rice, Roan, Roberts, Roggow, Smith (Dale), Smithson, Staggs, Stanley, Steele, Sweeden, Toure, Trebilcock, Vaughn, Wells, Wilson, Winchester, Worthen, Wright, Mr. Speaker.--60.

Nay: Balkman, Benge, Bonny, Boren, Cargill, Case, Claunch, Coleman, Dank, Ellis, Ericson, Erwin, Graves, Greenwood, Harrison, Lamons, Langmacher, Leist, Lindley, Liotta, McCarter, Mitchell, Morgan (Danny), Nance, Paulk, Peterson, Pettigrew, Piatt, Plunk, Reynolds, Smaligo, Smith (Hopper), Sullivan, Taylor, Tibbs, Turner, Tyler, Wilt, Young.--39.

Excused: Morgan (Fred), Walker.--2.

The measure passed.

The Presiding Officer signed, in open session, Engrossed **SB 443** and ordered same returned to the Honorable Senate.

COMMITTEE REPORTS

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

DO PASS:

- SB 231** – Revenue and Taxation
- SB 267** – Revenue and Taxation
- SB 288** – Environment and Natural Resources
- SB 319** – Government Operations, Agency Oversight and Administrative Rules
- SB 349** – Criminal Justice
- SB 407** – Tourism and Recreation
- SB 430** – Revenue and Taxation
- SB 527** – Tourism and Recreation
- SB 549** – Revenue and Taxation
- SB 584** – Environment and Natural Resources
- SB 647** – Government Operations and Agency Oversight and Administrative Rules
- SB 733** – Tourism and Recreation
- SB 779** – Criminal Justice
- SB 791** – Criminal Justice
- SB 816** – Criminal Justice
- SB 835** – Criminal Justice
- SJR 12** – Revenue and Taxation

DO PASS, As Amended:

CS for SB 241 – Energy and Utility Regulation

SB 247 – Government Operations and Agency Oversight and Administrative Rules

CS for SB 294 – Tourism and Recreation

CS for SB 300 – Revenue and Taxation

CS for SB 357 – Tourism and Recreation

CS for SB 360 – Wildlife

CS for SB 365 – Wildlife

SB 377 – Government Operations and Agency Oversight and Administrative Rules

CS for SB 383 – Energy and Utility Regulation

SB 421 – Government Operations and Agency Oversight and Administrative Rules

CS for SB 437 – Revenue and Taxation

SB 439 – Economic Development

CS for SB 447 – Insurance

CS for SB 543 – Tourism and Recreation

CS for SB 556 – Energy and Utility Regulation

CS for SB 557 – Agriculture and Rural Development

CS for SB 565 – Criminal Justice

CS for SB 606 – Agriculture and Rural Development

CS for SB 635 – Insurance, Coauthored by Representative(s) Hastings, Morgan (Danny), Liotta, Peterson, Pettigrew

SB 646 – Government Operations and Agency Oversight and Administrative Rules, Remove Representative Askins as principal House author and substitute with Representative Wilson, and Coauthored by Representative(s) Askins

CS for SB 649 – Government Operations and Agency Oversight and Administrative Rules, Remove Representative Askins as principal House author and substitute with Representative Tyler, and Coauthored by Representative(s) Askins

CS for SB 674 – Mental Health

CS for SB 703 – Government Operations and Agency Oversight and Administrative Rules

CS for SB 755 – Criminal Justice

CS for SB 793 – Government Operations and Agency Oversight and Administrative Rules

CS for SB 795 – Mental Health

CS for SB 808 – Criminal Justice

CS for SB 823 – Criminal Justice

SJR 18 – Economic Development

Representative Roberts moved that when the clerk's desk is clear, the House stand adjourned to reconvene at 9:00 a.m., Thursday, March 27, 2003, which was the order.

Pursuant to the motion of Representative Roberts, the House was adjourned at 2:55 p.m., to reconvene Thursday, March 27, 2003, at 9:00 a.m.