

## **Fortieth Legislative Day**

**Thursday, April 8, 2004**

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

The roll was called with 99 Members present.

The following Members were excused: Easley, Stanley.—2.

The Speaker Pro Tempore declared a quorum present.

Prayer was offered by Pastor Jim Winslow, Living Word Family Church, Nowata.

The Journal for the last legislative day was approved.

### **REMARKS**

Upon unanimous consent request of Representative Taylor, the remarks of Pastor Winslow were ordered printed as follows:

“Thank you Mr. Speaker and members. It has certainly been a rewarding experience to serve as Chaplain this week. I have met some wonderful people. I have enjoyed observing the parliamentary process in motion and I’ve also gained a greater appreciation for your service and for your dedication to the great State of Oklahoma.

Just for a few minutes I want to direct your attention to Philippians, the third chapter, the tenth through the fourteenth verses. I want to know Christ and the power of his resurrection and the fellowship sharing in his suffering, becoming like Him in His death and so somehow to attain to the resurrection from the dead. Not that I have already obtained all of this or I have already been made perfect, but I press on to take hold of that for which Christ Jesus took hold of me. Brothers, I do not consider myself yet to have taken hold of it. But one thing I do, forgetting what is behind and straining toward what is ahead, I press on toward the goal to win the prize for which God has called me heavenward in Christ Jesus.

As we take a look at this portion of Scripture, there are seven leadership fonts that came to my mind as I pondered this portion of Scripture that I believe are very important to each and every one of us as leaders and public officials. These fonts, I'm just going to hit them real quick, are fonts, I believe, that exemplify the leadership model that Paul shows to each one of us, very relative to our year, the year 2004. Each one of these leadership fonts starts with the letter "P". First of all, "Predestined", the Apostle Paul was predestined to meet Jesus Christ. I believe that every man, woman, boy and girl is predestined to meet Christ at some time in your life.

The second thing is what will we do with Christ? Paul shared with King Agrippa and ministered to him and at the end of the conversation, King Agrippa said, "Thou almost persuaded me to be a Christian." So, we still have a choice when we meet Christ and are confronted with him. What are we going to do with him? Will we accept him or reject him? Paul accepted him. That leads to the second "P", "Priority". On the road to Damascus, Paul called him "Lord". The word "Lord" means boss or master, and so Paul prioritized the Lord within his life, He became first place. When Christ becomes first place in our lives, it begins to develop something within each and every one of us that's in great need in the world today, and that is principle, or character. Character is in short supply and that is the key to longevity and success in any thing.

So, priority, principle and that brings us to the third "P" and that is "Passion". Paul had a passion, a zeal, a rough life for ministry. He celebrated life in every situation. And then the fourth "P" is "Past". As leaders we have to learn to deal with the past. Will Rogers said, "Many a politician wishes there was a law to burn old records." And you and I know that old records aren't going to be reborn but spiritually speaking, how many are glad this morning that you can have your sins forgiven. How many are glad that you can know that your past is in the past at last. The past doesn't have to be a blueprint for the present and the future. We can be forgiven, cleansed and set free.

The fifth "P" is "Perfection". Paul understood what perfection was. He understood he wasn't perfect. There is not a one of us here that is perfect. He had a teachable spirit. He had a humble attitude. Again, Will Rogers said, "No man is great if he thinks he is." So, Paul understood perfection and that his perfection was only through his relationship with Jesus Christ through the power of the blood of Jesus.

Sixth is "Press". Any leader knows that if they are going to be successful they must persevere. Press means to pursue, to exercise effort to reach forth, to refuse to be deterred, detained or defeated. The Apostle Paul did not quit.

And seventh is "Prize". That is the upward calling. There are heavenly rewards. We are not born here on this earth just to be remembered or leave a legacy, although that is important. But we are born here to prepare for eternity and fulfill the plan and purpose of God for our lives.

Let us pray. Most gracious and everlasting Father, we give you praise that your mercies are new every morning and your faithfulness endures forever. Teach us your ways and order our steps according to your Word. May each leader on this floor experience your presence to discern between good and evil, and the courage to stand for that which is good. We pray that families will be strengthened and that their time with their families will be enhanced and enriched. Heal marriages and relationships with sons and daughters. Father, we have a special prayer this morning for Jack Begley, an ex-public servant here on the floor. Lord, minister to him, touch him right now in his time of need. Father, we lift up the soldiers in Iraq, the Coalition Forces. Lord, move by your Spirit to eradicate those that would hinder this process. And now Lord may each one experience the power of the

resurrection in their lives, be quickened by the same Spirit that raised Jesus Christ from the dead. For we ask these things in the Name of Jesus Christ. Amen.

## **ENGROSSED AND ENROLLED MEASURES**

**HAs to SBs 1120, 1121, 1280, 1318, 1342, 1405, 1448, 1502, 1503 and 1580** were reported correctly engrossed, properly signed, in open session, and the measures, as amended, were ordered returned to the Honorable Senate.

**HBs 1693, 2005, 2095, 2096, 2142, 2253, 2284 and 2668** were reported correctly enrolled and, after fourth reading, properly signed, in open session, and ordered transmitted to the Honorable Senate.

**HCR 1051** was reported correctly enrolled, properly signed, in open session, and ordered transmitted to the Honorable Senate.

## **MESSAGES FROM THE SENATE**

Announcing that Enrolled **HCR 1051** has been signed by the Presiding Officer of Senate, in open session.

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

Announcing that Enrolled **HBs 1693, 2005, 2095, 2096, 2142, 2253, 2284 and 2668** 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.

## **Transmitting enrolled measures**

Advising fourth reading of and transmitting for signature Enrolled **SBs 840, 1096, 1123, 1204, 1267, 1268, 1288, 1495, 1582 and 1583** and **SJR 41 and 42**.

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

## **GENERAL ORDER**

**SB 862** by Reynolds of the Senate and Roggow of the House was read and considered.

Coauthored by Representative(s) Adkins, Balkman, Blackwell, Calvey, Claunch, Ericson, Lamons, Nance, Peterson (Ron)

Representative Roggow moved to amend **SB 862** by striking the enacting clause, which amendment was declared adopted.

Representative Roggow moved that **SB 862** be advanced from General Order, which motion was declared adopted.

By unanimous consent, upon request of Representative Roggow, **SB 862** was considered engrossed and placed on Third Reading and Final Passage.

### **THIRD READING**

**SB 862** 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, Dank, Davis, Deutschendorf, DeWitt, Dorman, Eddins, Ellis, Ericson, Erwin, Ferguson, Gilbert, Graves, Greenwood, Harrison, Hastings, Hefner, Hiatt, Hilliard, Hutchison, Ingmire, Jones, Kirby, Lamons, Langmacher, Leist, Lindley, Liotta, Maddux, Mass, McCarter, McClain, McIntyre, Miller (Doug), Miller (Ray), Morgan (Danny), Morgan (Fred), Nance, Nations, Newport, O'Neal, Paulk, Peters, Peterson (Pam), Peterson (Ron), Pettigrew, Phillips, Piatt, Plunk, Reynolds, Rice, Roan, Roberts, Roggow, Smaligo, Smith, Smithson, Staggs, Steele, Sullivan, Sweeden, Taylor, Tibbs, Toure, Trebilcock, Turner, Tyler, Vaughn, Walker, Wells, Wilson, Wilt, Winchester, Worthen, Wright, Young, Mr. Speaker.--94.

Excused: Cox, Easley, Hamilton, Mitchell, Perry, Pope, Stanley.--7.

The measure and emergency passed.

**SB 862** was referred for engrossment.

### **MEASURE REREFERRED**

Upon motion of Representative Bonny, **SB 1101** was withdrawn from the Calendar and rereferred to the Revenue and Taxation Committee.

### **GENERAL ORDER**

**SB 1574** by Corn of the Senate and Smithson et al of the House was read and considered.

Coauthored by Representative(s) Pope, McCarter, Pettigrew, Roan, Walker, Adkins

Representative Smithson moved to amend **SB 1574** by restoring the title, which amendment was declared adopted.

Representative Smithson moved that **SB 1574** be advanced from General Order, which motion was declared adopted.

By unanimous consent, upon request of Representative Smithson, **SB 1574** was considered engrossed and placed on Third Reading and Final Passage.

### **THIRD READING**

**SB 1574** 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, Dank, Davis, Deutschendorf, DeWitt, Dorman, Eddins, Ellis, Ericson, Erwin, Ferguson, Gilbert, Graves, Greenwood, Hamilton, Harrison, Hastings, Hefner, Hiatt, Hilliard, Hutchison, Ingmire, Jones, Kirby, Lamons, Langmacher, Leist, Lindley, Liotta, Maddux, Mass, McCarter, McClain, McIntyre, Miller (Doug), Miller (Ray), Morgan (Danny), Morgan (Fred), Nance, Nations, Newport, O'Neal, Paulk, Perry, Peters, Peterson (Pam), Peterson (Ron), Pettigrew, Phillips, Piatt, Plunk, Pope, Reynolds, Rice, Roan, Roberts, Roggow, Smaligo, Smith, Smithson, Staggs, Steele, Sullivan, Sweeden, Taylor, Tibbs, Toure, Trebilcock, Turner, Tyler, Vaughn, Walker, Wells, Wilson, Wilt, Winchester, Worthen, Wright, Young, Mr. Speaker.--97.

Excused: Cox, Easley, Mitchell, Stanley.--4.

The measure and emergency passed.

**SB 1574** was referred for engrossment.

### **GENERAL ORDER**

**SB 1167** by Morgan of the Senate and Wells of the House was read and considered.

Representative Wells moved that **SB 1167** be advanced from General Order, which motion was declared adopted.

Upon request of Representative Wells, **SB 1167** was placed on Third Reading and Final Passage.

**THIRD READING**

**SB 1167** 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, Dank, Davis, Deutschendorf, DeWitt, Dorman, Eddins, Ellis, Ericson, Erwin, Ferguson, Gilbert, Graves, Greenwood, Hamilton, Harrison, Hastings, Hefner, Hiatt, Hilliard, Hutchison, Ingmire, Jones, Kirby, Lamons, Langmacher, Leist, Lindley, Liotta, Maddux, Mass, McCarter, McClain, McIntyre, Miller (Doug), Miller (Ray), Morgan (Danny), Morgan (Fred), Nance, Nations, Newport, O'Neal, Paulk, Perry, Peters, Peterson (Pam), Peterson (Ron), Pettigrew, Phillips, Piatt, Plunk, Pope, Reynolds, Rice, Roan, Roberts, Roggow, Smaligo, Smith, Smithson, Staggs, Steele, Sullivan, Sweeden, Taylor, Tibbs, Toure, Trebilcock, Turner, Tyler, Vaughn, Walker, Wells, Wilson, Wilt, Winchester, Worthen, Wright, Young, Mr. Speaker.--97.

Excused: Cox, Easley, Mitchell, Stanley.--4.

The measure and emergency passed.

The Presiding Officer signed, in open session, Engrossed **SB 1167** and ordered same returned to the Honorable Senate.

**GENERAL ORDER**

**SB 1259** by Cain et al of the Senate and Sullivan of the House was read and considered.

Coauthored by Representative(s) Dank, Calvey

Representative Sullivan moved to amend **SB 1259** 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) The floor substitute returns **SB 1259** to the engrossed version transmitted to the House from the Senate.

Representative Sullivan moved that **SB 1259** be advanced from General Order, which motion was declared adopted.

Upon request of Representative Sullivan, **SB 1259** was placed on Third Reading and Final Passage.

### THIRD READING

**SB 1259** was read at length for the third time. On passage of the measure and emergency, the roll call was as follows:

Aye: Adkins, Balkman, Bengé, Boren, Braddock, Brannon, Calvey, Carey, Case, Claunch, Cox, Dank, Davis, Deutschendorf, Eddins, Ellis, Ericson, Erwin, Ferguson, Greenwood, Harrison, Hastings, Hefner, Hiatt, Hilliard, Hutchison, Ingmire, Jones, Kirby, Lamons, Maddux, Mass, McCarter, McIntyre, Miller (Doug), Miller (Ray), Morgan (Danny), Morgan (Fred), Nance, Nations, Newport, Paulk, Perry, Peterson (Ron), Phillips, Piatt, Plunk, Pope, Reynolds, Rice, Roan, Roberts, Smaligo, Smith, Smithson, Staggs, Steele, Sullivan, Taylor, Toure, Trebilcock, Turner, Tyler, Vaughn, Walker, Wells, Wilson, Wilt, Worthen, Wright, Mr. Speaker.--71.

Nay: Armes, Askins, Blackwell, Bonny, Cargill, Coleman, Covey, DeWitt, Dorman, Gilbert, Graves, Hamilton, Langmacher, Leist, Lindley, Liotta, McClain, O'Neal, Peters, Peterson (Pam), Pettigrew, Roggow, Sweeden, Tibbs, Winchester, Young.--26.

Excused: Blackburn, Easley, Mitchell, Stanley.--4.

The measure and emergency passed.

The Presiding Officer signed, in open session, Engrossed **SB 1259** and ordered same returned to the Honorable Senate.

### GENERAL ORDER

**SB 1578** by Cain of the Senate and Balkman of the House was read and considered.

Representative Balkman moved that **SB 1578** be advanced from General Order, which motion was declared adopted.

Upon request of Representative Balkman, **SB 1578** was placed on Third Reading and Final Passage.

### THIRD READING

**SB 1578** 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, Claunch, Coleman, Covey, Cox, Dank, Davis, Deutschendorf, DeWitt, Dorman, Eddins, Ellis, Ericson, Erwin, Ferguson, Gilbert, Greenwood, Harrison, Hastings, Hefner, Hiatt, Hilliard, Hutchison, Ingmire, Jones, Kirby, Lamons, Langmacher, Leist, Lindley, Liotta, Maddux, Mass, McCarter, McClain, McIntyre, Miller (Doug), Miller (Ray), Morgan (Danny), Morgan (Fred), Nance, Nations,

Newport, O'Neal, Paulk, Perry, Peters, Peterson (Pam), Peterson (Ron), Pettigrew, Phillips, Piatt, Plunk, Pope, Reynolds, Rice, Roan, Roberts, Roggow, Smaligo, Smith, Smithson, Staggs, Steele, Sullivan, Sweeden, Taylor, Tibbs, Toure, Trebilcock, Turner, Tyler, Vaughn, Walker, Wells, Wilson, Wilt, Winchester, Worthen, Young, Mr. Speaker.--95.

Nay: Graves, Hamilton, Wright.--3.

Excused: Easley, Mitchell, Stanley.--3.

The measure passed.

The Presiding Officer signed, in open session, Engrossed **SB 1578** and ordered same returned to the Honorable Senate.

### GENERAL ORDER

**SB 1471** by Morgan et al of the Senate and Braddock of the House was read and considered.

Representative Braddock moved to amend **SB 1471** by striking the enacting clause, which amendment was declared adopted.

Representative Braddock moved that **SB 1471** be advanced from General Order, which motion was declared adopted.

By unanimous consent, upon request of Representative Braddock, **SB 1471** was considered engrossed and placed on Third Reading and Final Passage.

### THIRD READING

**SB 1471** 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, Claunch, Coleman, Covey, Cox, Dank, Davis, Deutschendorf, DeWitt, Dorman, Eddins, Ellis, Ericson, Erwin, Ferguson, Gilbert, Graves, Greenwood, Hamilton, Harrison, Hastings, Hefner, Hiatt, Hilliard, Hutchison, Ingmire, Jones, Kirby, Lamons, Langmacher, Leist, Lindley, Liotta, Maddux, Mass, McCarter, McClain, McIntyre, Miller (Doug), Miller (Ray), Morgan (Danny), Morgan (Fred), Nance, Nations, Newport, O'Neal, Paulk, Perry, Peters, Peterson (Pam), Peterson (Ron), Pettigrew, Phillips, Piatt, Plunk, Pope, Reynolds, Rice, Roan, Roberts, Roggow, Smaligo, Smith, Smithson, Staggs, Steele, Sullivan, Sweeden, Taylor, Tibbs, Toure, Trebilcock, Turner, Tyler, Vaughn, Walker, Wells, Wilson, Wilt, Winchester, Worthen, Wright, Mr. Speaker.--97.

Nay: Young.--1.

Excused: Easley, Mitchell, Stanley.--3.

The measure passed.

**SB 1471** was referred for engrossment.

## GENERAL ORDER

**SB 902** by Pruitt of the Senate and Peterson (Ron) of the House was read and considered.

Representative Peterson (Ron) moved to amend **SB 902**, Page 5, Section 2, Line 17 and Page 6, Line 1 by deleting the word “judicial” and inserting in lieu thereof the word “legal”; Page 6, Section 2, Line 8 and Page 10, Section 6, Lines 16-17 and Line 19 by restoring the stricken word “legal” and by deleting the word “judicial”, which amendment was declared adopted.

Representative Peterson (Ron) moved to amend **SB 902**, Page 6, Section 2, Line 7 and Page 10, Section 6, Line 15 by inserting after the word “by” and before the word “the” the language “the Oklahoma Municipal Judges Association and by”, which amendment was declared adopted.

Representative Peterson (Ron) moved that **SB 902** be advanced from General Order, which motion was declared adopted.

By unanimous consent, upon request of Representative Peterson (Ron), **SB 902** was considered engrossed and placed on Third Reading and Final Passage.

## THIRD READING

**SB 902** 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, Covey, Cox, Dank, Davis, Deutschendorf, DeWitt, Dorman, Eddins, Ellis, Ericson, Erwin, Ferguson, Gilbert, Greenwood, Harrison, Hastings, Hefner, Hiett, Hilliard, Hutchison, Ingmire, Jones, Kirby, Lamons, Leist, Liotta, Maddux, Mass, McCarter, McClain, McIntyre, Miller (Doug), Miller (Ray), Morgan (Danny), Morgan (Fred), Nance, Nations, Newport, O'Neal, Paulk, Perry, Peters, Peterson (Pam), Peterson (Ron), Pettigrew, Phillips, Piatt, Plunk, Pope, Reynolds, Rice, Roan, Roberts, Roggow, Smaligo, Smith, Smithson, Staggs, Steele, Sullivan, Sweeden, Taylor, Tibbs, Toure, Trebilcock, Turner, Tyler, Vaughn, Walker, Wells, Wilson, Wilt, Winchester, Worthen, Wright, Young, Mr. Speaker.--94.

Nay: Graves, Hamilton, Langmacher, Lindley.--4.

Excused: Easley, Mitchell, Stanley.--3.

The measure passed.

**SB 902** was referred for engrossment.

## GENERAL ORDER

**SB 900** by Pruitt et al of the Senate and Morgan (Fred) of the House was read and considered.

Coauthored by Representative(s) Nance

Representative Morgan (Fred) moved to amend **SB 900** by restoring the title, which amendment was declared adopted.

Representative Morgan (Fred) moved that **SB 900** be advanced from General Order, which motion was declared adopted.

By unanimous consent, upon request of Representative Morgan (Fred), **SB 900** was considered engrossed and placed on Third Reading and Final Passage.

## THIRD READING

**SB 900** 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, Covey, Cox, Dank, Davis, Deutschendorf, DeWitt, Dorman, Eddins, Ellis, Ericson, Erwin, Ferguson, Gilbert, Graves, Greenwood, Hamilton, Harrison, Hastings, Hefner, Hiatt, Hilliard, Hutchison, Ingmire, Jones, Kirby, Lamons, Langmacher, Leist, Lindley, Liotta, Maddux, Mass, McCarter, McClain, McIntyre, Miller (Doug), Miller (Ray), Morgan (Danny), Morgan (Fred), Nance, Nations, Newport, O'Neal, Paulk, Perry, Peters, Peterson (Pam), Peterson (Ron), Pettigrew, Phillips, Piatt, Plunk, Pope, Reynolds, Rice, Roan, Roberts, Roggow, Smaligo, Smith, Smithson, Staggs, Steele, Sullivan, Sweeden, Taylor, Tibbs, Toure, Trebilcock, Turner, Tyler, Vaughn, Walker, Wells, Wilson, Wilt, Winchester, Worthen, Wright, Young, Mr. Speaker.--98.

Excused: Easley, Mitchell, Stanley.--3.

The measure passed.

**SB 900** was referred for engrossment.

## RESOLUTION FOR CONSIDERATION

**HCR 1070** was called up for consideration.

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

Coauthored by Senator(s) Coffee

Upon motion of Representative Nations, **HCR 1070** was considered and adopted.

**HCR 1070** was referred for engrossment.

## GENERAL ORDER

**SB 1558** by Corn of the Senate and Taylor of the House was read and considered.

Coauthored by Representative(s) Adkins

Representative Taylor moved that **SB 1558** be advanced from General Order, which motion was declared adopted.

Upon request of Representative Taylor, **SB 1558** was placed on Third Reading and Final Passage.

## THIRD READING

**SB 1558** was read at length for the third time. On passage of the measure, the roll call was as follows:

Aye: Adkins, Armes, Askins, Blackburn, Bonny, Boren, Braddock, Brannon, Carey, Cox, Dorman, Eddins, Ellis, Erwin, Gilbert, Hamilton, Harrison, Hefner, Hilliard, Hutchison, Ingmire, Lamons, Langmacher, Leist, Lindley, Mass, McCarter, McClain, McIntyre, Miller (Doug), Miller (Ray), Paulk, Plunk, Rice, Roan, Roberts, Smith, Smithson, Staggs, Sweeden, Taylor, Toure, Trebilcock, Turner, Tyler, Walker, Wells, Wilson, Mr. Speaker.--49.

Nay: Balkman, Benge, Blackwell, Calvey, Cargill, Case, Claunch, Coleman, Dank, Davis, DeWitt, Ericson, Ferguson, Graves, Greenwood, Hastings, Hiatt, Jones, Kirby, Liotta, Maddux, Morgan (Danny), Morgan (Fred), Nance, Nations, Newport, O'Neal, Perry, Peters, Peterson (Pam), Peterson (Ron), Pettigrew, Phillips, Piatt, Pope, Reynolds, Roggow, Smaligo, Steele, Sullivan, Tibbs, Vaughn, Wilt, Winchester, Worthen, Wright, Young.--47.

Excused: Covey, Deutschendorf, Easley, Mitchell, Stanley.--5.

The measure failed.

Representative Taylor served notice to reconsider the vote whereby **SB 1558** failed.

### **GENERAL ORDER**

**SB 1547** by Wilcoxson of the Senate and Greenwood of the House was read and considered.

Representative Greenwood moved to amend **SB 1547** by restoring the title, which amendment was declared adopted.

Representative Greenwood moved that **SB 1547** be advanced from General Order, which motion was declared adopted.

By unanimous consent, upon request of Representative Greenwood, **SB 1547** was considered engrossed and placed on Third Reading and Final Passage.

### **THIRD READING**

**SB 1547** 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, Covey, Cox, Dank, Davis, Deutschendorf, DeWitt, Dorman, Eddins, Ellis, Ericson, Erwin, Ferguson, Graves, Greenwood, Hamilton, Harrison, Hastings, Hefner, Hiatt, Hilliard, Hutchison, Ingmire, Jones, Kirby, Lamons, Langmacher, Leist, Lindley, Liotta, Maddux, Mass, McCarter, McClain, McIntyre, Miller (Doug), Morgan (Danny), Morgan (Fred), Nance, Nations, Newport, O'Neal, Paulk, Perry, Peters, Peterson (Pam), Peterson (Ron), Pettigrew, Phillips, Piatt, Plunk, Pope, Reynolds, Rice, Roan, Roberts, Roggow, Smaligo, Smith, Smithson, Staggs, Steele, Sullivan, Sweeden, Taylor, Tibbs, Toure, Trebilcock, Turner, Tyler, Vaughn, Walker, Wells, Wilson, Wilt, Winchester, Worthen, Wright, Young, Mr. Speaker.-96.

Nay: Miller (Ray).--1.

Excused: Easley, Gilbert, Mitchell, Stanley.--4.

The measure passed.

**SB 1547** was referred for engrossment.

## GENERAL ORDER

**SB 1216** by Laughlin of the Senate and Blackwell of the House was read and considered.

Representative Sweeden moved to amend **SB 1216** by striking the title and the enacting clause, which amendment was declared adopted.

Representative Blackwell moved to amend **SB 1216**, Page 2, Section 1, Line 1 1/2 by inserting a new subsection B to read as follows, and relettering subsequent subsections, which amendment was declared adopted:

“B. Individuals shall be exempt from prosecution under this section for the ignition of Class C fireworks, if a municipality provides or designates a venue for the ignition of Class C fireworks which has safety equipment present, including but not limited to fire trucks.”

Representative Blackwell moved that **SB 1216** be advanced from General Order, which motion was declared adopted.

By unanimous consent, upon request of Representative Blackwell, **SB 1216** was considered engrossed and placed on Third Reading and Final Passage.

## Representative Askins Presiding

## THIRD READING

**SB 1216** 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, Eddins, Ellis, Ericson, Erwin, Ferguson, Gilbert, Graves, Greenwood, Hamilton, Harrison, Hastings, Hefner, Hiatt, Hilliard, Hutchison, Ingmire, Jones, Kirby, Lamons, Langmacher, Lindley, Liotta, Maddux, Mass, McCarter, McClain, McIntyre, Miller (Doug), Miller (Ray), Morgan (Danny), Morgan (Fred), Nance, Nations, Newport, Paulk, Perry, Peters, Peterson (Pam), Peterson (Ron), Pettigrew, Phillips, Piatt, Plunk, Pope, Reynolds, Rice, Roan, Roberts, Roggow, Smaligo, Smith, Smithson, Staggs, Steele, Sullivan, Sweeden, Taylor, Tibbs, Toure, Trebilcock, Turner, Tyler, Vaughn, Walker, Wells, Wilson, Wilt, Winchester, Worthen, Wright, Young, Mr. Speaker.-96.

Nay: Leist, O'Neal.--2.

Excused: Easley, Mitchell, Stanley.--3.

The measure and emergency passed.

**SB 1216** was referred for engrossment.

### **RESOLUTION FOR CONSIDERATION**

**SCR 49** was called up for consideration.

Upon motion of Representative Greenwood, **SCR 49** was considered and adopted.

**SCR 49** was properly signed, in open session, by the Presiding Officer and ordered returned to the Honorable Senate.

### **GENERAL ORDER**

**SB 1100** by Gumm of the Senate and Carey of the House was read and considered.

Representative Carey moved that **SB 1100** be advanced from General Order, which motion was declared adopted.

Upon request of Representative Carey, **SB 1100** was placed on Third Reading and Final Passage.

### **THIRD READING**

**SB 1100** 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, Covey, Cox, Dank, Davis, Deutschendorf, DeWitt, Dorman, Eddins, Ellis, Ericson, Erwin, Ferguson, Gilbert, Greenwood, Hamilton, Harrison, Hastings, Hefner, Hiett, Hilliard, Hutchison, Ingmire, Jones, Kirby, Lamons, Langmacher, Leist, Lindley, Liotta, Maddux, Mass, McCarter, McClain, McIntyre, Miller (Doug), Miller (Ray), Morgan (Danny), Morgan (Fred), Nance, Nations, Newport, O'Neal, Paulk, Perry, Peters, Peterson (Pam), Peterson (Ron), Pettigrew, Phillips, Piatt, Plunk, Pope, Reynolds, Rice, Roan, Roberts, Roggow, Smaligo, Smith, Smithson, Staggs, Steele, Sullivan, Sweeden, Taylor, Tibbs, Toure, Trebilcock, Turner, Tyler, Vaughn, Walker, Wells, Wilson, Wilt, Winchester, Worthen, Wright, Young, Mr. Speaker.--97.

Nay: Graves.--1.

Excused: Easley, Mitchell, Stanley.--3.

The measure passed.

The Presiding Officer signed, in open session, Engrossed **SB 1100** and ordered same returned to the Honorable Senate.

## **GENERAL ORDER**

**SB 1554** by Robinson of the Senate and Hilliard of the House was read and considered.

Coauthored by Representative(s) Sullivan, Lindley, Pettigrew, Phillips, Miller (Doug)

Representative Hilliard moved to amend **SB 1554** by striking the enacting clause, which amendment was declared adopted.

Representative Hilliard moved that **SB 1554** be advanced from General Order, which motion was declared adopted.

By unanimous consent, upon request of Representative Hilliard, **SB 1554** was considered engrossed and placed on Third Reading and Final Passage.

## **THIRD READING**

**SB 1554** 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, Eddins, Ellis, Ericson, Erwin, Ferguson, Gilbert, Graves, Greenwood, Hamilton, Harrison, Hastings, Hefner, Hiett, Hilliard, Hutchison, Ingmire, Jones, Kirby, Lamons, Langmacher, Leist, Lindley, Liotta, Maddux, Mass, McCarter, McClain, McIntyre, Miller (Doug), Miller (Ray), Morgan (Danny), Morgan (Fred), Nance, Nations, Newport, O'Neal, Paulk, Perry, Peters, Peterson (Pam), Peterson (Ron), Pettigrew, Phillips, Piatt, Plunk, Pope, Reynolds, Rice, Roan, Roberts, Roggow, Smaligo, Smith, Smithson, Staggs, Steele, Sullivan, Sweeden, Taylor, Tibbs, Toure, Trebilcock, Turner, Tyler, Vaughn, Walker, Wells, Wilson, Wilt, Winchester, Worthen, Wright, Young, Mr. Speaker.--98.

Excused: Easley, Mitchell, Stanley.--3.

The measure and emergency passed.

**SB 1554** was referred for engrossment.

**GENERAL ORDER**

**SB 1105** by Gumm of the Senate and Carey of the House was read and considered.

Representative Pettigrew moved to amend **SB 1105**, Page 2, Section 3, Lines 10-11 by deleting subsection 2 as follows, and renumbering subsequent subsection: “2. Permitting communications between state employees and employee organization representatives via e-mail; and”; Line 12 by adding the word “membership” before the word “information” and Line 15 by adding the word “membership” before the word “materials”.

Representative Carey moved to table the Pettigrew amendment, which tabling motion prevailed upon roll call as follows:

Aye: Askins, Blackburn, Bonny, Boren, Braddock, Brannon, Carey, Covey, Cox, Deutschendorf, Dorman, Eddins, Ellis, Erwin, Gilbert, Hamilton, Harrison, Hefner, Hilliard, Hutchison, Kirby, Lamons, Langmacher, Leist, Lindley, Mass, McCarter, McClain, McIntyre, Miller (Ray), Morgan (Danny), Nations, Paulk, Phillips, Plunk, Pope, Rice, Roan, Roberts, Smith, Smithson, Staggs, Sweeden, Taylor, Toure, Turner, Tyler, Walker, Wells, Wilson, Mr. Speaker.--51.

Nay: Adkins, Armes, Balkman, Bengel, Blackwell, Calvey, Cargill, Case, Claunch, Coleman, Dank, Davis, DeWitt, Ericson, Ferguson, Graves, Greenwood, Hastings, Hiatt, Ingmire, Jones, Liotta, Maddux, Miller (Doug), Morgan (Fred), Nance, Newport, O'Neal, Perry, Peters, Peterson (Pam), Peterson (Ron), Pettigrew, Piatt, Reynolds, Roggow, Smaligo, Steele, Sullivan, Tibbs, Trebilcock, Vaughn, Wilt, Winchester, Worthen, Wright, Young.--47.

Excused: Easley, Mitchell, Stanley.--3.

Representative Claunch moved to amend **SB 1105**, Page 2, Section 3, Line 18 1/2 by adding a new Section 4 to read as follows, and renumbering subsequent section:

“SECTION 4. Enrolled **SB 1529** of the Second Session of the 49th Legislature is repealed upon signature of the Governor enacting this bill.”

Representative Carey moved to table the Claunch amendment, which tabling motion prevailed upon roll call as follows:

Aye: Adkins, Armes, Askins, Blackburn, Blackwell, Bonny, Boren, Braddock, Brannon, Carey, Covey, Cox, Deutschendorf, Dorman, Eddins, Ellis, Erwin, Gilbert, Hamilton, Harrison, Hefner, Hilliard, Hutchison, Lamons, Langmacher, Leist, Lindley, Mass, McCarter, McClain, McIntyre, Miller (Ray), Morgan (Danny), Nations, Paulk, Plunk, Rice, Roan, Roberts, Smith, Smithson, Staggs, Steele, Sweeden, Taylor, Toure, Trebilcock, Turner, Tyler, Walker, Wells, Wilson, Mr. Speaker.--53.

Nay: Balkman, Bengé, Calvey, Cargill, Case, Claunch, Coleman, Dank, DeWitt, Ericson, Ferguson, Graves, Greenwood, Hastings, Hiatt, Ingmire, Jones, Liotta, Maddux, Miller (Doug), Morgan (Fred), Nance, Newport, O'Neal, Perry, Peters, Peterson (Pam), Peterson (Ron), Pettigrew, Piatt, Pope, Reynolds, Roggow, Smaligo, Sullivan, Tibbs, Vaughn, Wilt, Winchester, Worthen, Wright, Young.--42.

Excused: Davis, Easley, Kirby, Mitchell, Phillips, Stanley.--6.

Representative Pettigrew moved to amend **SB 1105** by striking the title.

Representative Carey moved to table the Pettigrew amendment, which tabling motion was declared adopted.

Representative Carey moved that **SB 1105** be advanced from General Order, which motion was declared adopted.

By unanimous consent, upon request of Representative Carey, **SB 1105** was considered engrossed and placed on Third Reading and Final Passage.

Representative Reynolds raised a point of order that final action had taken place on **SB 1105** since the Governor had vetoed the same language previously in **SB 421**, 2003 session, and the proper motion would be to override the Governor's veto of **SB 421**.

The Presiding Officer ruled pursuant to House Rule 8, Section 9, that the Governor's veto of **SB 421** does not constitute final action on **SB 1105** and consideration of **SB 1105** was in order.

Representative Reynolds raised a point of order citing House Rule 21(a) that a motion to override the Governor's veto was a proper motion and he pressed his motion to override the veto of the Governor on **SB 421**.

The Presiding Officer ruled that **SB 421** had been returned to the Senate as a result of the Governor's veto and therefore not the property of the House and a motion to override the Governor's veto of **SB 421** was out of order.

### **THIRD READING**

**SB 1105** 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, Covey, Cox, Deutschendorf, DeWitt, Dorman, Eddins, Ellis, Erwin, Gilbert, Hamilton, Harrison, Hefner, Hilliard, Hutchison, Ingmire, Jones, Kirby, Lamons, Langmacher, Leist, Lindley, Mass, McCarter, McClain, McIntyre, Miller (Doug), Miller (Ray), Morgan (Danny), Nations, Paulk, Piatt, Plunk, Pope, Rice, Roan, Roberts, Roggow, Smith, Smithson, Staggs, Steele, Sweeden, Taylor, Toure, Trebilcock, Turner, Tyler, Walker, Wells, Wilson, Mr. Speaker.--65.

Nay: Case, Claunch, Coleman, Dank, Davis, Ferguson, Graves, Greenwood, Hastings, Hiett, Liotta, Maddux, Morgan (Fred), Nance, Newport, O'Neal, Perry, Peters, Peterson (Pam), Peterson (Ron), Pettigrew, Phillips, Reynolds, Smaligo, Sullivan, Tibbs, Vaughn, Wilt, Winchester, Worthen, Wright, Young.--32.

Excused: Easley, Ericson, Mitchell, Stanley.--4.

The measure passed.

**SB 1105** was referred for engrossment.

## GENERAL ORDER

**SB 1411** by Nichols of the Senate and Nations of the House was read and considered.

Representative Nations moved to amend **SB 1411** by restoring the title, which amendment was declared adopted.

Representative Nations moved to amend **SB 1411**, Page 5, Section 1, Line 8 by deleting after the word "the" and before the word "company" the word "parent" and after the word "company" and before the word "shall" inserting the words "issuing the policy" and Line 9 by deleting "Fifty Million Dollars (\$50,000,000.00)" and inserting in lieu thereof "Twenty-five Million Dollars (\$25,000,000.00)", which amendment was declared adopted.

Representative Nations moved to amend **SB 1411**, Page 6, Section 2, Line 22 by inserting after the word "registered" and before the word "in" the language "to issue automobile service warranties", which amendment was declared adopted.

Representative Newport moved to amend **SB 1411** by inserting a new Section 3 to read as follows and renumbering subsequent section, which amendment was declared adopted:

"SECTION 3. AMENDATORY 78 O.S. 2001, Section 53, is amended to read as follows:

Section 53. A. A person engages in a deceptive trade practice when in the course of business, vocation, or occupation, the person:

1. Passes off goods or services as those of another;
2. Knowingly makes a false representation as to the source, sponsorship, approval, or certification of goods or services;
3. Knowingly makes a false representation as to affiliation, connection, association with, or certification by another;
4. Uses deceptive representations or designations of geographic origin in connection with goods or services;
5. Knowingly makes a false representation as to the characteristics, ingredients, uses, benefits or quantities of goods or services or a false representation as to the sponsorship, approval, status, affiliation, or connection of a person therewith;

6. Represents that goods are original or new if they are not;
  7. Represents that goods or services are a particular standard, quality, or grade, or that goods are a particular style or model, if they are another;
  8. Disparages the goods, services, or business of another by false or misleading representation of fact;
  9. Advertises goods or services which differ from those offered for sale in the advertisements;
  10. Advertises goods or services with intent not to supply reasonably expectable public demand, unless the advertisement discloses a limitation of quantity;
  11. Makes false or misleading statements of fact concerning the reasons for, existence of, or amounts of price reductions;
  12. Advertises the price of an item after deduction of a rebate unless the actual selling price is advertised and clear and conspicuous notice is given in the advertisement that a mail-in rebate is required to achieve the lower net price;
  13. Misrepresents the geographic location of the supplier by listing a fictitious business name or an assumed business name in a local telephone directory if:
    - a. the name misrepresents the geographic location of the supplier,
    - b. the listing fails to identify the locality and state of the business of the supplier,
    - c. calls to the local telephone number are routinely forwarded or otherwise transferred to a business location that is outside the calling area covered by the local telephone directory, ~~and~~ or
    - d. the business location of the supplier is located in a county that is not contiguous to a county in the calling area covered by the local telephone directory; or
  14. Lists a fictitious business name or assumed business name in a directory assistance database if:
    - a. the name misrepresents the geographic location of the supplier,
    - b. calls to the local telephone number are routinely forwarded or otherwise transferred to a business location that is outside the local calling area, ~~and~~ or
    - c. the business location of the supplier is located in a county that is not contiguous to a county in the local calling area.
- B. Evidence that a person has engaged in a deceptive trade practice shall be prima facie evidence of intent to injure competitors and to destroy or substantially lessen competition.
- C. The deceptive trade practices listed in this section are in addition to and do not limit the types of unfair trade practices actionable at common law or under other statutes of this state.”

Representative Nations moved that **SB 1411** be advanced from General Order, which motion was declared adopted.

By unanimous consent, upon request of Representative Nations, **SB 1411** was considered engrossed and placed on Third Reading and Final Passage.

**THIRD READING**

**SB 1411** 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, Carey, Cargill, Case, Claunch, Coleman, Covey, Cox, Dank, Davis, Deutschendorf, DeWitt, Dorman, Eddins, Ellis, Erwin, Ferguson, Gilbert, Graves, Greenwood, Hamilton, Harrison, Hastings, Hefner, Hiatt, Hilliard, Hutchison, Ingmire, Jones, Kirby, Lamons, Langmacher, Leist, Lindley, Liotta, Maddux, Mass, McCarter, McClain, McIntyre, Miller (Doug), Miller (Ray), Morgan (Danny), Morgan (Fred), Nance, Nations, Newport, O'Neal, Paulk, Perry, Peters, Peterson (Pam), Peterson (Ron), Pettigrew, Piatt, Plunk, Pope, Reynolds, Rice, Roan, Roberts, Roggow, Smaligo, Smith, Smithson, Staggs, Steele, Sullivan, Sweeden, Taylor, Tibbs, Toure, Trebilcock, Turner, Tyler, Vaughn, Walker, Wells, Wilson, Wilt, Winchester, Worthen, Wright, Young, Mr. Speaker.-94.

Nay: Calvey.--1.

Excused: Boren, Easley, Ericson, Mitchell, Phillips, Stanley.--6.

The measure and emergency passed.

**SB 1411** was referred for engrossment.

**PENDING CONSIDERATION OF SAs**

**SAs to HB 2108** were rejected upon motion of Representative Leist. Conferees to be named later.

**PENDING CONSIDERATION OF SAs**

**SAs to HB 2218** were rejected upon motion of Representative Maddux. Conferees to be named later.

**PENDING CONSIDERATION OF SAs**

**SAs to HB 2288** were rejected upon motion of Representative Turner. Conferees to be named later.

**PENDING CONSIDERATION OF SAs**

SAs to **HB 2321** were rejected upon motion of Representative Wilson. Conferees to be named later.

**PENDING CONSIDERATION OF SAs**

SAs to **HB 2353** were rejected upon motion of Representative Bengé. Conferees to be named later.

**PENDING CONSIDERATION OF SAs**

SAs to **HB 2371** were rejected upon motion of Representative Sweeden. Conferees to be named later.

**PENDING CONSIDERATION OF SAs**

SAs to **HBs 2673** and **2674** were rejected upon motion of Representative Dorman. Conferees to be named later.

**PENDING CONSIDERATION OF SAs**

SAs to **HB 2714** were rejected upon motion of Representative Toure. Conferees to be named later.

**COMMITTEE REPORTS**

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

DO PASS:

**HCR 1068** – Higher Education, Authored by Senator Wilkerson (principal Senate author)

**SCR 54** – Higher Education

**CONFEREES NAMED**

The Speaker named the following conferees:

**HB 1858** – Gilbert, Sweeden, Liotta, Taylor, Case, Pope, Nance

**HB 2108** – Leist, Case, Dank, Mitchell, Bonny

**HB 2125** – Pope, Nance, Dorman, Case, Kirby

**HB 2218** – Maddux, Covey, McClain, Liotta, Rice, Pope, Nance

**HB 2421** – Pope, Nance, Kirby, Maddux, Rice, Roberts, Ferguson

### CONFERENCE GRANTED

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

**SB 1128** – Newport, Staggs, Vaughn, Dorman, Miller (Doug), Roberts, Brannon

**SB 1389** – Erwin, Brannon, Hutchison, Ferguson, Mass, Bengé, Sullivan

### MESSAGES FROM THE SENATE

Advising conference granted on **HBs 1858, 2108, 2125, 2208, 2218, 2288, 2321, 2353, 2359, 2361, 2371, 2421, 2451, 2623, 2673, 2674** and **2714**. Conferees to be named later.

#### Concurrence in HAs

Announcing the concurrence of Senate in **HAs** to **SB 1342** and the passage of said measure, as amended thereby.

#### Conference requested

Advising rejection of **HAs** to Engrossed **SBs 1340** and **1406** and requesting conference thereon, Senate conferees to be named later.

#### Returning engrossed measures, as amended

Announcing the passage of and returning engrossed measures as amended: **HBs 1018, 1427** - Coauthored by Senators Corn, Gumm, **1803** - Coauthored by Senator Corn, **1835, 1853** - Coauthored by Senators Corn, Gumm, **1864, 1866** - Coauthored by Senators Fair, Lawler, Williams, Gumm, **1875, 1896, 2109, 2112, 2132, 2274, 2293** - Coauthored by Senators Fair, Gumm, **2303, 2335, 2380** - Coauthored by Senator Gumm, **2460, 2526, 2557, 2662** - Coauthored by Senators Gumm, Rabon, **2667** and **2713**.

Senate amendments were read on the above numbered measures.

#### Returning engrossed measures

Announcing the passage of **HBs 1870, 2369** and **2402**.

The above-numbered measures were referred for enrollment.

Representative Rice moved that when the clerk's desk is clear, the House stand adjourned to reconvene at 1:30 p.m., Monday, April 12, 2004, which was the order.

Pursuant to the motion of Representative Rice, the House was adjourned at 11:05 a.m., to reconvene Monday, April 12, 2004, at 1:30 p.m.