

Senate Journal

First Regular Session of the Forty-ninth Legislature of the State of Oklahoma

Twenty-sixth Legislative Day, Monday, March 17, 2003

The Senate was called to order by Senator Rozell.

Roll Call:

Present: Aldridge, Branan, Brogdon, Cain, Capps, Coates, Coffee, Corn, Crutchfield, Easley, Fair, Fisher, Ford, Gumm, Helton, Hobson, Horner, Johnson, Kerr, Laster, Laughlin, Lawler, Leftwich, Littlefield, Maddox, Milacek, Monson, Morgan, Myers, Nichols, Price, Rabon, Reynolds, Riley, Robinson, Rozell, Shurden, Smith, Snyder, Wilcoxson, Wilkerson, Williams and Williamson.—43.

Excused: Dunlap, Harrison, Pruitt and Taylor.—4.

Vacancy: District 7.—1.

Senator Rozell declared a quorum present.

The prayer was offered by Reverend Herbert Bridgewater, Durant United Methodist Church, Durant, the guest of Senator Gumm.

REPORT OF ENGROSSED AND ENROLLED MEASURES

SBs 242, 288, 297, 389, 633 and 792 were each correctly engrossed, properly signed and ordered transmitted to the Honorable House for consideration.

INTRODUCTIONS

Senator Ford introduced his grandson, Joseph Madden; Senator Capps introduced his grandchildren, Brielle, Holden and Girard Capps; Senator Helton introduced his children, Kayla and Chris; Senator Nichols introduced his daughter, Jessica; Senator Brogdon introduced his cousin, Mike Stracner; Senator Smith introduced his wife and son, Sally Howe Smith and Tucker; and Senator Rozell introduced his wife, Carol; grandson, Sam Mitchell; and his sister and her granddaughter, Bobbie and Shelby Christie, to the Senate.

GENERAL ORDER

HB 1816 by Toure of the House and Smith of the Senate was called up for consideration.

Senator Smith moved that **HB 1816** be advanced, which motion was declared adopted.

THIRD READING

HB 1816 was read for the third time at length.

On the question of passage of the bill and emergency, the vote resulted as follows:

Aye: Aldridge, Branan, Brogdon, Cain, Capps, Coates, Coffee, Corn, Crutchfield, Fair, Fisher, Ford, Gumm, Helton, Hobson, Horner, Johnson, Kerr, Laster, Laughlin, Lawler, Leftwich, Littlefield, Maddox, Milacek, Monson, Morgan, Myers, Nichols, Price, Rabon, Reynolds, Riley, Robinson, Rozell, Shurden, Smith, Snyder, Wilcoxson, Wilkerson, Williams and Williamson.--42.

Excused: Dunlap, Easley, Harrison, Pruitt and Taylor.--5.

Vacancy: District 7.--1.

The bill and emergency passed.

HB 1816 was properly signed and ordered returned to the Honorable House.

MESSAGE FROM THE HOUSE

Advising passage of and transmitting for consideration Engrossed **HBs 1122, 1269, 1299, 1353, 1422, 1457, 1484, 1603, 1621, 1712, 1725, 1730, 1767** and **HJR 1011**.

HB 1122 – By Hiett, Peters, Nance and Davis of the House and Coffee of the Senate.

An Act relating to revenue and taxation; requiring Oklahoma Tax Commission to provide an opportunity for taxpayers to donate from tax refunds for benefit of local school districts; specifying distribution of monies generated; creating the Local School District Tax Donation Revolving Fund; providing for claim for error in donation of refund; amending 68 O.S. 2001, Section 2357.7, which relates to tax credits; extending authorization for certain tax credit; providing for codification; and providing an effective date.

HB 1269 – By Trebilcock and Liotta of the House and Pruitt of the Senate.
(civil procedure - amending 12 O.S., Section 1148.14 - forcible entry and detainer action - effective date)

HB 1299 – By Turner of the House and Gumm of the Senate.
An Act relating to economic development; amending 63 O.S. 2001, Section 1079, which relates to the Oklahoma Housing Authorities Act; modifying audit requirement; providing an effective date; and declaring an emergency.

HB 1353 – By Coleman of the House and Littlefield of the Senate.
(tourism and recreation – amending 74 O.S., Sections 1847.1 and 1863 – Tourism and Recreation Commission – bonds – effective date)

HB 1422 – By Roan and Nance of the House and Gumm of the Senate.
(water and water rights - amending 82 O.S., Section 1452 - scenic rivers - effective date)

HB 1457 – By Adair and Askins of the House and Hobson of the Senate.
An Act relating to public finance; amending 62 O.S. 2001, Sections 2307, as amended by Section 5, Chapter 95, O.S.L. 2002 and 2310 (62 O.S. Supp. 2002, Section 2307), which relate to the Tobacco Settlement Endowment Trust Fund Act; modifying and adding duties of the Board of Investors of the Tobacco Settlement Endowment Trust Fund; modifying and deleting definitions; modifying procedures for determining operating budget for the Board of Directors of the Tobacco Settlement Endowment Trust Fund; specifying operating expenses of the Board; and declaring an emergency.

HB 1484 – By Walker of the House and Wilkerson of the Senate.
(crimes and punishments - amending various sections in Titles 22 and 57 – punishment for sex offenses – effective date)

HB 1603 – By Perry of the House and Smith of the Senate.
An Act relating to computer crimes; authorizing certain investigations; establishing authority for subpoena of certain items; providing for examination of certain items; granting exception; providing for witness fees; establishing penalty; providing for codification; and providing an effective date.

HB 1621 – By Graves of the House and Snyder of the Senate.
(children - child abuse and neglect - new expunction procedure – codification - effective date)

HB 1712 – By Pope of the House and Monson of the Senate.
(revenue and taxation - amending 68 O.S., Section 1354.18 - Simplified Sales and Use Tax Administration Act - effective date – emergency)

HB 1725 – By Hamilton, Paulk, McIntyre, Toure and Cox of the House and Monson of the Senate.

(schools – closing of certain school sites – codification)

HB 1730 – By Lamons of the House and Crutchfield of the Senate.

An Act relating to motor vehicles; amending 47 O.S. 2001, Section 14-113, which relates to right to restrict use of highways; designating certain authorities with power to prohibit certain roadways under certain conditions; modifying conditions for restricted use of certain roadways; and providing an effective date.

HB 1767 – By Adair and Ferguson of the House and Hobson of the Senate.

An Act relating to schools; directing the State Department of Education to conduct an evaluation of certain legislation; requiring a report; creating the School State Aid Funding Study Group; stating duties of the Study Group; providing for membership, officers, staffing, and travel reimbursement; authorizing the employment of an independent consultant; requiring a report; authorizing the State Board of Education to waive certain class size penalties; limiting application of waived penalties; directing the Board to establish guidelines for application for a penalty waiver; providing time limit for consideration of an application; creating the Task Force on School District Administrative Reorganization or Consolidation; stating purpose of the Task Force; requiring recommendations by a certain date; providing for membership, meetings, staffing, and travel reimbursement; amending 70 O.S. 2001, Section 6-101, which relates to teacher contracts; changing contract notification dates; amending 70 O.S. 2001, Sections 6-101.3 and 6-101.26, which relate to teacher due process procedures; modifying definition; adding definition; modifying career teacher due process hearings; providing procedure for a career teacher pretermination hearing; providing procedure for a probationary teacher hearing; amending 70 O.S. 2001, Section 3-152, which relates to the Academic Performance Award Program; amending 70 O.S. 2001, Section 6-189.1, as amended by Section 1, Chapter 291, O.S.L. 2002 (70 O.S. Supp. 2002, Section 6-189.1), which relates to middle level mathematics certification and endorsement; amending 70 O.S. 2001, Section 6-195.1, which relates to a continuing education program for teachers teaching mathematics; amending 70 O.S. 2001, Section 6-204.2, as amended by Section 4, Chapter 236, O.S.L. 2002 (70 O.S. Supp. 2002, Section 6-204.2), which relates to the Education Leadership Oklahoma program; amending 70 O.S. 2001, Section 18-108, which relates to kindergarten attendance; amending 70 O.S. 2001, Section 26-105, as amended by Section 3, Chapter 282, O.S.L. 2002 (70 O.S. Supp. 2002, Section 26-105), which relates to the flexible benefit allowance for school district employees; amending 70 O.S. 2001, Section 1210.508E, as amended by Section 2, Chapter 212, O.S.L. 2002 (70 O.S. Supp. 2002, Section 1210.508E), which relates to retention and remediation of certain third-grade students; amending 70 O.S. 2001, Section 1210.569, which relates to the needs assessment and alternative education plan; amending 70 O.S. 2001, Section 1210.710, which relates to school counselors for urban school districts; making certain legislative mandates contingent upon funding by the Legislature; providing for codification; providing for noncodification; providing an effective date; and declaring an emergency.

HB 1770 – By Rice, Adair and Tyler of the House and Fisher of the Senate.
(economic development - Economic Development Agency Coordination Task Force –
codification – emergency)

HJR 1011 – By Vaughn and Nance of the House and Robinson of the Senate.
(amendment to the Constitution - new Section 14 to Article XXIII – smoking – ballot
title – filing)

The above-numbered measures were read the first time.

EXECUTIVE NOMINATIONS

The following executive nominations were read and referred to committee as indicated:

Austin, Jerry, Oklahoma City, as a member of the Oklahoma Capital Investment Board
- Commerce

Chabino, Darrell, Oklahoma City, as a member of the Commission on Consumer
Credit - Business and Labor

Cooksey, Mary Virginia, Marble City, as a member of the Oklahoma Indian Affairs
Commission - Human Resources

Gray, Janice L., Norman, as a member of the Oklahoma Accountancy Board - Business
and Labor

Howard, James K., Tahlequah, as a member of the Oklahoma Music Hall of Fame
Board - Tourism and Wildlife

Lindsey, Marsha, Oklahoma City, as a member of the Board of Trustees for Quartz
Mountain Arts and Conference Center and Nature Park - Education

Neal, Kara Gae, Tulsa, as a member of the Board of Trustees for Oklahoma State
University/Tulsa - Education

O'Connor, Tim, Oklahoma City, as a member of the State Board of Licensed Social
Workers - Human Resources

Turner, Jack, Oklahoma City, as a member of the Board of Mental Health and
Substance Abuse Services - Human Resources

Senator Fisher moved that when the clerk's desk is clear, the Senate stand adjourned to
convene Tuesday, March 18, 2003, at 1:30 p.m., which motion prevailed.

SECOND READING

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

- HB 1002** – Finance
- HB 1005** – Transportation
- HB 1007** – General Government
- HB 1010** – Appropriations
- HB 1014** – Finance
- HB 1015** – General Government
- HB 1026** – Human Resources
- HB 1034** – Human Resources
- HB 1039** – Appropriations
- HB 1043** – Judiciary
- HB 1044** – Appropriations
- HB 1052** – Judiciary
- HB 1063** – Human Resources
- HB 1064** – Judiciary
- HB 1067** – Retirement and Group Health
- HB 1072** – General Government
- HB 1075** – Commerce
- HB 1082** – Appropriations
- HB 1088** – Retirement and Group Health
- HB 1094** – Education
- HB 1101** – General Government
- HB 1103** – Human Resources
- HB 1105** – Veterans, Military Affairs, and Public Safety
- HB 1106** – Appropriations
- HB 1107** – Business and Labor
- HB 1115** – Appropriations
- HB 1117** – Commerce
- HB 1118** – General Government
- HB 1126** – Appropriations
- HB 1133** – Education
- HB 1143** – Business and Labor
- HB 1146** – Veterans, Military Affairs, and Public Safety
- HB 1149** – General Government
- HB 1151** – Education
- HB 1158** – Appropriations
- HB 1159** – Appropriations
- HB 1160** – Appropriations
- HB 1161** – Appropriations
- HB 1162** – Appropriations
- HB 1163** – Appropriations

- HB 1164** – Appropriations
- HB 1165** – Appropriations
- HB 1166** – Appropriations
- HB 1167** – Appropriations
- HB 1168** – Appropriations
- HB 1169** – Appropriations
- HB 1178** – Appropriations
- HB 1188** – Appropriations
- HB 1189** – Appropriations
- HB 1190** – Appropriations
- HB 1191** – Appropriations
- HB 1192** – Appropriations
- HB 1193** – Appropriations
- HB 1194** – Appropriations
- HB 1195** – Appropriations
- HB 1196** – Appropriations
- HB 1197** – Appropriations
- HB 1198** – Appropriations
- HB 1199** – Appropriations
- HB 1200** – Appropriations
- HB 1201** – Appropriations
- HB 1202** – Appropriations
- HB 1203** – Appropriations
- HB 1204** – Appropriations
- HB 1205** – Appropriations
- HB 1206** – Appropriations
- HB 1207** – Appropriations
- HB 1208** – Appropriations
- HB 1209** – Appropriations
- HB 1210** – Appropriations
- HB 1211** – Appropriations
- HB 1212** – Appropriations
- HB 1213** – Appropriations
- HB 1214** – Appropriations
- HB 1215** – Appropriations
- HB 1216** – Appropriations
- HB 1217** – Appropriations
- HB 1218** – Appropriations
- HB 1219** – Appropriations
- HB 1220** – Appropriations
- HB 1221** – Appropriations
- HB 1222** – Appropriations
- HB 1223** – Appropriations
- HB 1224** – Appropriations

HB 1225 – Appropriations
HB 1226 – Appropriations
HB 1227 – Appropriations
HB 1228 – Appropriations
HB 1229 – Appropriations
HB 1230 – Appropriations
HB 1231 – Appropriations
HB 1232 – Appropriations
HB 1233 – Appropriations
HB 1234 – Appropriations
HB 1235 – Appropriations
HB 1236 – Appropriations
HB 1237 – Appropriations
HB 1238 – Appropriations
HB 1241 – Appropriations
HB 1242 – Appropriations
HB 1243 – Appropriations
HB 1244 – Appropriations
HB 1245 – Appropriations
HB 1246 – Appropriations
HB 1247 – Appropriations
HB 1249 – Appropriations
HB 1250 – Appropriations
HB 1251 – Appropriations
HB 1253 – Appropriations
HB 1254 – Appropriations
HB 1255 – Appropriations
HB 1256 – Appropriations
HB 1257 – Appropriations
HB 1261 – Business and Labor
HB 1266 – Appropriations
HB 1267 – Judiciary
HB 1268 – Human Resources
HB 1270 – Business and Labor
HB 1271 – Business and Labor
HB 1273 – Business and Labor
HB 1290 – Commerce
HB 1291 – Finance
HB 1292 – Finance
HB 1300 – Finance
HB 1316 – Human Resources
HB 1319 – Judiciary
HB 1321 – Judiciary
HB 1326 – Appropriations

- HB 1329** – General Government
- HB 1335** – Energy, Environment and Communications
- HB 1346** – Appropriations
- HB 1362** – Retirement and Group Health
- HB 1366** – Human Resources
- HB 1368** – Veterans, Military Affairs, and Public Safety
- HB 1380** – Commerce
- HB 1382** – Appropriations
- HB 1385** – Transportation
- HB 1386** – Appropriations
- HB 1390** – Appropriations
- HB 1394** – Finance
- HB 1406** – Judiciary
- HB 1412** – General Government
- HB 1415** – Judiciary
- HB 1418** – Veterans, Military Affairs, and Public Safety
- HB 1419** – Tourism and Wildlife
- HB 1430** – Appropriations
- HB 1431** – Appropriations
- HB 1433** – Veterans, Military Affairs, and Public Safety
- HB 1439** – Education
- HB 1440** – Retirement and Group Health
- HB 1442** – Appropriations
- HB 1443** – Human Resources
- HB 1444** – Human Resources
- HB 1445** – Human Resources
- HB 1447** – Finance
- HB 1450** – Agriculture and Rural Development
- HB 1451** – Business and Labor
- HB 1455** – Appropriations
- HB 1456** – Veterans, Military Affairs, and Public Safety
- HB 1461** – Appropriations
- HB 1464** – Retirement and Group Health
- HB 1466** – Judiciary
- HB 1469** – Judiciary
- HB 1474** – Finance
- HB 1478** – Appropriations
- HB 1481** – Veterans, Military Affairs, and Public Safety
- HB 1482** – Judiciary
- HB 1490** – Judiciary
- HB 1491** – Judiciary
- HB 1493** – Tourism and Wildlife
- HB 1496** – Appropriations
- HB 1500** – Judiciary

HB 1502 – Business and Labor
HB 1503 – Finance
HB 1509 – Appropriations
HB 1512 – Veterans, Military Affairs, and Public Safety
HB 1522 – Finance
HB 1524 – Business and Labor
HB 1526 – Human Resources
HB 1527 – Education
HB 1528 – Energy, Environment and Communications
HB 1530 – Business and Labor
HB 1569 – Energy, Environment and Communications
HB 1570 – Appropriations
HB 1572 – Appropriations
HB 1574 – Business and Labor
HB 1575 – Judiciary
HB 1577 – Appropriations
HB 1583 – Judiciary
HB 1585 – Finance
HB 1587 – Human Resources
HB 1593 – Finance
HB 1597 – Finance
HB 1615 – Veterans, Military Affairs, and Public Safety
HB 1619 – Appropriations
HB 1633 – Appropriations
HB 1635 – Judiciary
HB 1638 – Energy, Environment and Communications
HB 1640 – Business and Labor
HB 1646 – Education
HB 1647 – Retirement and Group Health
HB 1654 – Appropriations
HB 1658 – Business and Labor
HB 1663 – Tourism and Wildlife
HB 1667 – Judiciary
HB 1668 – Judiciary
HB 1669 – Appropriations
HB 1670 – Judiciary
HB 1675 – Appropriations
HB 1679 – Energy, Environment and Communications
HB 1680 – Judiciary
HB 1681 – Human Resources
HB 1683 – Business and Labor
HB 1686 – General Government
HB 1690 – Veterans, Military Affairs, and Public Safety
HB 1696 – Appropriations

HB 1705 – Energy, Environment and Communications
HB 1706 – Appropriations
HB 1707 – Judiciary
HB 1708 – Finance
HB 1710 – Appropriations
HB 1713 – Appropriations
HB 1714 – Judiciary
HB 1716 – Finance
HB 1718 – Rules
HB 1720 – Judiciary
HB 1723 – Retirement and Group Health
HB 1724 – Finance
HB 1738 – Energy, Environment and Communications
HB 1740 – Finance
HB 1742 – Energy, Environment and Communications
HB 1744 – General Government
HB 1752 – Rules
HB 1756 – Education
HB 1764 – Appropriations
HB 1771 – Appropriations
HB 1781 – Judiciary
HB 1783 – Retirement and Group Health
HB 1790 – Finance
HB 1800 – Appropriations
HB 1801 – Appropriations
HB 1802 – Veterans, Military Affairs, and Public Safety
HB 1814 – Finance
HJR 1024 – Appropriations

Pursuant to the Fisher motion, the Senate adjourned at 1:50 p.m. to meet Tuesday, March 18, 2003, at 1:30 p.m.