

# Senate Journal

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

Eleventh Legislative Day, Tuesday, February 18, 2003

The Senate was called to order by Senator Morgan.

Roll Call:

Present: Aldridge, Branan, Brogdon, Cain, Capps, Coates, Coffee, Corn, Crutchfield, Dunlap, Easley, Fair, Fisher, Ford, Gumm, Harrison, Helton, Hobson, Horner, Johnson, Kerr, Laster, Laughlin, Lawler, Leftwich, Littlefield, Maddox, Milacek, Monson, Morgan, Myers, Nichols, Price, Pruitt, Rabon, Reynolds, Riley, Robinson, Rozell, Shurden, Smith, Snyder, Stipe, Taylor, Wilcoxson, Wilkerson, Williams and Williamson.—48.

Senator Morgan declared a quorum present.

The prayer was offered by Reverend Oscar Aguero, Heart O-The Hills Baptist Church, Summerfield, the guest of Senator Corn.

### MESSAGE FROM THE HOUSE

Advising passage of and transmitting for consideration Engrossed **HBs 1133, 1259, 1324, 1364, 1408 and 1624.**

**HB 1133** – By Eddins of the House and Rozell of the Senate.

An Act relating to schools; amending 70 O.S. 2001, Section 1210.508C, which relates to the Reading Sufficiency Act; limiting school district liability for certain medical evaluation recommendations; providing an effective date; and declaring an emergency.

**HB 1259** – By Wells of the House and Williamson of the Senate.

An Act relating to grandparent visitation rights; amending 10 O.S. 2001, Section 5, which relates to grandparent visitation; expanding conditions in determining the best interest of a minor child; requiring a showing of harm or potential harm in certain situations; defining terms; and providing an effective date.

**HB 1324** – By Tibbs of the House and Smith of the Senate.

( fences – removing certain fences – notice – determination of ownership – codification - effective date )

**HB 1364** – By Peterson of the House and Riley of the Senate.

An Act relating to schools; amending 70 O.S. 2001, Section 8-101, which relates to the right to transfer; updating statutory language; limiting number of certain types of transfers; allowing students to apply for further transfers pursuant to the Education Open Transfer Act; and declaring an emergency.

**HB 1408** – By Winchester and Adair of the House and Cain of the Senate.

An Act relating to schools; amending 70 O.S. 2001, Section 5-117b, which relates to interlocal cooperative agreements; authorizing school districts to form buying pools and purchasing cooperatives; providing an effective date; and declaring an emergency.

**HB 1624** – By Reynolds of the House and Snyder of the Senate.

An Act relating to technology; amending 62 O.S. 2001, Section 41.5q, which relates to convenience fees for electronic/on-line transactions; updating statutory language; requiring convenience fees to be applied to certain costs; and declaring an emergency.

The above-numbered measures were read the first time.

## **DEDICATION**

Senator Ford presented the painting “Whitetail Deer in Choctaw Country”. Senator Ford introduced the artist, Ross Myers. Mr. Myers addressed the Senate.

Senator Ford introduced John R. McCune, Jr., son of late State Senator John McCune. Mr. McCune and family presented the painting to the Senate as a gift in honor of his father.

## **EXECUTIVE NOMINATIONS**

The following executive nominations have been approved by the committees named:

Anglin, Harold Francis, Pryor, to the State Board of Career and Technology Education, to serve a six year term ending April 1, 2008, succeeding Kirk Hoster. (Education Committee) Motion to confirm made by Senator Taylor.

Bass, Ken, Wilburton, to the Board of Regents of Eastern Oklahoma State College, to serve a seven year term ending June 1, 2009, succeeding Joan Sutton. (Education Committee) Motion to confirm made by Senator Stipe.

Frank, Claudia Pat, Tahlequah, to the State Board of Education, to serve a six year term ending April 1, 2007, succeeding Linda Gragg. (Education Committee) Motion to confirm made by Senator Rozell.

Irby, Constance, Edmond, as Secretary of the Oklahoma Tax Commission, to serve an unexpired term ending January 10, 2005, succeeding Don Kilpatrick. (Finance Committee) Motion to confirm made by Senator Snyder.

Johnson, Jerry, Oklahoma City, as Vice Chairman of the Oklahoma Tax Commission, to serve a six year term ending January 12, 2009, succeeding himself. (Finance Committee) Motion to confirm made by Senator Monson.

Stricklin, Toney, Lawton, to the State Board of Career and Technology Education, to serve an unexpired term ending April 1, 2007, succeeding Leo Baxter. (Education Committee) Motion to confirm made by Senator Maddox.

Wyatt, Harry, Vinita, as Adjutant General, to serve at the pleasure of the Governor, succeeding himself. (Veterans, Military Affairs and Public Safety Committee) Motion to confirm made by Senator Dunlap.

Motions to confirm the above-named executive nominations were adopted upon roll call as follows:

Aye: Aldridge, Branan, Brogdon, Cain, Capps, Coates, Coffee, Corn, Crutchfield, Dunlap, Fisher, Ford, Gumm, Harrison, Helton, Hobson, Horner, Johnson, Kerr, Laster, Laughlin, Lawler, Leftwich, Littlefield, Maddox, Milacek, Monson, Morgan, Myers, Nichols, Price, Pruitt, Rabon, Reynolds, Riley, Robinson, Rozell, Shurden, Smith, Snyder, Stipe, Taylor, Wilcoxson, Wilkerson, Williams and Williamson.--46.

Excused: Easley and Fair.--2.

## **CHANGE IN COMMITTEE ASSIGNMENT**

Senator Fisher asked unanimous consent, which was granted, that the following bills be reassigned as follows:

**SB 363** – Withdrawn from Rules Committee and referred to Tourism and Wildlife.

**SB 365** – Withdrawn from Rules Committee and referred to Tourism and Wildlife.

**SB 753** – Withdrawn from Judiciary Committee and referred to Appropriations.

**SB 795** – Withdrawn from Appropriations Committee and referred to Human Resources.

**MESSAGES FROM THE HOUSE**

Advising passage of and transmitting for consideration Engrossed **HCR 1007**.

**HCR 1007** – By Sullivan and Adair of the House and Coffee of the Senate.

A Concurrent Resolution supporting the President of the United States and the members of the United States Armed Services in the event of military action against Iraq; and directed distribution.

The above-numbered measure was read the first time.

Advising passage of and returning the following Engrossed bill:

**SCR 6** - coauthored by all other House members

The above-numbered measure was referred for enrollment.

Senator Fisher moved that when the clerk's desk is clear, the Senate stand adjourned to convene Wednesday, February 19, 2003, at 1:30 p.m., which motion prevailed.

**COMMITTEE REPORTS**

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

DO PASS:

- SB 245** – General Government, coauthored by Kirby (principal House author)
- SB 246** – General Government, coauthored by Paulk (principal House author)
- SB 247** – General Government, coauthored by Staggs (principal House author)
- SB 259** – Business and Labor, coauthored by Kirby (principal House author)
- SB 279** – General Government, coauthored by Vaughn (principal House author)
- SB 334** – Business and Labor, coauthored by Calvey (principal House author)
- SB 357** – Tourism and Wildlife, coauthored by Wilson (principal House author)
- SB 360** – Tourism and Wildlife, coauthored by Smith (Dale) (principal House author)
- SB 362** – Tourism and Wildlife, coauthored by Smith (Dale) (principal House author)
- SB 454** – Transportation, coauthored by Davis (principal House author)
- SB 573** – Business and Labor
- SB 575** – Appropriations, coauthored by Maddux (principal House author)
- SB 642** – Appropriations, coauthored by Miller (Ray) (principal House author)

DO PASS, As Amended:

- SB 225** – Energy, Environment and Communications, coauthored by Harrison (principal House author)
- SB 226** – Energy, Environment and Communications, coauthored by Harrison (principal House author)
- SB 227** – Energy, Environment and Communications, coauthored by Harrison (principal House author)
- CS for SB 258** – Appropriations, coauthored by Paulk (principal House author)
- CS for SB 274** – General Government, coauthored by Turner (principal House author)
- CS for SB 297** – Business and Labor, coauthored by Dorman (principal House author)
- SB 305** – Energy, Environment and Communications, coauthored by Wells (principal House author)
- SB 336** – Business and Labor, coauthored by Calvey (principal House author)
- SB 338** – Appropriations, coauthored by Eddins (principal House author)
- CS for SB 340** – Appropriations, coauthored by Askins (principal House author)
- SB 426** – Appropriations, coauthored by Paulk (principal House author)
- SB 436** – General Government, coauthored by Nance (principal House author)
- SB 521** – Judiciary, coauthored by Plunk (principal House author)
- SB 531** – General Government
- CS for SB 540** – General Government, coauthored by Turner (principal House author)
- SB 543** – Tourism and Wildlife, coauthored by Wilson (principal House author)
- SB 556** – Energy, Environment and Communications, coauthored by Pope (principal House author)
- CS for SB 577** – Appropriations, coauthored by Eddins (principal House author)
- SB 610** – Appropriations, coauthored by Leist (principal House author)
- CS for SB 611** – Appropriations, coauthored by Hefner (principal House author)
- SB 618** – Appropriations, coauthored by Paulk (principal House author)
- SB 621** – Appropriations, coauthored by Winchester (principal House author)
- CS for SB 625** – Appropriations, coauthored by Staggs (principal House author)
- SB 646** – General Government, coauthored by Askins (principal House author)
- CS for SB 647** – Appropriations, coauthored by Hefner (principal House author)
- SB 661** – General Government, coauthored by Stipe, Rabon and Maddox of the Senate, and coauthored by Hutchison (principal House author)
- SB 678** – Human Resources, coauthored by McCarter (principal House author)
- CS for SB 722** – Appropriations, coauthored by Hilliard (principal House author)
- CS for SB 741** – Business and Labor, coauthored by Hamilton (principal House author)

**FIRST READING**

The following was introduced and read the first time:

**SJR 24** – By Wilkerson.

A Joint Resolution relating to homeland security; amending Section 1, Senate Joint Resolution No. 42, p. 2575, O.S.L. 2002 (74 O.S. Supp. 2002, Section 10.6), which relates to the Office of Interim Oklahoma Homeland Security Director; removing termination date for certain office; naming Director of Oklahoma State Bureau of Investigation as Interim Oklahoma Homeland Security Director; and declaring an emergency.

Pursuant to the Fisher motion, the Senate adjourned at 1:55 p.m. to meet Wednesday, February 19, 2003, at 1:30 p.m.