

# Senate Journal

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

**Eleventh Legislative Day, Wednesday, February 18, 2004**

The Senate was called to order by Senator Rozell.

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, Lerblance, Littlefield, Maddox, Milacek, Monson, Morgan, Myers, Nichols, Price, Pruitt, Rabon, Reynolds, Riley, Robinson, Rozell, Shurden, Smith, Snyder, Taylor, Wilcoxson, Wilkerson, Williams and Williamson.—48.

Senator Rozell declared a quorum present.

The prayer was offered by Father Price Oswalt, Saint Peter and Paul Catholic Church, Kingfisher, the guest of Senator Johnson.

### MESSAGE FROM THE HOUSE

Advising passage of and transmitting for consideration Engrossed **HBs 1844, 2090, 2091, 2092, 2093, 2198, 2253, 2258, 2265, 2316, 2375, 2585** and **2616**.

**HB 1844** – By Pope of the House and Myers of the Senate.

( Oklahoma Motor Carrier Safety and Hazardous Materials Transportation Act - amending 47 O.S., Section 230.15 - hours of service regulations - federal regulations – emergency )

**HB 2090** – By Sweeden of the House and Gumm of the Senate.

An Act relating to sunset; repealing 63 O.S. 2001, Section 1-2701, which relates to the Telemedicine Advisory Council; amending 63 O.S. 2001, Section 1-2702, which relates to the Oklahoma Telemedicine Network; and deleting references to the Telemedicine Advisory Council.

**HB 2091** – By Sweeden, Liotta, Wright, Morgan (Danny) and Boren of the House and Gumm of the Senate.

An Act relating to sunset; amending 52 O.S. 2001, Section 700, which relates to the Commission on Marginally Producing Oil and Gas Wells; re-creating the Commission; and modifying termination date.

**HB 2092** – By Sweeden of the House and Gumm of the Senate.

An Act relating to sunset; amending 70 O.S. 2001, Section 6-129.1, which relates to the Minority Teacher Recruitment Advisory Committee; re-creating the Committee; and modifying termination date.

**HB 2093** – By Sweeden of the House and Gumm of the Senate.

An Act relating to sunset; amending 63 O.S. 2001, Section 1-1923, which relates to the Long-Term Care Facility Advisory Board; re-creating the Board; and modifying termination date.

**HB 2198** – By Leist of the House and Shurden of the Senate.

An Act relating to environment and natural resources; amending 51 O.S. 2001, Section 155, as amended by Section 3, Chapter 304, O.S.L. 2003 (51 Supp. 2003, Section 155), which relates to The Governmental Tort Claims Act; adding liability exemption for authorized environmental cleanup; amending 27A O.S. 2001, Section 1-2-101, as amended by Section 1, Chapter 381, O.S.L. 2003 (27A O.S. Supp. 2003, Section 1-2-101), which relates to duties of Secretary of the Environment; expanding distribution of certain reports; and providing an effective date.

**HB 2253** – By O'Neal of the House and Smith of the Senate.

An Act relating to courts; amending 12 O.S. 2001, Section 38, which relates to the seal of the district court clerk; providing for certification of documents that are electronically transmitted; authorizing use of electronic transmittal under certain circumstances; providing an effective date; and declaring an emergency.

**HB 2258** – By Case of the House and Branam of the Senate.

( revenue and taxation – amending 68 O.S., Section 1357 – sales tax exemptions – effective date – emergency )

**HB 2265** – By Paulk and Nance of the House and Smith of the Senate.

An Act relating to motor vehicles; amending 47 O.S. 2001, Section 2-105, as amended by Section 3, Chapter 461, O.S.L. 2003, Section 4, Chapter 461, O.S.L. 2003 and 47 O.S. 2001, Section 2-117, as amended by Section 1, Chapter 404, O.S.L. 2003 (47 O.S. Supp. 2003, Sections 2-105, 2-105A and 2-117), which relate to creation, organization, and responsibilities of the Department of Public Safety; modifying appointment period for Oklahoma Highway Patrol Division; expanding certification requirement; modifying age for reinstatement as a commissioned officer; providing for the reclassification of certain employees; expanding scope of powers for peace officers; amending 47 O.S. 2001, Sections 6-102, as amended by Section 3, Chapter 86, O.S.L. 2002 and 6-121 (47 O.S. Supp. 2003, Section 6-102), which relate to issuance, expiration, and renewal of driver licenses;

including dependents as exempt persons; allowing dependents extension of driver license under certain circumstance; amending 47 O.S. 2001, Section 7-609, which relates to compulsory liability insurance for motor vehicles; directing the deposit of a certain fee to a special account; amending 47 O.S. 2001, Sections 11-106, as amended by Section 1, Chapter 229, O.S.L. 2002, 11-702, as amended by Section 8, Chapter 461, O.S.L. 2003 and Section 3, Chapter 411, O.S.L. 2003 (47 O.S. Supp. 2003, Sections 11-106, 11-702 and 11-805.4), which relate to rules of the road; expanding scope of exemptions; modifying list of vehicles required to stop at railroad crossings; requiring compliance under certain provision; prohibiting or limiting the operation of certain self-propelled or motor-driven or operated vehicles; providing for exceptions; requiring certain notice on all minibikes offered for sale; prohibiting the operation of golf carts and all-terrain vehicles; providing for exceptions; amending 47 O.S. 2001, Section 11-1402, as amended by Section 14, Chapter 461, O.S.L. 2003 (47 O.S. Supp. 2003, Section 11-1402), which relates to enforcement of laws on turnpikes; clarifying responsibilities of Department of Public Safety; amending 47 O.S. 2001, Section 18-101, as amended by Section 7, Chapter 86, O.S.L. 2002 (47 O.S. Supp. 2003, Section 18-101), which relates to records and reports of convictions; modifying period of reporting requirement; amending 47 O.S. 2001, Section 153, which relates to state-owned automobiles; clarifying prohibition; amending 47 O.S. 2001, Section 1151, as amended by Section 1, Chapter 59, O.S.L. 2002 (47 O.S. Supp. 2003, Section 1151), which relates to offenses and penalties of the Oklahoma Vehicle License and Registration Act; modifying and enumerating certain vehicles that are not required to register under the act; repealing 47 O.S. 2001, Section 1151.1, as last amended by Section 40, Chapter 3, O.S.L. 2003 (47 O.S. Supp. 2003, Section 1151.1), which relates to golf carts or all-terrain vehicles; providing for codification; and providing an effective date.

**HB 2316** – By Miller (Ray) of the House and Lerblance of the Senate.

An Act relating to transportation; naming certain bridge; directing the Department of Transportation to place markers; providing for codification; and providing an effective date.

**HB 2375** – By Gilbert and McClain of the House and Cain of the Senate.

An Act relating to children and youth; amending 10 O.S. 2001, Section 601.4, which relates to duties and responsibilities of the Oklahoma Commission on Children and Youth; expanding duties and responsibilities; amending 10 O.S. 2001, Section 601.6b, which relates to State Plan for Services to Children and Youth; modifying contents of plan; amending 10 O.S. 2001, Section 601.12, which relates to community partnership board interagency agreements; deleting responsibility for developing interagency agreements; amending 10 O.S. 2001, Section 601.30, which relates to Board of Child Abuse Examination; adding to membership; amending 10 O.S. 2001, Section 601.31, which relates to child abuse examiners; adding professions to those trained as child abuse examiners; amending 10 O.S. 2001, Section 1150.2, which relates to Child Death Review Board; clarifying terms; modifying and adding to certain duties of certain teams; amending 10 O.S. 2001, Section 1150.3, which relates to membership of Child Death Review Board; and adding to membership.

**HB 2585** – By Roggow of the House and Milacek of the Senate.

( revenue and taxation - income tax credit - Farm Service Agency - requiring report – codification - effective date )

**HB 2616** – By Wells of the House and Helton of the Senate.

An Act relating to Corporation Commission; amending 17 O.S. 2001, Sections 303, 306, 310 and 323, which relate to the Oklahoma Storage Tank Regulation Act; modifying definitions; expanding duties; granting access for certain inspections; amending 17 O.S. 2001, Section 324, which relates to Petroleum Storage Tank Release Environmental Cleanup Indemnity Fund; modifying expenditures of fund; amending 17 O.S. 2001, Section 340, which relates to the Storage Tank Advisory Council; providing for vacancies; amending 17 O.S. 2001, Sections 356 and 360, which relate to Petroleum Storage Tank Indemnity Program; restricting use of environmental consulting companies; modifying copayments for reimbursement; modifying interest rate; providing for assignment and designation as eligible party; establishing procedures for disallowance of claims; modifying limitation on administrative costs; suspending payment of certain claims; amending 27A O.S. 2001, Section 1-3-101, as amended by Section 1, Chapter 397, O.S.L. 2002 (27A O.S. Supp. 2003, Section 1-3-101), which relates to environmental agency jurisdiction; modifying jurisdiction of Corporation Commission; amending 52 O.S. 2001, Sections 321, 324.1, 324.6, 325, 327, 328, 330, 332, 334 and 346, which relate to unlawful sales of fuels, employees of the Corporation Commission, powers of Commission and inspection of fuels; clarifying citations; interstate shipment of fuels and sales of petroleum products; deleting obsolete language; clarifying language; modifying certain penalties; providing for inspections; repealing 52 O.S. 2001, Sections 322, 324.2, 324.4, 329, 335, 336, 337, 338, 339, 340, 341, 342, 343, 344 and 345, which relate to motor fuels, Corporation Commission employees, sale of motor fuels, penalties for certain crimes related to motor fuels, civil liability for unlawful sales of fuels, penalty for adulteration of fuels, fuel listing by gravity, recovery of fines and liability of certain entities for inferior oil; and providing an effective date.

The above-numbered measures were read the first time.

#### **UNANIMOUS CONSENT REQUEST DIRECT TO CALENDAR**

Senator Brogdon asked unanimous consent to suspend Rule 5-4 and refer **SCR 42** direct to the Calendar for consideration, which was the order.

#### **GENERAL ORDER**

**SCR 42** by Brogdon of the Senate and Smaligo of the House was called up for consideration.

All other members of the Senate asked to coauthor **SCR 42**, which was the order.

**SCR 42** was adopted upon motion of Senator Brogdon and referred for engrossment.

## **INTRODUCTION**

Senator Coffee introduced his wife, Lisa, and his daughter, Kate Elizabeth, to the Senate.

## **GENERAL ORDER**

**SB 1101** by Capps of the Senate and Bonny of the House was called up for consideration.

Senator Capps moved that **SB 1101** be advanced, which motion was declared adopted.

## **THIRD READING**

**SB 1101** 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, Dunlap, Fair, Fisher, Ford, Gumm, Harrison, Helton, Hobson, Horner, Johnson, Kerr, Laster, Laughlin, Lawler, Leftwich, Lerblance, Littlefield, Maddox, Milacek, Monson, Morgan, Myers, Nichols, Price, Pruitt, Rabon, Reynolds, Riley, Robinson, Rozell, Shurden, Smith, Snyder, Taylor, Wilcoxson, Wilkerson, Williams and Williamson.--47.

Excused: Easley.--1.

The bill and emergency passed.

**SB 1101** was referred for engrossment.

## **PENDING CONSIDERATION OF CCR**

The **3rd CCR** on **SB 553** was adopted upon motion of Senator Wilkerson.

**SB 553**, as amended in conference, was read at length.

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

Aye: Cain, Capps, Corn, Crutchfield, Easley, Fisher, Ford, Gumm, Harrison, Helton, Hobson, Horner, Kerr, Laster, Lawler, Leftwich, Lerblance, Littlefield, Maddox, Monson,

Morgan, Rabon, Robinson, Rozell, Shurden, Smith, Snyder, Taylor, Wilkerson and Williams.--30.

Nay: Aldridge, Branan, Brogdon, Coates, Coffee, Dunlap, Fair, Johnson, Laughlin, Milacek, Myers, Nichols, Price, Pruitt, Reynolds, Riley, Wilcoxson and Williamson.--18.

The bill passed.

Senators Riley, Coates, Johnson, Dunlap, Fair, Myers and Milacek desired to vote Aye on the emergency.

On the question of passage of the emergency, the vote resulted as follows: Aye: 37; Nay: 11.

The emergency passed.

**SB 553**, together with the conference committee report thereon, was ordered transmitted to the Honorable House.

#### **MESSAGE FROM THE HOUSE**

Advising passage of and returning the following Engrossed bills:

**SB 959**  
**SB 992**  
**SB 1056**  
**SB 1058**

The above-numbered measures were referred for enrollment.

Senator Fisher moved that when the clerk's desk is clear, the Senate stand adjourned to convene Thursday, February 19, 2004, at 9:00 a.m., which motion prevailed.

#### **COMMITTEE REPORTS**

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

DO PASS:

**SB 858** – Finance, coauthored by Reynolds (principal House author)  
**SB 870** – Finance, coauthored by Carey (principal House author)  
**SB 1088** – Commerce, coauthored by Walker (principal House author)

- SB 1507** – General Government, coauthored by Carey (principal House author)
- SB 1535** – Tourism and Wildlife, coauthored by Maddux (principal House author)
- SB 1558** – Business and Labor
- SB 1582** – Human Resources, coauthored by Peters (principal House author)
- SJR 50** – Veterans, Military Affairs, and Public Safety, coauthored by Tyler (principal House author)
- SJR 54** – Commerce, coauthored by Roan (principal House author)

DO PASS, As Amended:

- CS for SB 840** – General Government, coauthored by Ferguson (principal House author)
- CS for SB 884** – Veterans, Military Affairs, and Public Safety, coauthored by Maddux (principal House author)
- SB 892** – Finance, coauthored by Roan (principal House author)
- SB 900** – Veterans, Military Affairs, and Public Safety, coauthored by Easley of the Senate, and coauthored by Morgan (Fred) (principal House author)
- SB 901** – Veterans, Military Affairs, and Public Safety, coauthored by Gumm of the Senate, and coauthored by Morgan (Fred) (principal House author)
- CS for SB 1119** – Energy, Environment and Communications, coauthored by Coffee of the Senate, and coauthored by Braddock (principal House author)
- CS for SB 1140** – Retirement and Group Health, coauthored by Braddock (principal House author) and Ferguson of the House
- CS for SB 1142** – Retirement and Group Health, coauthored by Ferguson (principal House author)
- CS for SB 1143** – Retirement and Group Health, coauthored by Ferguson (principal House author)
- CS for SB 1160** – Retirement and Group Health, coauthored by Ferguson (principal House author)
- SB 1192** – Appropriations, coauthored by Askins (principal House author)
- SB 1203** – Retirement and Group Health, coauthored by Roberts (principal House author)
- CS for SB 1204** – Agriculture and Rural Development, coauthored by Pope (principal House author)
- CS for SB 1211** – Business and Labor, coauthored by Phillips (principal House author)
- SB 1226** – Retirement and Group Health, coauthored by Ferguson (principal House author)
- SB 1233** – Agriculture and Rural Development, coauthored by Pope (principal House author)
- CS for SB 1252** – Finance, coauthored by Adair (principal House author)
- SB 1263** – Human Resources, coauthored by Staggs (principal House author)
- SB 1270** – Agriculture and Rural Development, coauthored by Pope (principal House author)
- CS for SB 1300** – Agriculture and Rural Development, coauthored by Covey (principal House author)

**SB 1322** – Appropriations, coauthored by Brogdon, Coates, Laughlin of the Senate, and coauthored by Young (principal House author)

**CS for SB 1345** – Retirement and Group Health, coauthored by Ferguson (principal House author)

**SB 1386** – Transportation, coauthored by Sullivan (principal House author)

**SB 1389** – Retirement and Group Health, coauthored by Erwin (principal House author)

**SB 1416** – Veterans, Military Affairs, and Public Safety, coauthored by McCarter (principal House author)

**SB 1446** – Veterans, Military Affairs, and Public Safety, coauthored by Ferguson (principal House author)

**SB 1448** – Finance, coauthored by Pope (principal House author)

**SB 1459** – Energy, Environment and Communications, coauthored by Carey (principal House author)

**SB 1461** – Veterans, Military Affairs, and Public Safety, coauthored by Peters (principal House author)

**SB 1484** – Business and Labor, coauthored by Braddock (principal House author)

**CS for SB 1488** – Business and Labor, coauthored by Askins (principal House author)

**SB 1493** – Veterans, Military Affairs, and Public Safety, coauthored by Maddux (principal House author)

**SB 1516** – Finance, coauthored by Gumm of the Senate, and coauthored by Hilliard (principal House author)

**CS for SB 1529** – Business and Labor, coauthored by Leist (principal House author)

**SB 1536** – Transportation, coauthored by Piatt (principal House author)

**SB 1561** – Business and Labor, coauthored by Paulk (principal House author)

**CS for SB 1574** – Transportation, coauthored by Smithson (principal House author)

**CS for SB 1608** – Transportation, coauthored by Wilson (principal House author)

Pursuant to the Fisher motion, the Senate adjourned at 3:40 p.m. to meet Thursday, February 19, 2004, at 9:00 a.m.