

HOUSE JOURNAL

First Extraordinary Session of the Forty-seventh Legislature of the State of Oklahoma

Sixteenth Legislative Day, Wednesday, June 28, 2000

The House was called to order by Speaker Benson.

The roll was called with 97 Members present.

The following Members were excused: Graves, Roberts, Smith (Hopper), Taylor.—4.

The Speaker declared a quorum present.

Prayer was offered by Representative Davis.

The Journal for the last legislative day was approved.

COMMUNICATION

The following amended Executive Orders were received from the Office of the Secretary of State and ordered printed as follows:

AMENDED EXECUTIVE ORDER 99-02 OF JUNE 22, 2000

To the Honorable Members of the House of Representatives and the Honorable Members of the State Senate of Oklahoma:

I, Frank Keating, Governor of the State of Oklahoma, pursuant to the authority vested in me by the provisions of Section 7 of Article VI of the Oklahoma Constitution, having called the First Extraordinary Session of the Forty-seventh Oklahoma Legislature to convene at the State Capitol at 10:00 a.m., January 20, 1999, upon recommendation for consideration of the following subjects:

1. Amend current law regarding the levying of 7% tax of the gross value of the production of oil as currently provided for in Section 1001 of Title 68 of the Oklahoma Statutes by establishing a tiered system for collection of the tax with the percentages based on the price of oil per barrel as recommended by the Joint Oil Industry Stabilization Task Force on January 5, 1999.

2. Amend current law setting the date for claims for refund of gross production tax on "economically at-risk oil leases" from July 1 as currently provided for in Section 1001.3 of Title 68 of the Oklahoma Statutes to an earlier date.

3. Enact legislation to address any budgetary adjustments which may be necessary for the Fiscal Year ending June 30, 1999.

which subjects were considered and acted upon, hereby amend the original Amended Executive Order 99-02 dated January 7, 1999, to reconvene at the State Capitol at any time after June 1, 1999, as called by the Speaker of the House of Representatives and the President Pro Tempore of the Senate for further consideration of the following additional subjects:

1. Enact appropriate legislation to address Higher Education capital improvement needs and capital needs of other entities.

2. Enact appropriate legislation to address the issue of Truth-in-Sentencing.

3. Enact appropriate legislation to enable the State of Oklahoma to properly perform its duties in regard to the prosecution and defense of criminal actions arising out of the Oklahoma City Bombing Tragedy.

4. Enact appropriate legislation to address the right to a speedy trial guarantee to an accused.

5. Enact appropriate legislation to address providing of notice of applications seeking approval of an increased density well.

6. Enact appropriate legislation to address needed funding for the Oklahoma Health Care Authority to provide for the medically needy program currently in existence.

I hereby further amend Executive Order 99-02 dated January 7, 1999, to reconvene at the State Capitol at any time after June 22, 2000, as called by the Speaker of the House of Representatives and the President Pro Tempore of the Senate for further consideration of the following additional subjects:

A. Substantive Unaddressed Issues:

1. Enact legislation as may be necessary to provide and fully implement car tag and excise tax reforms and to remove the referendum on this matter from the August 2000 election ballot. Or, in the alternative, to change the ballot title for such referendum as

currently written to correctly and accurately reflect the significant increase in excise taxes for used car buyers.

2. Enact legislation regarding Workers' Compensation reform.

B. Matters Needing Correction, Budgetary Issues:

1. Enact legislation regarding criminal justice reforms to protect federal money available to the State and to address inmate health issues.

2. Enact legislation to allow changes in the allocation for the capital improvement bond issue.

3. Enact legislation to fund the Tulsa Race Riot Commission so that this Commission may continue its work.

4. Enact legislation to complete the appropriations process with respect to, or provide for the appropriate transfer of, tobacco settlement proceeds as provided in Senate Bill 1404 from the regular legislative session which ended May 26, 2000.

5. Enact legislation to correct or modify actions taken or omissions from said regular session to address: (a) non-custodial parent child support obligations under present law; (b) pension and/or death benefits for employees of the Department of Corrections; (c) appropriation adjustments for the legislative service bureau; and (d) a change in the source of appropriations to the Department of Transportation for public transit.

Copies of this Executive Order shall be distributed to every member of the Oklahoma House of Representatives, every member of the Oklahoma State Senate, the Clerk of the House of Representatives, the Secretary of the Senate, and the Director of the Office of State Finance.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the Great Seal of the State of Oklahoma to be affixed at Oklahoma City, Oklahoma this 22nd day of June, 2000.

BY THE GOVERNOR OF THE STATE OF OKLAHOMA

/s/ FRANK KEATING

AMENDED EXECUTIVE ORDER 99-02 OF JUNE 27, 2000

To the Honorable Members of the House of Representatives and the Honorable Members of the State Senate of Oklahoma:

I, Frank Keating, Governor of the State of Oklahoma, pursuant to the authority vested in me by the provisions of Section 7 of Article VI of the Oklahoma Constitution, hereby further amend Executive Order 99-02 dated January 7, 1999 and most recently amended on June

22, 2000, to add to the subjects recommended for consideration in the First Extraordinary Session of the Forty-seventh Oklahoma Legislature the following:

A. Substantive Unaddressed Issues:

3. Enact legislation to act with respect to Section 500.4A of Title 68 of the Oklahoma Statutes to allow a reduction in federal gasoline or diesel fuel taxes to be passed on to the benefit of the consumer.

Copies of this Executive Order shall be distributed to every Member of the Oklahoma House of Representatives, every Member of the Oklahoma State Senate, the Clerk of the House of Representatives, the Secretary of the Senate, and the Director of the Office of State Finance.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the Great Seal of the State of Oklahoma to be affixed at Oklahoma City, Oklahoma this 27th day of June, 2000.

BY THE GOVERNOR OF THE STATE OF OKLAHOMA

/s/ FRANK KEATING

APPOINTMENTS

The Speaker announced the following appointments:

May 26, 2000 – Representatives Staggs and Toure reappointed as Members of the Minority Teacher Recruitment Advisory Committee. (O.S. 70-6-129.1)

June 19, 2000 – Representative Toure to the Capitol Complex and Centennial Commemoration Commission. (**SB 819**, 2000)

FIRST READING

The following were introduced and read for the first time:

HB 1016 – By Corn.

An Act relating to crimes and punishments; amending Section 30, Chapter 4, 1st Extraordinary Session, O.S.L. 1999 (21 O.S. Supp. 1999, Section 13.1), as amended by Section 2 of 2nd Enrolled House Bill No. 2037 of the 2nd Session of the 47th Oklahoma Legislature, which relates to required service of minimum percentage of sentence for certain offenses; adding offense; amending 57 O.S. 1991, Section 571, as amended by Section 10, Chapter 276, O.S.L. 1993 (57 O.S. Supp. 1999, Section 571), which relates to the Oklahoma Prison Overcrowding Emergency Powers Act; adding crimes to list for which emergency time credits will not be allowed; and declaring an emergency.

HB 1017 – By Perry.

An Act relating to revenue and taxation; repealing Section 1, Chapter 259, O.S.L. 1997 (68 O.S. Supp. 1999, Section 500.4A), which relates to levy of motor fuel tax equal to reduction in federal excise tax; and declaring an emergency.

HB 1018 – By Roach.

An Act relating to motor vehicle fees and taxes; ordering a legislative referendum pursuant to the Oklahoma Constitution; amending 47 O.S. 1991, Section 1105, as last amended by Section 3 of Enrolled Senate Bill No. 1557 of the 2nd Session of the 47th Oklahoma Legislature, which relates to definitions and certificates of title for motor vehicles; modifying certain information to be contained on application for certificate of title; amending 47 O.S. 1991, Section 1112, which relates to application for registration of motor vehicles; modifying information contained in application for registration; amending 47 O.S. 1991, Section 1132, as amended by Section 1, Chapter 10, O.S.L. 1995 (47 O.S. Supp. 1999, Section 1132), which relates to motor vehicle registration fees; modifying and deleting certain vehicle registration fees; specifying that certain registration fee shall be in lieu of all other taxes; setting forth certain transfer fee; amending 47 O.S. 1991, Section 1141.1, as last amended by Section 1, Chapter 95, O.S.L. 1997 (47 O.S. Supp. 1999, Section 1141.1), which relates to retention of taxes and fees by motor license agents; modifying certain amount retained by motor license agents; modifying amount of excise tax to be collected and retained; authorizing Legislature to review certain amount retained by motor license agents; deleting certain amounts to be retained by motor license agents; amending 47 O.S. 1991, Section 1149, which relates to powers of the Oklahoma Tax Commission; modifying reference to certain price of vehicles; deleting obsolete language; amending 68 O.S. 1991, Section 2103, as amended by Section 21, Chapter 294, O.S.L. 1997 (68 O.S. Supp. 1999, Section 2103), which relates to motor vehicle excise tax; modifying excise tax for vehicles; stating that certain fees collected to be rounded to nearest dollar; defining term; amending 68 O.S. 1991, Section 2104, as amended by Section 2, Chapter 300, O.S.L. 1992 (68 O.S. Supp. 1999, Section 2104), which relates to valuation of motor vehicles for excise tax purposes; modifying the value of motor vehicles for purposes of excise tax; deleting references to certain optional equipment or accessories; requiring value of motor vehicles to be the actual sales price; requiring value of motor vehicles to be within certain percentage of certain value; deleting requirement to show certain factory delivered price; deleting reference to value of certain vehicles subject to certain federal tax; deleting provisions relating to value of vehicles at the port of entry; deleting definitions; deleting certain value of used vehicles; deleting adjustments to value of vehicles for purposes of computing excise tax; requiring receipt of bill of sale or similar form by Oklahoma Tax Commission or motor license agent; setting forth legislative intent; repealing 47 O.S. 1991, Section 1134, as last amended by Section 1, Chapter 158, O.S.L. 1999 (47 O.S. Supp. 1999, Section 1134), which relates to farm vehicles, and 68 O.S. 1991, Section 2104.1, which relates to valuation of recreational vehicles; providing for noncodification; providing an effective date; providing a ballot title; and directing filing.

HB 1019 – By Hiatt.

An Act relating to motor vehicle fees and taxes; amending 47 O.S. 1991, Section 1104, as last amended by Section 1, Chapter 294, O.S.L. 1997 (47 O.S. Supp. 1999, Section 1104), which relates to apportionment of motor vehicle fees, taxes, and penalties; deleting obsolete language; modifying apportionment of certain fees, taxes, and penalties; deleting

certain apportionment if funds are insufficient; authorizing certain monies to be deducted from General Revenue Fund; requiring that certain monies be apportioned not be less than monies apportioned from previous year; amending 47 O.S. 1991, Section 1132, as amended by Section 1, Chapter 10, O.S.L. 1995 (47 O.S. Supp. 1999, Section 1132), which relates to motor vehicle registration fees; setting forth in lieu of motor vehicle registration fee; providing an effective date; and declaring an emergency.

HB 1020 – By Webb.

An Act relating to the Oklahoma Aeronautics and Space Commission; establishing the Oklahoma Aeronautics and Space Commission as a separate state agency; providing for the continuance of certain powers, duties, and responsibilities; requiring certain employee positions to be transferred; establishing minimum and maximum number of full-time-equivalent positions; authorizing the Oklahoma Aeronautics and Space Commission and the Oklahoma Department of Transportation to enter into certain agreement for transfer of personnel; requiring written consent of employee to be transferred; permitting certain classified employees to retain certain status and salary; requiring certain benefits to be retained by employees; requiring the Office of Personnel Management to coordinate transfers; authorizing the Aeronautics and Space Commission to rent, lease, or own property; permitting the Aeronautics and Space Commission and the Director to accept certain gifts; providing for funding and payment of transfer costs; abolishing certain division; requiring the Director of State Finance to coordinate transfer of assets and obligations; requiring the Department of Central Services to coordinate transfer of property and records; repealing 69 O.S. 1991, Section 4011, which relates to the transfer of the Oklahoma Aeronautics Commission to the Oklahoma Department of Transportation; providing for codification; providing an effective date; and declaring an emergency.

HJR 1002 – By Sullivan (John).

A Joint Resolution requiring zero-based budgeting; making certain findings with respect to expenditure of funds; requiring adoption of zero-based budget system; prescribing requirements for budget system; requiring assistance by Office of State Finance; requiring certain statements of plans to be filed; and directing distribution.

RESOLUTIONS

The following were introduced and read:

HCR 1003 – By Sullivan (John).

A Concurrent Resolution relating to zero-based budgeting; making certain findings with respect to expenditure of funds; providing for adoption of zero-based budget system; providing requirements for budget system; providing for assistance by Office of State Finance; providing for certain statements and plans; and directing distribution.

HCR 1004 – By Calvey of the House and Brown of the Senate.

A Concurrent Resolution encouraging the United States Air Force to locate the Global Hawk mission at Tinker Air Force Base.

HR 1004 – By Glover and Benson

A Resolution commending Coach Joe Tunnell on his successful career; and directing distribution.

GENERAL ORDER

SB 6 by Taylor of the Senate was read and considered.

Authored by Representative Benson (principal House author)

Coauthored by Representative Askins

Representative Askins moved to amend **SB 6** by striking the title, the enacting clause and the entire measure and inserting in lieu thereof a floor substitute, which amendment was declared adopted. (Xerox copies for Members)

Representative Askins moved that **SB 6** be advanced from General Order, which motion was declared adopted.

By unanimous consent, upon request of Representative Askins, **SB 6** was considered engrossed and placed on Third Reading and Final Passage.

THIRD READING

SB 6 was read at length for the third time. On passage of the measure and emergency, the roll call was as follows:

Aye: Adair, Adkins, Askins, Begley, Bengé, Beutler, Blackburn, Bonny, Braddock, Bryant, Calvey, Case, Claunch, Coleman, Collins, Corn, Covey, Cox, Culver, Dank, Davis, Deutschendorf, Dunegan, Easley, Eddins, Erwin, Ferguson, Fields, Frame, Gray, Greenwood, Hefner, Hiatt, Hilliard, Hutchison, Ingmire, Jones, Kinnamon, Kirby, Kouba, Langmacher, Leist, Lindley, Liotta, Maddux, Mass, Matlock, McCarter, Miller, Mitchell, Morgan, Nance, Nations, Newport, Ostrander, Paulk, Perry, Pettigrew, Phillips, Piatt, Plunk, Pope (Clay), Pope (Tim), Reese, Rice, Roach, Roggow, Ross, Seikel, Sellers, Settle, Smith (Dale), Staggs, Stanley, Stites, Sullivan (John), Sullivan (Leonard), Thomas, Toure, Turner, Tyler, Vaughn, Weaver, Webb, Wells, Wilt, Winchester, Worthen, Wright, Mr. Speaker.--90.

Excused: Boyd, Ervin, Gilbert, Glover, Graves, Hastings, Roberts, Smith (Hopper), Sweeden, Taylor, Thornbrugh.--11.

The measure and emergency passed.

SB 6 was referred for engrossment.

MOTION

Representative Thomas moved that the House stand at ease to the Call of the Chair, which was the order.

Speaker Benson Presiding**ENGROSSED AND ENROLLED MEASURES**

HAs to SB 6 were reported correctly engrossed, properly signed, in open session, and the measure, as amended, was ordered returned to the Honorable Senate.

MESSAGES FROM THE SENATE

Transmitting the following measures, together with the conference committee reports thereon, advising adoption of conference committee reports and passage of measures as amended.

SB 2

SB 3

Conference committee reports were read on the above-numbered measures.

Concurrence in HAs

Announcing the concurrence of Senate in **HAs to SB 6** and the passage of said measure, as amended thereby.

GENERAL ORDER

SB 7 by Taylor of the Senate was read and considered.

Authored by Representative Benson (principal House author)

Coauthored by Representative(s) Askins

Coauthored by Senator(s) Capps

Representative Hilliard moved to amend **SB 7** by striking the title, the enacting clause and the entire measure and inserting in lieu thereof a floor substitute, which amendment was declared adopted. (Xerox copies for Members)

Representative Calvey moved to amend the floor substitute, Page 3, by inserting a new Section 1 to read as follows and renumbering subsequent sections, which amendment was withdrawn:

"SECTION 1. The Department of Corrections shall not charge inmates or their immediate family members more for telephone calls than the market rate for such telephone calls for ordinary consumers."

Representative Hilliard moved to amend the floor substitute, Page 8, Section 5, by deleting the language "Capacity" means the actual available bedspace as certified by the State Board of Corrections subject to applicable federal and state laws and the rules and regulations promulgated under such laws;" on Lines 7-10 and inserting in lieu thereof the following language:

"Capacity" means the actual available bedspace as certified by shall be determined by the State Board of Corrections on June 30 of each year for the next fiscal year and may not be determined at any other time, subject to applicable federal and state laws and the rules and regulations promulgated under such laws. For the fiscal year ending June 30, 2001, capacity is deemed to be twenty-three thousand two hundred twenty (23,220) beds. For subsequent fiscal years, the Board shall only be able to increase capacity for the purposes of the Oklahoma Prison Overcrowding Emergency Powers Act by the net increase in the number of inmates in the custody of the Department of Corrections for crimes that are ineligible for emergency time credit based on the number of such inmates in the custody of the Department of Corrections on June 30 of the preceeding fiscal year and the number of such inmates in the custody of the Department of Corrections on June 30 of the current fiscal year;"

Representative Hilliard asked that **SB 7** be laid over, which was the order.

PENDING CONSIDERATION OF CCR

The **CCR** on **SB 2** was called up for consideration.

Upon motion of Representative Settle, the **CCR** on **SB 2** was adopted.

SB 2, as amended in conference, was read at length for the fourth time and the roll was called on the measure and emergency as follows:

Aye: Adair, Bengé, Beutler, Blackburn, Bonny, Boyd, Braddock, Bryant, Calvey, Case, Claunch, Collins, Corn, Covey, Cox, Culver, Davis, Deutschendorf, Dunegan, Easley, Eddins, Ervin, Erwin, Ferguson, Fields, Gilbert, Glover, Gray, Hefner, Hiatt, Hilliard, Hutchison, Ingmire, Jones, Kirby, Kouba, Langmacher, Leist, Lindley, Liotta, Maddux, Mass, Matlock, McCarter, Miller, Mitchell, Morgan, Nance, Nations, Newport, Paulk, Perry, Phillips, Piatt, Plunk, Pope (Clay), Pope (Tim), Reese, Rice, Roach, Roggow, Ross, Seikel, Sellers, Settle, Smith (Dale), Staggs, Sites, Sweeden, Thomas, Thornbrugh, Toure, Turner, Tyler, Weaver, Webb, Wells, Wilt, Winchester, Worthen, Wright, Mr. Speaker.--82.

Nay: Coleman, Dank, Greenwood, Ostrander, Pettigrew, Sullivan (Leonard), Vaughn.--7.

Excused: Adkins, Askins, Begley, Frame, Graves, Hastings, Kinnamon, Roberts, Smith (Hopper), Stanley, Sullivan (John), Taylor.--12.

The measure and emergency passed.

SB 2, together with the conference committee report, thereon, was ordered returned to the Honorable Senate.

PENDING CONSIDERATION OF CCR

Upon motion of Representative Settle, the **CCR** on **SB 3** was rejected and further conference requested. The Speaker named the same conferees:

SB 3 — Benson, Thomas, Settle, Morgan

RESOLUTION FOR CONSIDERATION

HR 1004 was called up for consideration.

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

Upon motion of Representative Glover, **HR 1004** was considered and adopted.

HR 1004 was referred for enrollment.

MESSAGES FROM THE SENATE

Advising fourth reading of and transmitting for signature Enrolled **SBs 2** and **6**.

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

Further conference granted

Advising further conference granted on **SB 3** and the Senate naming same conferees as follows:

SB 3 - Taylor, Mickle, Haney, Snyder

ENGROSSED AND ENROLLED MEASURES

HR 1004 was reported correctly enrolled, properly signed, in open session, and ordered transmitted to the Secretary of State.

Speaker Pro Tempore Adair Presiding

MESSAGE FROM THE SENATE

Transmitting the following measure, together with the conference committee report thereon, advising adoption of conference committee report and passage of measure as amended.

SB 3 (2nd) - Coauthored by Senator Capps

Conference committee report was read on the above-numbered measure.

PENDING CONSIDERATION OF CCR

The **2nd CCR** on **SB 3** was called up for consideration.

Coauthored by Representative(s) Beutler, Bonny, Hilliard

Upon motion of Speaker Benson, the **2nd CCR** on **SB 3** was adopted.

SB 3, as amended in conference, was read at length for the fourth time and the roll was called on the measure and emergency as follows:

Aye: Adair, Askins, Beutler, Blackburn, Bonny, Boyd, Braddock, Bryant, Calvey, Claunch, Collins, Corn, Covey, Cox, Culver, Davis, Deutschendorf, Dunegan, Easley, Eddins, Ervin, Erwin, Ferguson, Fields, Gilbert, Glover, Gray, Hefner, Hiatt, Hilliard, Hutchison, Ingmire, Kirby, Langmacher, Leist, Lindley, Maddux, Mass, Matlock, McCarter, Miller, Mitchell, Morgan, Nations, Ostrander, Paulk, Perry, Plunk, Pope (Clay), Pope (Tim), Reese, Rice, Roach, Roggow, Ross, Seikel, Sellers, Smith (Dale), Staggs, Stites, Sweeden, Thomas, Toure, Turner, Tyler, Weaver, Webb, Wells, Wilt, Winchester, Wright, Mr. Speaker.--72.

Nay: Benge, Case, Coleman, Dank, Greenwood, Hastings, Jones, Liotta, Nance, Newport, Piatt, Sullivan (Leonard), Vaughn, Worthen.--14.

Excused: Adkins, Begley, Frame, Graves, Kinnamon, Kouba, Pettigrew, Phillips, Roberts, Settle, Smith (Hopper), Stanley, Sullivan (John), Taylor, Thornbrugh.--15.

The measure and emergency passed.

SB 3, together with the conference committee report, thereon, was ordered returned to the Honorable Senate.

Speaker Benson Presiding

MOTION

Representative Boyd asked that the Journal reflect that had she been present in the Chamber, she would have voted 'Aye' on **SB 6**, which was the order.

MOTION

Representative Gilbert asked that the Journal reflect that had he been present in the Chamber, he would have voted 'Aye' on **SB 6**, which was the order.

MOTION

Representative Askins asked that the Journal reflect that had she been present in the Chamber, she would have voted 'Aye' on **SB 2**, which was the order.

MESSAGE FROM THE SENATE

Advising fourth reading of and transmitting for signature Enrolled **SB 3**.

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

MOTION EXPIRED

Time expired for consideration of the motion to reconsider the vote whereby **SB 4** failed.

Representative Thomas moved that when the clerk's desk is clear, the House stand adjourned to reconvene at the Call of the Chair, which was the order.

Pursuant to the motion of Representative Thomas, the House was adjourned at 7:31 p.m., to reconvene at the Call of the Chair.

COMMUNICATION

The following report was received from the State Board of Equalization and ordered printed in the Journal:

STATE OF OKLAHOMA
OFFICE OF STATE FINANCE

June 19, 2000

State Board of Equalization
State Capitol Building
Oklahoma City, OK 73105

Members of the Board:

The Constitution of the State of Oklahoma, Article X, Section 23, as last amended April 30, 1985, provides in pertinent part:

...the Legislature may at any regular session or special session, called for that purpose, enact laws to provide for additional revenues or a reduction in revenues, other than ad valorem taxes, or transferring the existing revenues or unappropriated cash on hand from one fund to another, or making provisions for appropriating funds not previously appropriated by the Legislature. Whereupon, it shall be the duty of the State Board of Equalization to make a determination of the revenues that will accrue under such laws and ninety-five percent (95%) of the amount of any increase or decrease resulting, for any reason, from such changes in laws shall be added to or deducted from the amount previously certified available for appropriation from each respective fund, as the case may be...

The following report has been prepared in accordance with the procedures set forth above, and is respectfully, submitted for your consideration.

Very truly yours,

/s/ Tom Daxon
Director of State Finance