

# Senate Journal

## Second Regular Session of the Fiftieth Legislature of the State of Oklahoma

**Eighth Legislative Day, Thursday, February 16, 2006**

The Senate was called to order by Senator Corn.

Roll Call:

Present: Adelson, Aldridge, Anderson, Barrington, Bass, Branan, Brogdon, Cain, Capps, Coates, Coffee, Corn, Crain, Crutchfield, Easley, Eason McIntyre, Fisher, Ford, Garrison, Gumm, Harrison, Hobson, Johnson (C), Johnson (M), Jolley, Justice, Lamb, Laster, Laughlin, Lawler, Leftwich, Lerblance, Mazzei, Morgan, Myers, Nichols, Paddack, Rabon, Reynolds, Riley, Shurden, Wilcoxson, Williamson, Wilson and Wyrick.—45.

Excused: Pruitt and Taylor.—2.

Vacancy: District 38.—1.

Senator Corn declared a quorum present.

The prayer was offered by Reverend David Player, First United Methodist Church, Altus, the guest of Senator Fisher.

### **INTRODUCTION**

Senator Capps introduced his granddaughter, Lauren Ottaway, to the Senate.

**Senator Rabon presiding.**

### **PENDING SENATE ACTION HOUSE REQUEST FOR CONFERENCE**

Upon motion of Senator Fisher, the request of the Honorable House for conference on **HB 1558** was ordered granted and Senate conferees to be named later.

**UNANIMOUS CONSENT REQUEST  
DIRECT TO CALENDAR**

Senator Corn asked unanimous consent to suspend Rule 5-4 and refer **SR 62** direct to the Calendar for consideration, which was the order.

**GENERAL ORDER**

**SR 62** by Corn was called up for consideration.

**SR 62** was adopted upon motion of Senator Corn and referred for enrollment.

**CHANGE IN COMMITTEE ASSIGNMENT**

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

**SB 1854** – withdrawn from Rules Committee and referred to Health and Human Resources.

**MESSAGE FROM THE HOUSE**

Advising passage of and transmitting for consideration Engrossed **HBs 2077, 2133, 2136, 2396, 2841** and **2905**.

**HB 2077** – By Ellis, Brannon, Hilliard, Hyman, Liotta, Miller (Ray), Roan, Shoemake, Smithson, Walker and Wesselhoft of the House and Shurden of the Senate.

An Act relating to game and fish; amending 29 O.S. 2001, Section 4-136, as amended by Section 1, Chapter 174, O.S.L. 2002 (29 O.S. Supp. 2005, Section 4-136), which relates to special use permits; adding exemption from permitting requirements for certain persons serving in the United States Armed Services; and declaring an emergency.

**HB 2133** – By Wright of the House and Easley of the Senate.

An Act relating to sunset; amending 59 O.S. 2001, Section 1607, as amended by Section 4, Chapter 280, O.S.L. 2004 (59 O.S. Supp. 2005, Section 1607), which relates to the Board of Examiners for Speech-Language Pathology and Audiology; re-creating the Board; and modifying the termination date.

**HB 2136** – By Wilt, Askins, Nance, Cooksey, DePue, Duncan, Martin, Terrill and Wesselhoft of the House and Ford of the Senate.

An Act relating to prisons and reformatories; amending 12 O.S. 2001, Section 397, as last amended by Section 2, Chapter 159, O.S.L. 2005 (12 O.S. Supp. 2005, Section 397), which relates to civil actions involving inmates; including certain proceedings within scope

of statute; modifying time for payment of certain transportation costs; amending 57 O.S. 2001, Section 549, as last amended by Section 3, Chapter 159, O.S.L. 2005 (57 O.S. Supp. 2005, Section 549), which relates to the powers and duties of the State Board of Corrections; specifying fees that may be paid for from inmate savings; amending Section 5, Chapter 159, O.S.L. 2005 (57 O.S. Supp. 2005, Section 564.1), which relates to judicial review of disciplinary proceedings; providing that proceedings apply to earned credits that have vested; prohibiting raising issues that were not raised in the administrative appeal; providing procedure if the court issues certain orders; amending 57 O.S. 2001, Section 566.2, which relates to frivolous or malicious actions and actions failing to state a claim upon which relief could be granted that are brought by inmates; expanding who must provide certain documents for a registry; amending 57 O.S. 2001, Section 566.3, as last amended by Section 12, Chapter 168, O.S.L. 2004 (57 O.S. Supp. 2005, Section 566.3), which relates to prisoner applications for in forma pauperis; authorizing the court to dismiss certain actions with prejudice; clarifying conditions for dismissal; amending 57 O.S. 2001, Sections 582 and 583, as last amended by Sections 1 and 2, Chapter 123, O.S.L. 2005 and Section 1, Chapter 223, O.S.L. 2003 (57 O.S. Supp. 2005, Sections 582, 583 and 590), which relate to the Sex Offenders Registration Act; adding offense for which registration is required; providing that certain time period applies to a calendar year; modifying application of the act for persons with out-of-state convictions or deferred judgments; modifying time for maintaining registration; requiring registration in any jurisdiction in which the offender is found for certain period of time; requiring registration in multiple jurisdictions in certain circumstances; expanding certain residency restriction; and providing an effective date.

**HB 2396** – By Cooksey, DePue, Duncan, Liotta, Martin and Nance of the House and Jolley of the Senate.

An Act relating to officers; amending 51 O.S. 2001, Section 24A.10, as amended by Section 1, Chapter 186, O.S.L. 2004 (51 O.S. Supp. 2005, Section 24A.10), which relates to the Oklahoma Open Records Act; modifying certain exception to the Oklahoma Open Records Act; and providing an effective date.

**HB 2841** – By Steele, Winchester, Hiatt, Nance, Perry, Askins, Case, Auffet, Balkman, Banz, Blackwell, Coody, Cox, Dank, Denney, DePue, DeWitt, Duncan, Ellis, Harrison, Johnson, Liotta, Martin, Morgan (Fred), Peters, Peterson (Ron), Richardson, Sullivan, Terrill, Trebilcock, Wesselhoft and Worthen of the House and Coates of the Senate.

An Act relating to criminal procedure; establishing bail procedures; stating factors to be considered by court; providing for codification; and providing an effective date.

**HB 2905** – By Peterson (Ron), Shelton and Rousselot of the House and Laster of the Senate.

An Act relating to insurance; amending 36 O.S. 2001, Sections 107, 121, 301, 307, as amended by Section 3, Chapter 355, O.S.L. 2005, 312A, 313, 332, 334.1, 348.1, as last amended by Section 1, Chapter 129, O.S.L. 2005, and 362, as last amended by Section 2, Chapter 131, O.S.L. 2004 (36 O.S. Supp. 2005, Sections 307, 348.1 and 362), which relate to property and casualty; modifying definition; deleting references; modifying structure of

Insurance Department; modifying duties; modifying powers and duties; modifying reference; modifying fees; modifying certain fund; amending 36 O.S. 2001, Sections 901.2, 901.3, 901.4, 902, 902.2, as amended by Section 6, Chapter 519, O.S.L. 2004, 902.3, 903.2, 904, 907, 907.1, 908, 924.2, as amended by Section 1, Chapter 50, O.S.L. 2002, 924.3, 932, 937 and 997 (36 O.S. Supp. 2005, Sections 902.2 and 924.2), which relate to the Oklahoma Insurance Rating Act; modifying definitions; modifying certification; modifying references; modifying certain rate requirements; modifying definition; amending 36 O.S. 2001, Section 1109, which relates to surplus line coverage; modifying certification; requiring certain submissions; requiring certain documentation; establishing guidelines for certain organizations; prohibiting certain activities; permitting certain activities; establishing review system; providing for certain examinations; mandating certain rules; providing for certain penalties; providing for certain disciplinary actions; requiring certain filings; defining terms; establishing certain procedures regarding military personnel; exempting certain entities; permitting certain activities; amending 36 O.S. 2001, Section 1204, as amended by Section 10, Chapter 129, O.S.L. 2005 (36 O.S. Supp. 2005, Section 1204), which relates to unfair methods; deleting reference; amending 36 O.S. 2001, Sections 1435.6, as last amended by Section 8, Chapter 274, O.S.L. 2004, 1435.8, as amended by Section 15, Chapter 307, O.S.L. 2002, 1435.10, and 1435.23, as amended by Section 19, Chapter 307, O.S.L. 2002 (36 O.S. Supp. 2005, Sections 1435.6, 1435.8 and 1435.23), which relate to producer licenses; modifying certain examination procedures; defining terms; modifying exemptions; modifying fees; amending 36 O.S. 2001, Section 2018, which relates to payment and assessments; modifying reference; amending 36 O.S. 2001, Sections 2403 and 2409, which relate to associations; deleting reference; modifying reference; amending 36 O.S. 2001, Sections 2602, 2616 and 2617, which relate to certification; deleting references; amending 36 O.S. 2001, Sections 2723.1 and 2813, which relate to exemptions; deleting references; amending 36 O.S. 2001, Section 2908, which relates to reciprocal insurers; modifying certain reciprocal requirements; amending 36 O.S. 2001, Section 3639, as amended by Section 14, Chapter 129, O.S.L. 2005 (36 O.S. Supp. 2005, Section 3639), which relates to certain policy requirements; modifying reference; amending 36 O.S. 2001, Section 5004, which relates to title insurance; defining term; amending 36 O.S. 2001, Sections 6002, 6058, 6059, 6060.4, as amended by Section 6, Chapter 464, O.S.L. 2003, Section 20, Chapter 334, O.S.L. 2004, Section 21, Chapter 334, O.S.L. 2004, Section 30, Chapter 334, O.S.L. 2004, and Section 32, Chapter 334, O.S.L. 2004 (36 O.S. Supp. 2005, Sections 6060.4, 6470.13, 6470.14, 6470.23 and 6470.25), which relate to insurance companies; modifying certain benefits; modifying certain coverage; modifying certain requirements; modifying certain inspections; modifying certain licenses; modifying references; amending 70 O.S. 2001, Section 4312, which relates to insurance on university employees; modifying reference; amending 74 O.S. 2001, Section 1320, which relates to state government; modifying reference; amending 76 O.S. 2001, Section 22, which relates to malpractice insurance; modifying reference; amending 85 O.S. 2001, Sections 61, 64, as amended by Section 25, Chapter 129, O.S.L. 2005, and 65 (85 O.S. Supp. 2005, Section 64), which relate to workers' compensation; modifying references; modifying certain policy requirements; repealing 36 O.S. 2001, Sections 331, 333 and 346, which relate to property and casualty; repealing 36 O.S. 2001, Sections 901, as amended by Section 4, Chapter 519, O.S.L. 2004, Section 2, Chapter 1, 1st Ex. Sess., O.S.L. 2005, 903, as last amended by Section 5, Chapter 129, O.S.L. 2005, 905, 928, 929,

as amended by Section 9, Chapter 519, O.S.L. 2004, 930, 931, 933, 934, 935, 936, 991, as amended by Section 8, Chapter 129, O.S.L. 2005, 993, and Section 23, Chapter 519, O.S.L. 2004 (36 O.S. Supp. 2005, Sections 901, 902.4, 903, 929, 991 and 1000), which relate to rates; providing for codification; providing an effective date; and declaring an emergency.

The above-numbered measures were read the first time.

Senator Fisher moved that when the clerk's desk is clear, the Senate stand adjourned to convene Monday, February 20, 2006, 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 343 (2ND CR)** – Health and Human Resources, coauthored by Johnson (Constance), Paddock of the Senate

**SB 1037** – Judiciary, coauthored by Coates of the Senate, and coauthored by Hilliard (principal House author)

**SB 1318** – Health and Human Resources, coauthored by Carey (principal House author)

**SB 1613** – General Government, coauthored by Liebmann (principal House author)

**SB 1627** – Business and Labor, coauthored by Trebilcock (principal House author)

**SB 1637** – Health and Human Resources, coauthored by Morgan (Fred) (principal House author)

**SB 1754** – Business and Labor, coauthored by Balkman (principal House author)

**SB 1897** – Judiciary, coauthored by Sherrer (principal House author)

**SJR 48** – General Government, coauthored by DePue (principal House author)

DO PASS, As Amended:

**SB 1058** – Finance, coauthored by Askins (principal House author)

CS for **SB 1061** – Finance, coauthored by Rousselot (principal House author)

**SB 1084** – Finance, coauthored by Calvey (principal House author)

**SB 1089** – Finance, coauthored by Kern (principal House author)

**SB 1295** – General Government, coauthored by Turner (principal House author)

**SB 1305** – Finance, coauthored by Calvey (principal House author)

**SB 1308** – Health and Human Resources, coauthored by Cooksey (principal House author)

CS for **SB 1311** – Health and Human Resources, coauthored by Cox (principal House author)

- SB 1375** – Finance, coauthored by Wright (principal House author)
- SB 1393** – Finance, coauthored by Ellis (principal House author)
- SB 1406** – Finance, coauthored by Branan of the Senate, and coauthored by Adkins (principal House author)
- SB 1409** – Finance, coauthored by Harrison (principal House author)
- SB 1457** – Finance, coauthored by Banz (principal House author)
- SB 1600** – Judiciary, coauthored by Sullivan (principal House author)
- SB 1643** – Health and Human Resources, coauthored by Terrill (principal House author)
- SB 1654** – Finance, coauthored by Gumm of the Senate, and coauthored by Rousselot (principal House author)
- CS for SB 1664** – Finance, coauthored by Capps, Coffee of the Senate, and coauthored by Nance (principal House author), and coauthored by Piatt of the House
- SB 1682** – Finance, coauthored by Lamons (principal House author)
- SB 1709** – Public Safety and Homeland Security, coauthored by Smithson (principal House author)
- SB 1763** – General Government, coauthored by Covey (principal House author)
- SB 1773** – Finance, coauthored by Case (principal House author)
- SB 1774** – Finance, coauthored by Case (principal House author)
- SB 1780** – Finance, coauthored by Walker (principal House author)
- CS for SB 1803** – Health and Human Resources, coauthored by Balkman (principal House author)
- CS for SB 1807** – Judiciary, coauthored by Sullivan (principal House author)
- CS for SB 1901** – Judiciary, coauthored by McMullen (principal House author)
- SB 1926** – Finance, coauthored by Case (principal House author)
- SB 1947** – Finance, coauthored by Calvey (principal House author)
- SB 2016** – Finance, coauthored by Ford, Mazzei of the Senate, and coauthored by Dorman (principal House author)
- SB 2019** – Finance, remove Morgan and substitute Gumm as principal Senate author, and coauthored by Coffee of the Senate, and coauthored by Calvey (principal House author)
- SB 2036** – Public Safety and Homeland Security, coauthored by Smithson (principal House author)
- CS for SB 2046** – Public Safety and Homeland Security, coauthored by Roan (principal House author)

Pursuant to the Fisher motion, the Senate adjourned at 9:50 a.m. to meet Monday, February 20, 2006, at 1:30 p.m.