

Senate Journal

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

Tenth Legislative Day, Wednesday, February 22, 2006

The Senate was called to order by Senator Gumm.

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, Pruitt, Rabon, Reynolds, Riley, Shurden, Taylor, Wilcoxson, Williamson, Wilson and Wyrick.—47.

Vacancy: District 38.—1.

Senator Gumm declared a quorum present.

The prayer was offered by Reverend Charles McGregor, New Beginnings Lighthouse Ministries, Stratford, the guest of Senator Paddack.

REPORT OF ENGROSSED AND ENROLLED MEASURES

SCR 40 was correctly engrossed, properly signed and ordered transmitted to the Honorable House for consideration.

SR 63 was correctly enrolled, properly signed and ordered transmitted to the Secretary of State.

UNANIMOUS CONSENT REQUEST DIRECT TO CALENDAR

Senator Jolley asked unanimous consent to suspend Rule 5-4 and refer **SCR 41** direct to the Calendar for consideration, which was the order.

GENERAL ORDER

SCR 41 by Jolley of the Senate and Cooksey of the House was called up for consideration.

All other members of the Senate asked to coauthor **SCR 41**, which was the order.

SCR 41 was adopted upon motion of Senator Jolley and referred for engrossment.

FIRST READING

The following was introduced and read the first time:

SR 65 – By Garrison.

A Resolution calling upon the President of the United States to delay the sale of a company that controls shipping in certain ports until after a public review; supporting Congressional action to delay the sale and override a threatened veto; and directing distribution.

**UNANIMOUS CONSENT REQUEST
DIRECT TO CALENDAR**

Senator Garrison asked unanimous consent to suspend Rule 5-4 and refer **SR 65** direct to the Calendar for consideration, which was the order.

GENERAL ORDER

SR 65 by Garrison was called up for consideration.

Senator Crutchfield asked to coauthor **SR 65**, which was the order.

SR 65 was adopted upon motion of Senator Garrison upon roll call as follows:

Aye: Adelson, Aldridge, Barrington, Bass, Branan, Brogdon, Cain, Coates, Coffee, Corn, Crain, Crutchfield, Easley, Eason McIntyre, Fisher, Ford, Garrison, Gumm, Hobson, Johnson (C), Justice, Laster, Laughlin, Lawler, Leftwich, Lerblance, Morgan, Myers, Nichols, Paddack, Pruitt, Rabon, Riley, Shurden, Taylor, Williamson, Wilson and Wyrick.-38.

Nay: Anderson, Johnson (M), Jolley, Lamb, Mazzei, Reynolds and Wilcoxson.--7.

Excused: Capps and Harrison.--2.

Vacancy: District 38.--1.

SR 65 was referred for enrollment.

GENERAL ORDER

SB 1701 by Shurden of the Senate and Case of the House was called up for consideration.

Senator Shurden moved to amend **SB 1701**, Page 1, by restoring the title, which amendment was declared adopted.

Senator Shurden moved that **SB 1701** be advanced, which motion was declared adopted.

THIRD READING

SB 1701 was read for the third time at length.

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

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

Excused: Capps and Harrison.--2.

Vacancy: District 38.--1.

The bill passed.

SB 1701 was referred for engrossment.

MESSAGES FROM THE HOUSE

Advising passage of and transmitting for consideration Engrossed **HBs 2091, 2099, 2113, 2139, 2357, 2360, 2454, 2509, 2530, 2685, 2786** and **3082**.

HB 2091 – By Wright, Dorman, Dank, Case, Lindley, Terrill and Nance of the House and Leftwich of the Senate.

An Act relating to revenue and taxation; creating tax credit for excise tax paid on certain vehicles; specifying amount of credit; limiting amount of credit; prohibiting transfer of credit; limiting frequency of credit; authorizing the promulgation of rules; providing for codification; and providing an effective date.

HB 2099 – By Dank and Nance of the House and Cain of the Senate.

An Act relating to cities and towns; amending 11 O.S. 2001, Sections 27-119, 28-102, as last amended by Section 6, Chapter 173, O.S.L. 2004, and 28-113 (11 O.S. Supp. 2005, Section 28-102), which relate to municipal courts; modifying requirements for municipal jury trials; and providing an effective date.

HB 2113 – By Ingmire, Duncan and Nance of the House and Nichols of the Senate.

An Act relating to Oklahoma State Bureau of Investigation; amending 74 O.S. 2001, Section 150.27, as last amended by Section 4, Chapter 441, O.S.L. 2005 (74 O.S. Supp. 2005, Section 150.27), which relates to deoxyribonucleic acid (DNA) laboratory; authorizing Oklahoma State Bureau of Investigation to contract for certain services; providing an exemption for certain bidding requirements; and providing an effective date.

HB 2139 – By DePue, Ingmire, Askins, Hilliard, Morgan (Danny), McPeak, Miller (Ray), Denney, DeWitt, Peterson (Pam), Roan, Shoemake, Brown, Walker and Hyman of the House and Garrison and Bass of the Senate.

An Act relating to schools; amending 70 O.S. 2001, Section 14-103, which relates to the powers and duties of the State Board of Career and Technology Education; expanding powers and duties; and declaring an emergency.

HB 2357 – By DePue, Duncan, Nance, Peterson (Pam), Terrill, Martin and Worthen of the House and Nichols of the Senate.

An Act relating to technology; requiring governmental agencies to notify persons of a breach of computer systems which results in unauthorized release of personal information; requiring notification to be made expediently; requiring notification when the governmental agency maintains computerized data but does not own the information; allowing notification to be delayed for law enforcement purposes; defining certain terms; defining notice; allowing a governmental agency to use its own notification procedure for notice requirements; providing for codification; and declaring an emergency.

HB 2360 – By Banz, Nance, Worthen, Terrill, Lindley and Braddock of the House and Leftwich of the Senate.

(revenue and taxation - amending 68 O.S., Section 2358 - adjustments to taxable income - exemption - federal employees - effective date)

HB 2454 – By McDaniel, Duncan and Nance of the House and Crain of the Senate.

An Act relating to criminal procedure; amending 22 O.S. 2001, Section 60.2, as amended by Section 2, Chapter 407, O.S.L. 2003 (22 O.S. Supp. 2005, Section 60.2), which

relates to protective orders; modifying requirement for filing a petition for a protective order; and providing an effective date.

HB 2509 – By Wesselhoft, Rousselot, Duncan, Coody, Banz, Hilliard, Dorman, McCarter, Brannon, Terrill, DePue, Balkman, Braddock, Calvey, Cox, Denney, Deutschendorf, DeWitt, Glenn, Hyman, Martin, Nance, Peterson (Pam), Roan, Shoemake, Sullivan, Sweeden, Walker and Winchester of the House and Leftwich of the Senate.

An Act relating to crimes and punishments; creating the Oklahoma Funeral Protection Act; providing short title; stating legislative findings; stating purpose; defining terms; making certain conduct unlawful; providing for punishment; providing civil remedies; providing for authority of certain counties and municipalities to determine sites for picketing and demonstrations; providing for codification; and declaring an emergency.

HB 2530 – By Miller (Doug) and Cooksey of the House and Branan of the Senate.

An Act relating to professions and occupations; amending 59 O.S. 2001, Section 475.2, as amended by Section 2, Chapter 115, O.S.L. 2005 (59 O.S. Supp. 2005, Section 475.2), which relates to registration of engineers; modifying certain definition; providing an effective date; and declaring an emergency.

HB 2685 – By Newport, Peterson (Ron), Shelton and Rousselot of the House and Aldridge of the Senate.

An Act relating to insurance; establishing the Interstate Insurance Product Regulation Compact; stating the intent of the state to join in the Compact and become a member of the Interstate Insurance Product Regulation Commission; designating the representative from this state to serve on the Commission; providing purposes of the Compact; authorizing the Governor to execute the Compact on behalf of the state; defining terms; providing for the establishment of the Commission; providing for venue; providing powers of the Commission; providing for the organization of the Commission; providing for meetings and actions of the Commission; providing for rules and operating procedures of the Commission; providing for rulemaking authority, procedure and functions of the Commission; providing for uniform standards; authorizing a compacting state to opt out of a uniform standard; providing opt-out procedure and effect of opting out; providing Commission records; providing for enforcement of compliance with Compact; providing for dispute resolution; providing for product filing and approval; providing for review of Commission decisions regarding filings; providing for financing of the Commission; authorizing the Commission to pay for reasonable expenses; providing for funding; providing for filing fees; exempting Commission from taxation; requiring the Commission to keep complete and accurate accounts; providing that compacting states have no claim to Commission property or funds; providing that Commission shall not pledge credit of compacting states; providing for effective date of Compact; providing for amendments; providing for withdrawal, default and termination; providing for severability and construction; providing binding effect of Compact and other laws; and providing for codification.

HB 2786 – By Smaligo of the House and Crain of the Senate.
(cities and towns - amending 11 O.S., Section 50-123 - municipal police pension and retirement system - effective date)

HB 3082 – By DeWitt, Duncan, McMullen, Turner, McCarter, Covey and Nance of the House and Lawler of the Senate.

An Act relating to torts; creating the Commonsense Consumption Act; providing short title; stating legislative intent; defining terms; providing immunity from civil liability for certain claims; providing exception; providing pleading requirements; providing for stay of discovery and other proceedings in certain circumstances; providing scope of claims covered; providing for codification; and providing an effective date.

The above-numbered measures were read the first time.

Advising rejection of **SAs** to **HB 1589**, requesting conference and House conferees to be named later.

Advising passage of and returning the following Engrossed resolution:

SCR 36 - remove Perry and substitute Peters as principal House author, and coauthored by Askins, Balkman, Benge, Blackburn, Brannon, Carey, Covey, Cox, Dank, Denney, DePue, Deutschendorf, Dewitt, Duncan, Hilliard, Kiesel, Lamons, Lindley, McCarter, McDaniel, Morgan(Danny), Nance, Nations, Newport, Perry, Peterson(Pam), Peterson(Ron), Pruett, Roan, Rousselot, Sherrer, Smithson, Staggs, Sullivan, Terrill, Turner of the House

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 Thursday, February 23, 2006, at 9:30 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 1350 – Aerospace, Communications and Technology, coauthored by Carey (principal House author)

SB 1412 – Transportation, coauthored by Hickman (principal House author)

SB 1466 – Judiciary, coauthored by Dorman (principal House author)

SB 1519 – Transportation, remove Leftwich and substitute Laster as principal Senate author, and coauthored by Jett (principal House author)

SB 1632 – Health and Human Resources, coauthored by Toure (principal House author)

DO PASS, As Amended:

SB 266 – Transportation, remove Harrison and substitute Hobson as principal Senate author, and coauthored by Perry (principal House author)

CS for SB 1071 – Appropriations, coauthored by Peters (principal House author)

CS for SB 1657 – Judiciary, coauthored by Sullivan (principal House author)

SB 1747 – Judiciary, coauthored by Carey (principal House author)

CS for SB 1749 – Judiciary, coauthored by Case (principal House author)

CS for SB 1871 – Judiciary, coauthored by Hilliard (principal House author)

Pursuant to the Fisher motion, the Senate adjourned at 2:10 p.m. to meet Thursday, February 23, 2006, at 9:30 a.m.