

# Senate Journal

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

**Twenty-first Legislative Day, Thursday, March 10, 2005**

The Senate was called to order by Senator Corn.

Roll Call:

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

Excused: Adelson, Capps and Taylor.—3.

Senator Corn declared a quorum present.

The prayer was offered by Reverend Yo Yo Collins, Trinity Ministries, Yosandi Co., Inc., Salina, the guest of Senator Easley.

### REPORT OF ENGROSSED AND ENROLLED MEASURES

**SBs 11, 28, 53, 246, 270, 311, 337, 412, 478, 504, 518, 529, 559, 569, 573, 574, 644, 663, 668, 683, 685, 700, 759, 830, 890, 901, 902, 946, 987, 1001 and 1009 and SJR 14** were each correctly engrossed, properly signed and ordered transmitted to the Honorable House for consideration.

### GENERAL ORDER

**SB 314** by Bass of the Senate and Armes of the House was called up for consideration.

Senator Riley asked to coauthor **SB 314**, which was the order.

Senator Bass moved that **SB 314** be advanced, which motion was declared adopted.

**THIRD READING**

**SB 314** was read for the third time at length.

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

Aye: Aldridge, Anderson, Barrington, Bass, Branan, Brogdon, Cain, Coates, Corn, Crain, Crutchfield, Easley, Eason McIntyre, Fisher, Ford, Garrison, Gumm, Harrison, Johnson, Jolley, Justice, Kerr, Lamb, Laster, Laughlin, Lawler, Leftwich, Lerblance, Mazzei, Monson, Myers, Nichols, Paddack, Rabon, Reynolds, Riley, Shurden, Wilcoxson, Williamson, Wilson and Wyrick.--41.

Excused: Adelson, Capps, Coffee, Hobson, Morgan, Pruitt and Taylor.--7.

The bill passed.

Pursuant to Rule 12-23, Senator Bass served notice that the vote be reconsidered whereby **SB 314** passed.

**GENERAL ORDER**

**SB 618** by Easley of the Senate and Sherrer of the House was called up for consideration.

Senator Easley moved that **SB 618** be advanced, which motion was declared adopted.

**THIRD READING**

**SB 618** 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, Anderson, Barrington, Bass, Branan, Brogdon, Cain, Coates, Coffee, Corn, Crain, Crutchfield, Easley, Eason McIntyre, Fisher, Ford, Garrison, Gumm, Harrison, Hobson, Johnson, Jolley, Justice, Kerr, Lamb, Laster, Laughlin, Lawler, Leftwich, Lerblance, Mazzei, Monson, Morgan, Myers, Nichols, Paddack, Pruitt, Rabon, Reynolds, Riley, Shurden, Wilcoxson, Williamson, Wilson and Wyrick.--45.

Excused: Adelson, Capps and Taylor.--3.

The bill and emergency passed.

**SB 618** was referred for engrossment.

**MOTION TO RECONSIDER VOTE**

Senator Nichols moved to reconsider the vote whereby **SB 324** failed, which motion was declared adopted upon roll call as follows:

Aye: Aldridge, Anderson, Barrington, Bass, Branan, Brogdon, Cain, Coates, Coffee, Corn, Crain, Crutchfield, Easley, Garrison, Gumm, Harrison, Hobson, Johnson, Jolley, Justice, Kerr, Laster, Laughlin, Leftwich, Lerblance, Morgan, Myers, Nichols, Pruitt, Rabon, Reynolds, Shurden, Wilcoxson, Williamson and Wilson.--35.

Nay: Eason McIntyre, Fisher, Ford, Lamb, Lawler, Mazzei, Paddack, Riley and Wyrick.--9.

Excused: Adelson, Capps, Monson and Taylor.--4.

**THIRD READING**

**SB 324** was read for the third time at length.

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

Aye: Aldridge, Anderson, Barrington, Bass, Coates, Coffee, Corn, Crain, Crutchfield, Easley, Hobson, Johnson, Jolley, Justice, Kerr, Laster, Laughlin, Lerblance, Morgan, Myers, Nichols, Pruitt, Shurden, Wilcoxson, Williamson and Wilson.--26.

Nay: Branan, Brogdon, Cain, Eason McIntyre, Fisher, Ford, Garrison, Gumm, Harrison, Lamb, Lawler, Leftwich, Mazzei, Monson, Paddack, Rabon, Reynolds, Riley and Wyrick.--19.

Excused: Adelson, Capps and Taylor.--3.

The bill passed.

**SB 324** was referred for engrossment.

**GENERAL ORDER**

**SJR 10** by Wyrick and Gumm of the Senate and Cox of the House was called up for consideration.

Senator Wyrick moved that **SJR 10** be advanced, which motion was declared adopted.

**THIRD READING**

**SJR 10** was read for the third time at length.

On the question of passage of the resolution and emergency, the vote resulted as follows:

Aye: Aldridge, Anderson, Barrington, Bass, Branan, Brogdon, Cain, Coates, Coffee, Corn, Crain, Crutchfield, Easley, Eason McIntyre, Fisher, Ford, Garrison, Gumm, Harrison, Johnson, Jolley, Justice, Kerr, Lamb, Laster, Laughlin, Lawler, Leftwich, Lerblance, Mazzei, Monson, Morgan, Myers, Nichols, Paddack, Pruitt, Rabon, Reynolds, Riley, Shurden, Wilcoxson, Williamson, Wilson and Wyrick.--44.

Excused: Adelson, Capps, Hobson and Taylor.--4.

The resolution and emergency passed.

**SJR 10** was referred for engrossment.

**GENERAL ORDER**

**SB 553** by Bass of the Senate and Askins of the House was called up for consideration.

Senator Bass moved that **SB 553** be advanced, which motion was declared adopted.

**THIRD READING**

**SB 553** was read for the third time at length.

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

Aye: Aldridge, Anderson, Barrington, Bass, Branan, Brogdon, Cain, Coates, Coffee, Corn, Crain, Crutchfield, Easley, Eason McIntyre, Fisher, Ford, Garrison, Gumm, Harrison, Hobson, Jolley, Justice, Kerr, Lamb, Laster, Laughlin, Lawler, Leftwich, Lerblance, Mazzei, Monson, Morgan, Myers, Nichols, Paddack, Pruitt, Rabon, Reynolds, Riley, Shurden, Wilcoxson, Williamson, Wilson and Wyrick.--44.

Excused: Adelson, Capps, Johnson and Taylor.--4.

The bill passed.

**SB 553** was referred for engrossment.

## **GENERAL ORDER**

**SB 366** by Monson of the Senate and Deutschendorf of the House was called up for consideration.

Senator Aldridge moved to amend **SB 366**, Page 3, Line 22, by deleting after the word “effective” and before the period the language “July 1, 2005” and inserting in lieu thereof the language “July 1, 2006”; and Page 3, Lines 1 through 4, by deleting Section 3, which amendment was declared adopted.

Senator Monson moved that **SB 366** be advanced, which motion was declared adopted.

## **THIRD READING**

**SB 366** was read for the third time at length.

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

Aye: Barrington, Bass, Cain, Corn, Crutchfield, Easley, Eason McIntyre, Fisher, Gumm, Hobson, Jolley, Laster, Lawler, Leftwich, Monson, Morgan, Myers, Paddack, Rabon, Reynolds, Shurden, Wilcoxson and Wilson.--23.

Nay: Aldridge, Anderson, Branan, Brogdon, Coates, Coffee, Crain, Ford, Garrison, Harrison, Johnson, Justice, Kerr, Lamb, Laughlin, Lerblance, Mazzei, Nichols, Pruitt, Riley, Williamson and Wyrick.--22.

Excused: Adelson, Capps and Taylor.--3.

The bill failed.

Pursuant to Rule 12-23, Senator Monson served notice that the vote be reconsidered whereby **SB 366** failed.

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

Senator Wilcoxson asked unanimous consent to suspend Rule 5-4 and refer **SR 10** direct to the Calendar for consideration, which was the order.

## **GENERAL ORDER**

**SR 10** by Wilcoxson was called up for consideration.

All other members of the Senate asked to coauthor **SR 10**, which was the order.

**SR 10** was adopted upon motion of Senator Wilcoxson and referred for enrollment.

### **GENERAL ORDER**

**SB 327** by Laster of the Senate and Jett of the House was called up for consideration.

Senator Laster moved to amend **SB 327**, Page 1, Line 20, by restoring all stricken language and by inserting after the word "Department" and before the word "court" the word "or", which amendment was declared adopted.

Senator Laster moved that **SB 327** be advanced, which motion was declared adopted.

### **THIRD READING**

**SB 327** was read for the third time at length.

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

Aye: Aldridge, Anderson, Barrington, Bass, Branan, Brogdon, Cain, Coates, Coffee, Corn, Crain, Crutchfield, Easley, Eason McIntyre, Fisher, Ford, Garrison, Gumm, Harrison, Hobson, Jolley, Kerr, Lamb, Laster, Laughlin, Lawler, Leftwich, Lerblance, Mazzei, Monson, Morgan, Myers, Nichols, Pruitt, Rabon, Reynolds, Riley, Shurden, Williamson, Wilson and Wyrick.--41.

Nay: Paddack.--1.

Excused: Adelson, Capps, Johnson, Justice, Taylor and Wilcoxson.--6.

The bill passed.

**SB 327** was referred for engrossment.

### **GENERAL ORDER**

**SB 522** by Crain of the Senate and Liotta of the House was called up for consideration.

Senator Crain moved that **SB 522** be advanced, which motion was declared adopted.

**THIRD READING**

**SB 522** was read for the third time at length.

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

Aye: Aldridge, Anderson, Barrington, Bass, Brogdon, Cain, Coates, Coffee, Corn, Crain, Crutchfield, Easley, Eason McIntyre, Fisher, Ford, Garrison, Gumm, Harrison, Hobson, Johnson, Jolley, Kerr, Lamb, Laster, Laughlin, Lawler, Leftwich, Lerblance, Mazzei, Monson, Morgan, Myers, Nichols, Paddack, Pruitt, Rabon, Reynolds, Riley, Shurden, Williamson, Wilson and Wyrick.--42.

Excused: Adelson, Branan, Capps, Justice, Taylor and Wilcoxson.--6.

The bill passed.

**SB 522** was referred for engrossment.

**GENERAL ORDER**

**SJR 7** by Shurden of the Senate and Nance of the House was called up for consideration.

Senator Shurden moved to amend **SJR 7**, Page 1, by restoring the title, which amendment was declared adopted.

Senator Shurden moved that **SJR 7** be advanced, which motion was declared adopted.

**THIRD READING**

**SJR 7** was read for the third time at length.

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

Aye: Eason McIntyre, Fisher, Gumm, Harrison, Hobson, Lerblance, Monson, Morgan, Rabon, Shurden and Wilson.--11.

Nay: Aldridge, Anderson, Barrington, Bass, Branan, Brogdon, Cain, Coates, Corn, Crain, Crutchfield, Easley, Ford, Garrison, Johnson, Jolley, Justice, Kerr, Lamb, Laster, Laughlin, Lawler, Leftwich, Mazzei, Myers, Nichols, Paddack, Pruitt, Reynolds, Riley, Wilcoxson, Williamson and Wyrick.--33.

Excused: Adelson, Capps, Coffee and Taylor.--4.

The bill failed.

### **GENERAL ORDER**

**SB 616** by Gumm of the Senate and Carey of the House was called up for consideration.

Senator Gumm moved that **SB 616** be advanced, which motion was declared adopted.

### **THIRD READING**

**SB 616** was read for the third time at length.

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

Aye: Aldridge, Anderson, Barrington, Bass, Branan, Brogdon, Coates, Coffee, Corn, Crain, Crutchfield, Easley, Eason McIntyre, Fisher, Ford, Garrison, Gumm, Harrison, Hobson, Johnson, Jolley, Justice, Kerr, Lamb, Laster, Laughlin, Lawler, Leftwich, Lerblance, Mazzei, Monson, Morgan, Myers, Nichols, Paddack, Pruitt, Rabon, Reynolds, Riley, Wilcoxson, Williamson, Wilson and Wyrick.--43.

Nay: Cain.--1.

Excused: Adelson, Capps, Shurden and Taylor.--4.

The bill passed.

**SB 616** was referred for engrossment.

### **GENERAL ORDER**

**SB 446** by Garrison of the Senate and Nance of the House was called up for consideration.

Senator Garrison moved that **SB 446** be advanced, which motion was declared adopted.

### **THIRD READING**

**SB 446** 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, Anderson, Barrington, Bass, Branan, Brogdon, Cain, Coates, Coffee, Corn, Crain, Crutchfield, Easley, Eason McIntyre, Fisher, Ford, Garrison, Gumm, Harrison, Hobson, Johnson, Jolley, Justice, Kerr, Lamb, Laster, Laughlin, Lawler, Leftwich, Lerblance, Mazzei, Monson, Morgan, Myers, Nichols, Paddack, Pruitt, Rabon, Reynolds, Riley, Wilcoxson, Williamson, Wilson and Wyrick.--44.

Excused: Adelson, Capps, Shurden and Taylor.--4.

The bill and emergency passed.

**SB 446** was referred for engrossment.

### **GENERAL ORDER**

**SB 432** by Pruitt of the Senate and Morgan (Fred) of the House was called up for consideration.

Senators Gumm, Nichols, Barrington, Mazzei, Jolley, Ford and Lamb asked to coauthor **SB 432**, which was the order.

Senator Pruitt moved to amend **SB 432**, Page 2, Line 2, by deleting after the first word “methamphetamine” and before the period the language “or for the trafficking of methamphetamine”, and by amending the title to conform, which amendment was declared adopted.

Senator Pruitt moved that **SB 432** be advanced, which motion was declared adopted.

### **THIRD READING**

**SB 432** was read for the third time at length.

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

Aye: Aldridge, Anderson, Barrington, Bass, Branan, Brogdon, Cain, Coates, Coffee, Corn, Crain, Crutchfield, Easley, Eason McIntyre, Fisher, Ford, Garrison, Gumm, Harrison, Hobson, Johnson, Jolley, Justice, Kerr, Lamb, Laster, Laughlin, Lawler, Leftwich, Mazzei, Monson, Morgan, Myers, Nichols, Paddack, Pruitt, Reynolds, Riley, Shurden, Wilcoxson, Williamson and Wyrick.--42.

Nay: Lerblance, Rabon and Wilson.--3.

Excused: Adelson, Capps and Taylor.--3.

The bill passed.

**SB 432** was referred for engrossment.

### MESSAGES FROM THE HOUSE

Advising fourth reading of and transmitting for signature Enrolled **HB 2060**.

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

Advising passage of and transmitting for consideration Engrossed **HBs 1746** and **1803**.

**HB 1746** – By Sullivan, Duncan, Jackson, Reynolds and Trebilcock of the House and Brogdon of the Senate.

An Act relating to state government; declaring certain policies as null and void; providing for codification; and providing an effective date.

**HB 1803** – By Cargill, Adkins and Wesselhoft of the House and Coates of the Senate.  
( revenue and taxation – paid leave – Family and Medical Leave Act of 1993 – effective date )

The above-numbered measures were read the first time.

### GENERAL ORDER

**SB 427** by Eason McIntyre of the Senate and Peters of the House was called up for consideration.

Senator Eason McIntyre moved that **SB 427** be advanced, which motion was declared adopted.

### THIRD READING

**SB 427** 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, Anderson, Barrington, Bass, Branan, Brogdon, Cain, Coates, Coffee, Corn, Crain, Crutchfield, Easley, Eason McIntyre, Fisher, Ford, Garrison, Gumm, Harrison, Hobson, Johnson, Jolley, Justice, Kerr, Lamb, Laster, Laughlin, Lawler, Leftwich, Lerblance, Mazzei, Monson, Morgan, Myers, Nichols, Paddack, Pruitt, Rabon, Reynolds, Riley, Shurden, Wilcoxson, Williamson, Wilson and Wyrick.--45.

Excused: Adelson, Capps and Taylor.--3.

The bill and emergency passed.

**SB 427** was referred for engrossment.

### **GENERAL ORDER**

**SB 738** by Hobson of the Senate and Hastings et al of the House was called up for consideration.

Senators Bass and Garrison asked to coauthor **SB 738**, which was the order.

Senator Gumm moved that **SB 738** be advanced, which motion was declared adopted.

### **THIRD READING**

**SB 738** 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, Anderson, Bass, Branan, Cain, Coates, Coffee, Corn, Crutchfield, Eason McIntyre, Fisher, Ford, Garrison, Gumm, Harrison, Hobson, Johnson, Kerr, Lamb, Laster, Lawler, Leftwich, Lerblance, Monson, Morgan, Nichols, Paddack, Rabon, Riley, Shurden, Wilcoxson, Williamson, Wilson and Wyrick.--34.

Nay: Barrington, Brogdon, Crain, Easley, Jolley, Justice, Laughlin, Mazzei, Myers, Pruitt and Reynolds.--11.

Excused: Adelson, Capps and Taylor.--3.

The bill and emergency passed.

**SB 738** was referred for engrossment.

### **GENERAL ORDER**

**SB 399** by Monson of the Senate and Morgan (Fred) of the House was called up for consideration.

Senator Monson moved that **SB 399** be advanced, which motion was declared adopted.

**THIRD READING**

**SB 399** was read for the third time at length.

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

Aye: Aldridge, Anderson, Barrington, Bass, Branan, Brogdon, Cain, Coates, Coffee, Corn, Crain, Crutchfield, Easley, Eason McIntyre, Fisher, Ford, Garrison, Gumm, Harrison, Hobson, Johnson, Jolley, Justice, Kerr, Lamb, Laster, Laughlin, Lawler, Lerblance, Mazzei, Monson, Morgan, Myers, Nichols, Paddack, Pruitt, Rabon, Reynolds, Riley, Shurden, Wilcoxson, Williamson, Wilson and Wyrick.--44.

Excused: Adelson, Capps, Leftwich and Taylor.--4.

The bill passed.

**SB 399** was referred for engrossment.

**Senator Rabon presiding.**

**INTRODUCTION**

Senator Shurden introduced his daughter, Shelly Minahan, and his granddaughter, Clara Minahan, to the Senate.

**GENERAL ORDER**

**SB 978** by Laster of the Senate and Steele of the House was called up for consideration.

Senators Johnson and Brogdon asked to coauthor **SB 978**, which was the order.

Senator Laster moved to amend **SB 978**, Page 1, Lines 21 through 23, by deleting after the word "interest" on Line 21 and through the period on Line 23, all language and inserting the words "equal to the prime rate, as listed in the first edition of the Wall Street Journal published for each calendar year as certified to the Oklahoma Tax Commission by the State Treasurer on the first regular business day following publication in January of each year, plus three percent (3%)."; and Page 2, Lines 10 through 12, by deleting after the word "at" on Line 10 and through the period on Line 12, all language and inserting the words "a rate equal to the prime rate, as listed in the first edition of the Wall Street Journal published for each calendar year as certified to the Tax Commission by the State Treasurer on the first regular business day following publication in January of each year, plus three percent (3%).", which amendment was declared adopted.

Senator Laster moved that **SB 978** be advanced, which motion was declared adopted.

### **THIRD READING**

**SB 978** was read for the third time at length.

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

Aye: Aldridge, Anderson, Barrington, Bass, Branan, Brogdon, Cain, Coates, Coffee, Corn, Crain, Crutchfield, Eason McIntyre, Fisher, Ford, Garrison, Gumm, Harrison, Hobson, Johnson, Jolley, Justice, Kerr, Lamb, Laster, Laughlin, Lawler, Lerblance, Mazzei, Monson, Morgan, Myers, Nichols, Paddack, Pruitt, Rabon, Reynolds, Riley, Shurden, Wilcoxson, Williamson, Wilson and Wyrick.--43.

Excused: Adelson, Capps, Easley, Leftwich and Taylor.--5.

The bill passed.

**SB 978** was referred for engrossment.

### **GENERAL ORDER**

**SB 390** by Monson et al of the Senate and Winchester of the House was called up for consideration.

Senator Monson moved that **SB 390** be advanced, which motion was declared adopted.

### **THIRD READING**

**SB 390** 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, Anderson, Barrington, Bass, Branan, Brogdon, Cain, Coates, Coffee, Corn, Crain, Crutchfield, Easley, Eason McIntyre, Fisher, Ford, Garrison, Gumm, Harrison, Hobson, Johnson, Jolley, Justice, Kerr, Lamb, Laster, Laughlin, Lawler, Leftwich, Lerblance, Mazzei, Monson, Morgan, Myers, Nichols, Paddack, Pruitt, Rabon, Reynolds, Riley, Shurden, Wilcoxson, Williamson, Wilson and Wyrick.--45.

Excused: Adelson, Capps and Taylor.--3.

The bill and emergency passed.

Pursuant to Rule 12-23, Senator Wilcoxson served notice that the vote be reconsidered whereby **SB 390** passed.

### **GENERAL ORDER**

**SB 238** by Wilson of the Senate and Steele of the House was called up for consideration.

Senator Wilson moved that **SB 238** be advanced, which motion was declared adopted.

### **THIRD READING**

**SB 238** 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, Anderson, Barrington, Bass, Branan, Brogdon, Cain, Coates, Coffee, Corn, Crain, Crutchfield, Easley, Eason McIntyre, Fisher, Ford, Garrison, Gumm, Harrison, Hobson, Johnson, Jolley, Justice, Kerr, Lamb, Laster, Laughlin, Lawler, Leftwich, Lerblance, Mazzei, Monson, Morgan, Myers, Nichols, Paddack, Pruitt, Rabon, Reynolds, Riley, Shurden, Wilcoxson, Williamson, Wilson and Wyrick.--45.

Excused: Adelson, Capps and Taylor.--3.

The bill and emergency passed.

**SB 238** was referred for engrossment.

### **GENERAL ORDER**

**SB 660** by Nichols and Eason McIntyre of the Senate and Calvey of the House was called up for consideration.

Senator Gumm asked to coauthor **SB 660**, which was the order.

Senator Nichols moved that **SB 660** be advanced, which motion was declared adopted.

### **THIRD READING**

**SB 660** 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, Anderson, Barrington, Bass, Cain, Coates, Coffee, Corn, Crain, Crutchfield, Easley, Eason McIntyre, Fisher, Garrison, Gumm, Harrison, Hobson, Jolley, Justice, Kerr, Laster, Laughlin, Lawler, Leftwich, Lerblance, Monson, Morgan, Myers, Nichols, Paddack, Rabon, Reynolds, Wilcoxson, Wilson and Wyrick.--35.

Nay: Branan, Brogdon, Ford, Johnson, Lamb, Mazzei, Pruitt and Riley.--8.

Excused: Adelson, Capps, Shurden, Taylor and Williamson.--5.

The bill and emergency passed.

**SB 660** was referred for engrossment.

### **GENERAL ORDER**

**SB 950** by Cain of the Senate and Wesselhoft of the House was called up for consideration.

Senator Cain moved that **SB 950** be advanced, which motion was declared adopted.

### **THIRD READING**

**SB 950** was read for the third time at length.

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

Aye: Aldridge, Anderson, Barrington, Bass, Branan, Brogdon, Cain, Coates, Coffee, Corn, Crain, Crutchfield, Easley, Eason McIntyre, Fisher, Ford, Garrison, Gumm, Harrison, Hobson, Johnson, Jolley, Justice, Kerr, Lamb, Laster, Laughlin, Lawler, Lerblance, Mazzei, Monson, Morgan, Myers, Nichols, Paddack, Pruitt, Rabon, Reynolds, Riley, Wilcoxson, Wilson and Wyrick.--42.

Excused: Adelson, Capps, Leftwich, Shurden, Taylor and Williamson.--6.

The bill passed.

**SB 950** was referred for engrossment.

### **GENERAL ORDER**

**SB 517** by Eason McIntyre of the Senate and Carey of the House was called up for consideration.

Senator Eason McIntyre moved that **SB 517** be advanced, which motion was declared adopted.

### **THIRD READING**

**SB 517** was read for the third time at length.

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

Aye: Bass, Cain, Corn, Crutchfield, Eason McIntyre, Fisher, Garrison, Harrison, Hobson, Lawler, Leftwich, Lerblance, Monson, Morgan, Paddack, Rabon, Shurden, Wilson and Wyrick.--19.

Nay: Aldridge, Anderson, Barrington, Branan, Brogdon, Coates, Coffee, Crain, Easley, Ford, Gumm, Johnson, Jolley, Justice, Kerr, Lamb, Laster, Laughlin, Mazzei, Myers, Nichols, Pruitt, Reynolds, Riley and Wilcoxson.--25.

Excused: Adelson, Capps, Taylor and Williamson.--4.

The bill failed

Pursuant to Rule 12-23, Senator Eason McIntyre served notice that the vote be reconsidered whereby **SB 517** failed.

### **GENERAL ORDER**

**SB 453** by Shurden and Corn of the Senate and Auffet of the House was called up for consideration.

Senator Rabon asked to coauthor **SB 453**, which was the order.

Senator Shurden moved to amend **SB 453**, Page 1, by restoring the title, which amendment was declared adopted.

Senator Shurden moved that **SB 453** be advanced, which motion was declared adopted.

### **THIRD READING**

**SB 453** was read for the third time at length.

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

Aye: Anderson, Barrington, Bass, Branan, Coates, Coffee, Corn, Crain, Crutchfield, Eason McIntyre, Fisher, Ford, Garrison, Gumm, Harrison, Hobson, Johnson, Jolley, Justice, Kerr, Lamb, Laster, Laughlin, Lawler, Leftwich, Lerblance, Mazzei, Morgan, Myers, Nichols, Paddack, Pruitt, Rabon, Reynolds, Riley, Shurden, Wilcoxson, Wilson and Wyrick.--39.

Nay: Aldridge, Brogdon, Cain and Monson.--4.

Excused: Adelson, Capps, Easley, Taylor and Williamson.--5.

The bill passed.

**SB 453** was referred for engrossment.

### **GENERAL ORDER**

**SB 568** by Monson of the Senate and Toure of the House was called up for consideration.

Senator Monson moved that **SB 568** be advanced, which motion was declared adopted.

### **THIRD READING**

**SB 568** was read for the third time at length.

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

Aye: Bass, Cain, Coates, Corn, Crutchfield, Easley, Eason McIntyre, Fisher, Gumm, Hobson, Laster, Lawler, Leftwich, Lerblance, Monson, Morgan, Paddack, Rabon, Wilcoxson, Wilson and Wyrick.--21.

Nay: Aldridge, Anderson, Barrington, Branan, Brogdon, Coffee, Crain, Ford, Garrison, Harrison, Johnson, Jolley, Justice, Kerr, Lamb, Laughlin, Mazzei, Myers, Nichols, Pruitt, Reynolds and Riley.--22.

Excused: Adelson, Capps, Shurden, Taylor and Williamson.--5.

The bill failed.

Pursuant to Rule 12-23, Senator Monson served notice that the vote be reconsidered whereby **SB 568** failed.

**GENERAL ORDER**

**SB 581** by Garrison of the Senate and Kiesel of the House was called up for consideration.

Senator Garrison moved that **SB 581** be advanced, which motion was declared adopted.

**THIRD READING**

**SB 581** 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, Anderson, Barrington, Bass, Branan, Cain, Coates, Coffee, Corn, Crain, Crutchfield, Easley, Eason McIntyre, Fisher, Ford, Garrison, Gumm, Harrison, Hobson, Johnson, Jolley, Justice, Kerr, Lamb, Laster, Laughlin, Lawler, Leftwich, Lerblance, Mazzei, Monson, Morgan, Myers, Nichols, Paddock, Pruitt, Rabon, Reynolds, Riley, Shurden, Wilcoxson, Wilson and Wyrick.--43.

Nay: Brogdon.--1.

Excused: Adelson, Capps, Taylor and Williamson.--4.

The bill and emergency passed.

**SB 581** was referred for engrossment.

**GENERAL ORDER**

**SB 410** by Wilson and Rabon of the Senate and Turner of the House was called up for consideration.

Senator Wilson moved that **SB 410** be advanced, which motion was declared adopted.

**THIRD READING**

**SB 410** was read for the third time at length.

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

Aye: Aldridge, Anderson, Barrington, Bass, Branan, Brogdon, Cain, Coates, Coffee, Corn, Crain, Crutchfield, Easley, Eason McIntyre, Fisher, Ford, Garrison, Gumm, Harrison,

Hobson, Johnson, Jolley, Justice, Kerr, Lamb, Laster, Laughlin, Lawler, Leftwich, Lerblance, Mazzei, Monson, Morgan, Myers, Nichols, Paddack, Pruitt, Rabon, Reynolds, Riley, Shurden, Wilcoxson, Wilson and Wyrick.--44.

Excused: Adelson, Capps, Taylor and Williamson.--4.

The bill passed.

**SB 410** was referred for engrossment.

### **GENERAL ORDER**

**SB 479** by Lawler of the Senate and McMullen of the House was called up for consideration.

Senator Lawler moved to amend **SB 479**, Page 7, Lines 1 through 3, by deleting all new language and restoring all stricken language; Page 8, Line 6, by deleting before the word “of” the word “violation” and inserting the word “provision”; Page 8, Line 15 through Page 12, Line 23, by deleting Section 6, and renumbering subsequent section.

Senator Lawler asked that **SB 479** be laid over for this legislative day, which was the order.

**SB 479** remains on General Order pending consideration of the Lawler amendment.

### **GENERAL ORDER**

**SB 507** by Bass of the Senate and Carey and Rousselot of the House was called up for consideration.

Senator Bass moved to amend **SB 507**, by striking the title, the enacting clause and the entire body of the bill and substituting the floor substitute, which amendment was declared adopted. (Copies were provided for all Senators.)

Senator Riley moved to amend the floor substitute to **SB 507**, Page 14, Lines 25 through 30, by restoring the stricken language, which amendment failed of adoption upon roll call as follows:

Aye: Aldridge, Anderson, Bass, Coffee, Corn, Harrison, Laster, Lawler, Leftwich, Mazzei, Monson, Morgan, Reynolds, Riley, Wilcoxson and Wilson.--16.

Nay: Barrington, Branan, Brogdon, Cain, Coates, Crain, Crutchfield, Easley, Eason McIntyre, Fisher, Ford, Garrison, Gumm, Hobson, Johnson, Jolley, Justice, Kerr, Lamb, Laughlin, Lerblance, Myers, Paddack, Pruitt, Rabon, Shurden and Wyrick.--27.

Excused: Adelson, Capps, Nichols, Taylor and Williamson.--5.

Senator Bass moved that **SB 507** be advanced, which motion was declared adopted.

### **THIRD READING**

**SB 507** was read for the third time at length.

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

Aye: Aldridge, Anderson, Barrington, Bass, Branan, Brogdon, Cain, Coates, Coffee, Corn, Crain, Crutchfield, Easley, Eason McIntyre, Fisher, Ford, Garrison, Gumm, Harrison, Hobson, Johnson, Jolley, Justice, Kerr, Lamb, Laster, Laughlin, Lawler, Leftwich, Lerblance, Mazzei, Monson, Morgan, Myers, Nichols, Paddack, Pruitt, Rabon, Reynolds, Riley, Shurden, Wilcoxson, Wilson and Wyrick.--44.

Excused: Adelson, Capps, Taylor and Williamson.--4.

The bill passed.

**SB 507** was referred for engrossment.

### **GENERAL ORDER**

**SB 708** by Wilson of the Senate and Cox of the House was called up for consideration.

Senator Wilson moved to amend **SB 708**, by striking the title, the enacting clause and the entire body of the bill and substituting the floor substitute, which amendment was declared adopted. (Copies were provided for all Senators.)

Senator Wilson moved that **SB 708** be advanced, which motion was declared adopted.

### **THIRD READING**

**SB 708** 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, Anderson, Barrington, Bass, Branan, Brogdon, Cain, Coates, Coffee, Corn, Crain, Crutchfield, Easley, Eason McIntyre, Fisher, Ford, Garrison, Gumm, Harrison, Hobson, Johnson, Jolley, Justice, Kerr, Lamb, Laster, Laughlin, Lawler, Leftwich, Lerblance, Mazzei, Monson, Morgan, Myers, Nichols, Paddack, Rabon, Reynolds, Riley, Shurden, Wilson and Wyrick.--42.

Nay: Pruitt and Wilcoxson.--2.

Excused: Adelson, Capps, Taylor and Williamson.--4.

The bill and emergency passed.

**SB 708** was referred for engrossment.

**Senator Gumm presiding.**

### **GENERAL ORDER**

**SB 721** by Monson of the Senate and Staggs of the House was called up for consideration.

Senator Monson moved that **SB 721** be advanced, which motion was declared adopted.

### **THIRD READING**

**SB 721** was read for the third time at length.

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

Aye: Aldridge, Anderson, Barrington, Bass, Branan, Brogdon, Cain, Coates, Coffee, Corn, Crain, Crutchfield, Easley, Eason McIntyre, Fisher, Ford, Garrison, Gumm, Harrison, Hobson, Johnson, Jolley, Justice, Kerr, Lamb, Laster, Laughlin, Lawler, Leftwich, Lerblance, Mazzei, Monson, Morgan, Myers, Nichols, Paddack, Pruitt, Rabon, Reynolds, Riley, Shurden, Wilcoxson, Wilson and Wyrick.--44.

Excused: Adelson, Capps, Taylor and Williamson.--4.

The bill passed.

**SB 721** was referred for engrossment.

**GENERAL ORDER**

**SB 897** by Monson of the Senate and Shelton of the House was called up for consideration.

Senator Monson moved that **SB 897** be advanced, which motion was declared adopted.

**THIRD READING**

**SB 897** was read for the third time at length.

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

Aye: Bass, Cain, Coffee, Corn, Crutchfield, Easley, Eason McIntyre, Fisher, Garrison, Gumm, Harrison, Hobson, Kerr, Laster, Lawler, Leftwich, Lerblance, Mazzei, Monson, Morgan, Paddack, Pruitt, Rabon, Shurden and Wyrick.--25.

Nay: Aldridge, Anderson, Barrington, Branan, Brogdon, Coates, Crain, Ford, Johnson, Jolley, Justice, Lamb, Laughlin, Myers, Nichols, Reynolds, Riley and Wilcoxson.--18.

Excused: Adelson, Capps, Taylor, Williamson and Wilson.--5.

The bill passed.

**SB 897** was referred for engrossment.

**MESSAGE FROM THE HOUSE**

Advising passage of and transmitting for consideration Engrossed **HBs 1087, 1088, 1089, 1090, 1091, 1092, 1093, 1094, 1095, 1096, 1267, 1288, 1321, 1325, 1380, 1468, 1508, 1623, 1720, 1804, 1878** and **2047**.

**HB 1087** – By Benge and Newport of the House and Morgan and Crutchfield of the Senate.

( Oklahoma Department of Veterans Affairs – appropriation – effective date – emergency )

**HB 1088** – By Benge and Newport of the House and Morgan and Crutchfield of the Senate.

( Oklahoma Health Care Authority – appropriation – effective date – emergency )

**HB 1089** – By Benge and Newport of the House and Morgan and Crutchfield of the Senate.

( Oklahoma Health Care Authority – appropriation – effective date – emergency )

**HB 1090** – By Bengé and Newport of the House and Morgan and Crutchfield of the Senate.

( J.D. McCarty Center – appropriation – effective date – emergency )

**HB 1091** – By Bengé and Newport of the House and Morgan and Crutchfield of the Senate.

( J.D. McCarty Center – appropriation - effective date – emergency )

**HB 1092** – By Bengé and Newport of the House and Morgan and Crutchfield of the Senate.

( University Hospitals Authority – appropriation – effective date – emergency )

**HB 1093** – By Bengé and Newport of the House and Morgan and Crutchfield of the Senate.

( University Hospitals Authority - appropriation - effective date – emergency )

**HB 1094** – By Bengé and Newport of the House and Morgan and Crutchfield of the Senate.

( Department of Human Services – appropriation – effective date – emergency )

**HB 1095** – By Bengé and Newport of the House and Morgan and Crutchfield of the Senate.

( Department of Human Services – appropriation – effective date – emergency )

**HB 1096** – By Bengé and Newport of the House and Morgan and Crutchfield of the Senate.

( Office of Juvenile Affairs - appropriation - effective date – emergency )

**HB 1267** – By Ingmire of the House and Lerblance of the Senate.

An Act relating to criminal procedure; amending 22 O.S. 2001, Sections 991b, as amended by Section 19, Chapter 460, O.S.L. 2002, 991c, as last amended by Section 12, Chapter 275, O.S.L. 2004, and 991d, as amended by Section 4, Chapter 474, O.S.L. 2003 (22 O.S. Supp. 2004, Sections 991b, 991c and 991d), which relate to revocation of suspended sentences, deferred sentences, and supervision fees; authorizing the Department of Corrections to respond with intermediate sanctions for technical violations of probation; stating time period to respond to technical violations; providing intermediate sanctions; requiring certain forms; requiring the Department of Corrections to develop sanction matrix, forms, policies and procedures; providing for certain hearing; establishing procedures for certain hearing; requiring preponderance of evidence for certain determination; stating authority of hearing officers; allowing offender to accept sanctions; providing consequences for failure to comply; providing for revocation proceedings or appeal when sanction is not voluntarily accepted by offender; allowing appeal from administrative hearing; authorizing supervision of defendants under intermediate sanction process; authorizing collection of supervision fees by court clerk; authorizing retention of monies for administrative costs; requiring remainder of collected monies remitted to certain revolving fund; and providing an effective date.

**HB 1288** – By Cox and Nance of the House and Paddock of the Senate.

An Act relating to controlled dangerous substances; amending 63 O.S. 2001, Sections 2-204, 2-206 and 2-208, which relate to Schedules I, II and III of the Uniform Controlled Dangerous Substances Act; adding certain substances to Schedule I; adding substances and certain uses to industrial use exemption; removing certain substance from Schedule II; adding certain substances to Schedule III; amending 63 O.S. 2001, Section 2-401, as last amended by Section 2, Chapter 396, O.S.L. 2004 (63 O.S. Supp. 2004, Section 2-401), which relates to prohibited acts and penalties; modifying penalty to include certain substances; and providing an effective date.

**HB 1321** – By Nance of the House and Nichols of the Senate.

An Act relating to revenue and taxation; amending 68 O.S. 2001, Section 205, as amended by Section 2, Chapter 303, O.S.L. 2004 (68 O.S. Supp. 2004, Section 205), which relates to Uniform Tax Procedure Code; providing for exception from application of certain prohibitions on the release of information; adding entity to list of organizations eligible to request certain information; authorizing examination of certain tax records or files by certain entity pursuant to court order; establishing requirements for issuance of court order; providing restrictions upon use of records and information obtained; requiring application and order sealed for certain amount of time; allowing extension of time under certain circumstances; requiring service of certain documents; and providing an effective date.

**HB 1325** – By Young, Kiesel, Wesselhoft and Nance of the House and Reynolds of the Senate.

( alcohol - amending 47 O.S., Section 11-902 - intoxicating substance - penalties - effective date )

**HB 1380** – By Piatt, Balkman and Wesselhoft of the House and Crain of the Senate.

( crimes and punishments – amending 21 O.S., Sections 888 and 1111 – forcible sodomy – rape – effective date )

**HB 1468** – By Braddock and Wesselhoft of the House and Laster of the Senate.

An Act relating to motor vehicles; amending 47 O.S. 2001, Section 18-101, as last amended by Section 13, Chapter 390, O.S.L. 2004 (47 O.S. Supp. 2004, Section 18-101), which relates to report of convictions to department; modifying certain reporting requirements; and providing an effective date.

**HB 1508** – By Roan, Billy and Nance of the House and Gumm of the Senate.

( prisons and reformatories - amending 57 O.S, Sections 37, 508.4, 563.2 and 563.3 - maximum capacity - prison incidents - effective date )

**HB 1623** – By Wilt of the House and Coffee of the Senate.

An Act relating to inmates and prisoners; amending 12 O.S. 2001, Section 95, as last amended by Section 1, Chapter 168, O.S.L. 2004 (12 O.S. Supp. 2004, Section 95), which relates to limitations on bringing actions; modifying scope of certain limitation; amending 12 O.S. 2001, Section 397, as last amended by Section 2, Chapter 168, O.S.L. 2004 (12 O.S. Supp. 2004, Section 397), which relates to procedure in actions in which a prisoner is

a witness or complaining or defending party; limiting scope of appearance; limiting use of writ of habeas corpus ad testificandum; providing procedure for pretrial hearings for certain civil actions that involve a prisoner; amending 57 O.S. 2001, Section 549, as amended by Section 9, Chapter 168, O.S.L. 2004 (57 O.S. Supp. 2004, Section 549), which relates to powers and duties of the State Board of Corrections; modifying investment power; amending 57 O.S. 2001, Section 564, which relates to actions initiated by inmates; clarifying requirement that inmates exhaust administrative remedies prior to initiating actions; amending Section 13, Chapter 168, O.S.L. 2004 (57 O.S. Supp. 2004, Section 566.5), which relates to the legal proceedings filed by inmates; expanding scope of requirement that inmate exhaust administrative remedies prior to the filing of any pleadings; and declaring an emergency.

**HB 1720** – By Bengé of the House and Laughlin of the Senate.

( motor vehicles – amending thirteen sections in Title 47 – licenses – suspension – offenses and penalties – effective date )

**HB 1804** – By Cargill, Kiesel and Nance of the House and Fisher of the Senate.

An Act relating to crimes and punishments; amending 21 O.S. 2001, Section 1172, as amended by Section 5, Chapter 275, O.S.L. 2004 (21 O.S. Supp. 2004, Section 1172), which relates to obscene, threatening, or harassing telephone calls; modifying term; expanding scope of prohibited acts; defining terms; and providing an effective date.

**HB 1878** – By Morgan (Fred), Balkman and Wesselhoft of the House and Coffee of the Senate.

An Act relating to crimes and punishments; amending 21 O.S. 2001, Section 888, as amended by Section 9, Chapter 460, O.S.L. 2002 (21 O.S. Supp. 2004, Section 888), which relates to forcible sodomy; expanding scope of crime; amending 21 O.S. 2001, Section 1040.8, as amended by Section 1, Chapter 107, O.S.L. 2002 (21 O.S. Supp. 2004, Section 1040.8), which relates to publication, distribution, or preparation of obscene material or child pornography; modifying language; prohibiting exhibition of certain materials within motor vehicle if visible outside the motor vehicle; defining terms; providing penalty; amending 21 O.S. 2001, Section 1111, as amended by Section 9, Chapter 22, O.S.L. 2002 (21 O.S. Supp. 2004, Section 1111), which relates to the crime of rape; modifying age limitation; providing for codification; and providing an effective date.

**HB 2047** – By Hiatt, Dank, Jackson, Johnson, Miller (Doug), Wesselhoft and Worthen of the House and Coffee of the Senate.

An Act relating to tort reform; creating the Justice and Common Sense Act of 2005; providing short title; amending 5 O.S. 2001, Sections 7 and 9, which relate to attorney fees; modifying maximum percentage of allowable attorney fees; providing exception; prohibiting attorney fees for punitive damages; providing for determination of attorney fees in class actions; requiring plaintiffs to sign representation agreements; providing method of calculating attorney fees for class action cases; providing for judicial discretion to modify the fee award; requiring attorney fees to include noncash benefits in certain circumstances; defining term; amending 12 O.S. 2001, Section 95, as last amended by Section 1, Chapter 168, O.S.L. 2004 (12 O.S. Supp. 2004, Section 95), which relates to limitations on actions;

establishing statute of repose for certain actions; establishing a statute of repose for product liability actions; authorizing the court to decline to exercise jurisdiction under the doctrine of forum non conveniens; providing factors that the court may consider; requiring each plaintiff to establish venue in cases in which there are multiple plaintiffs; providing for interlocutory appeal; amending 12 O.S. 2001, Sections 683 and 684, as amended by Sections 3 and 4, Chapter 368, O.S.L. 2004 (12 O.S. Supp. 2004, Sections 683 and 684), which relate to dismissal; modifying procedure for dismissal; amending Section 7, Chapter 368, O.S.L. 2004 (12 O.S. Supp. 2004, Section 727.1), which relates to interest on judgments; limiting applicability of prejudgment interest to actions filed prior to a certain date; amending 12 O.S. 2001, Section 832, which relates to contribution; limiting right to contribution; amending 12 O.S. 2001, Section 993, which relates to interlocutory appeals from certain orders; modifying grounds for interlocutory appeals; providing standard for making certain determination; requiring the Supreme Court to make certain determination within certain time; amending 12 O.S. 2001, Section 1101, which relates to offer of judgment; clarifying language; amending 12 O.S. 2001, Sections 2008 and 2009, which relate to the Oklahoma Pleading Code; modifying monetary threshold for which amount of damages are not specified; limiting the amount of damages that may be recovered under certain circumstances; amending Section 1, Chapter 370, O.S.L. 2004 (12 O.S. Supp. 2004, Section 2011.1), which relates to frivolous claims or defenses; modifying definition; amending 12 O.S. 2001, Section 2023, which relates to class actions; requiring the court to hear and rule on certain motions before making a determination on certifying a class; providing effect of interlocutory appeal in certain circumstances; requiring potential class members to request inclusion in the class; providing procedure for summary judgment; amending 12 O.S. 2001, Section 2702, which relates to testimony by experts; providing requirements for expert testimony; providing role of the court; providing for interpretation; amending 12 O.S. 2001, Section 3226, as last amended by Section 3, Chapter 519, O.S.L. 2004 (12 O.S. Supp. 2004, Section 3226), which relates to discovery; eliminating requirement that a party produce certain agreement; requiring certain disclosures prior to discovery request; amending 15 O.S. 2001, Section 761.1, which relates to liability under the Consumer Protection Act; requiring actual damages incurred by person bringing private action; amending 23 O.S. 2001, Section 9.1, as amended by Section 1, Chapter 462, O.S.L. 2002 (23 O.S. Supp. 2004, Section 9.1), which relates to punitive damages; modifying factors to be considered in awarding punitive damages; limiting punitive damage award based on net worth of defendant, with exceptions; providing for determination of net worth; providing that jury award of punitive damages must be unanimous for cases filed after a certain date; providing that portion of punitive damage award in medical liability actions escheats to the state to certain fund; amending Section 18, Chapter 368, O.S.L. 2004 (23 O.S. Supp. 2004, Section 15), which relates to joint and several liability; modifying exceptions to severability; providing exception; providing for reduction of damages if the plaintiff has settled with one or more persons; providing for designation of responsible third parties; amending 23 O.S. 2001, Section 61, which relates to the measure of damages for the breach of obligations not arising from contract; providing that compensation from collateral sources may be admitted into evidence; providing proof of certain losses must be in the form of a net loss after reduction for income tax payments or unpaid tax liability; providing limits of liability for noneconomic damages for certain actions; defining term; amending 36 O.S. 2001, Section 1509, as amended by Section 56, Chapter 368, O.S.L.

2004 (36 O.S. Supp. 2004, Section 1509), which relates to assets and liabilities of insurers; extending moratorium on applicability of certain reserve requirements; amending 36 O.S. 2001, Section 1530, as amended by Section 57, Chapter 368, O.S.L. 2004 (36 O.S. Supp. 2004, Section 1530), which relates to risk-based capital for insurers; extending time insurer is exempt from certain surplus requirements; amending 47 O.S. 2001, Section 11-1112, as last amended by Section 1, Chapter 40, O.S.L. 2004 (47 O.S. Supp. 2004, Section 11-1112), which relates to child passenger restraint systems; eliminating prohibitions against admissibility of certain evidence in civil actions; amending 51 O.S. 2001, Section 152, as last amended by Section 19, Chapter 368, O.S.L. 2004 (51 O.S. Supp. 2004, Section 152), which relates to definitions; modifying definition; modifying circumstances in which state is not liable; amending 51 O.S. 2001, Section 154, as amended by Section 2, Chapter 304, O.S.L. 2003 (51 O.S. Supp. 2004, Section 154), which relates to extent of liability; limiting liability for certain entities; amending Sections 4 and 7, Chapter 390, O.S.L. 2003 and Section 24, Chapter 368, O.S.L. 2004 (63 O.S. Supp. 2004, Sections 1-1708.1D, 1-1708.1G and 1-1708.1I), which relate to the Affordable Access to Health Care Act; requiring receipt of compensation for injury be admitted into evidence for certain purposes; limiting recovery for payment of medical bills; removing courts right to make certain determination; providing limits of liability in certain civil actions against hospitals, hospital systems and certain persons, with exceptions; requiring written acknowledgment; limiting applicability of prejudgment interest to medical liability actions filed prior to a certain date; modifying criteria for determining if an expert is qualified to offer expert testimony; providing for payment of future losses in medical liability actions; amending 63 O.S. 2001, Section 1-1709.1, as last amended by Section 2, Chapter 558, O.S.L. 2004 (63 O.S. Supp. 2004, Section 1-1709.1), which relates to peer review information; providing that certain information, recommendations and actions are not subject to discovery; creating the Education Quality and Protection Act; providing short title; stating legislative findings; stating purpose of the act; providing definitions; limiting the liability of educational entities and education employees for certain actions; stating standard of proof; limiting the liability of educational entities and education employees for certain reporting; prohibiting punitive or exemplary damages against an educational entity or education employee; making it unlawful to make a false criminal report against an education employee; providing punishment; limiting application for statements against certain persons; providing for effect on other laws; providing for the award of costs and attorney fees; authorizing expert witness fees; providing that existence of liability insurance is not a waiver of any defense; providing for the applicability of other laws; amending 76 O.S. 2001, Section 25, which relates to professional review bodies; providing that certain information is not subject to discovery; prohibiting testimony by certain persons; amending 76 O.S. 2001, Section 31 and Section 34, Chapter 368, O.S.L. 2004 (76 O.S. Supp. 2004, Section 32), which relate to civil immunity for volunteers, charitable organizations, not-for-profit corporations and volunteer medical professionals; modifying definition; expanding immunity for volunteer medical professionals; creating the Product Liability Act; providing short title; defining terms; providing that a manufacturer or seller shall not be liable for inherently unsafe products; providing procedures and requirements in actions alleging design defect; providing elements a claimant must prove in certain actions against manufacturers or sellers of firearms or ammunition; limiting liability of nonmanufacturing sellers; providing rebuttable presumption in actions relating to pharmaceutical products; providing rebuttable

presumption concerning compliance with government standards; defining term; making evidence regarding measures taken after injury inadmissible; requiring filing of certain affidavit and procedures therefor; limiting liability of certain corporations for successor asbestos-related liabilities; repealing Section 8, Chapter 368, O.S.L. 2004 (12 O.S. Supp. 2004, Section 832.1), which relates to indemnification product liability actions; repealing 23 O.S. 2001, Section 103, which relates to personal injury actions asserted in bad faith; repealing 47 O.S. 2001, Section 12-420, which relates to inadmissibility of evidence in civil actions of failure to use seatbelt; repealing Section 6, Chapter 390, O.S.L. 2003, as amended by Section 21, Chapter 368, O.S.L. 2004, and Section 22, Chapter 368, O.S.L. 2004 (63 O.S. Supp. 2004, Sections 1-1708.1F and 1-1708.1F-1), which relate to limits on noneconomic damages in medical liability actions; providing for codification; providing for noncodification; and providing an effective date.

The above-numbered measures were read the first time.

### **EXECUTIVE NOMINATIONS**

The following executive nominations were read and referred to committee as indicated:

Ball, Cindy, Muskogee, as a member of the Oklahoma Lottery Commission – Finance

Dzialo, Linda, Lawton, as a member of the Oklahoma Lottery Commission – Finance

Edwards, Marc, Oklahoma City, as a member of the State Board for Property and Casualty Rates – Business and Labor

Johnson, Londa, Ada, as a member of the Oklahoma Board of Licensed Alcohol and Drug Counselors – Health and Human Resources

Norick, Ronald J., Oklahoma City, as a member of the Oklahoma Lottery Commission – Finance

Paul, William G., Oklahoma City, as a member of the Oklahoma Lottery Commission – Finance

Phyffer, Evelyn B., Oklahoma City, as a member of the Oklahoma Board of Licensed Alcohol and Drug Counselors – Health and Human Resources

Riley, Tom, Stillwater, as a member of the Oklahoma Lottery Commission - Finance

Senator Fisher moved that when the clerk's desk is clear, the Senate stand adjourned to convene Monday, March 14, 2005, at 10:00 a.m., which motion prevailed.

**SECOND READING**

The following was read for the second time and referred to committee as indicated:

**HB 2015** – Appropriations

Pursuant to the Fisher motion, the Senate adjourned at 12:10 p.m. to meet Monday, March 14, 2005, at 10:00 a.m.