

Senate Journal

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

Twelfth Legislative Day, Monday, February 27, 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, Pruitt, Rabon, Reynolds, Riley, Shurden, Taylor, Wilcoxson, Williamson, Wilson and Wyrick.—47.

Vacancy: District 38.—1.

Senator Corn declared a quorum present.

The prayer was offered by Reverend Marty Grubbs, Crossings Community Church, Midwest City, the guest of Senator Branan.

REPORT OF ENGROSSED AND ENROLLED MEASURES

SRs 64 and **66** were each correctly enrolled, properly signed and ordered transmitted to the Secretary of State.

GENERAL ORDER

SB 1271 by Crutchfield and Kerr of the Senate and Benge and Newport of the House was called up for consideration.

Remove Kerr as coauthor and Senator Rabon asked to be named coauthor on **SB 1271**, which was the order.

Senator Crutchfield moved to amend **SB 1271**, 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 Crutchfield moved that **SB 1271** be advanced, which motion was declared adopted.

THIRD READING

SB 1271 was read for the third time at length.

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

Aye: Adelson, Aldridge, Anderson, Barrington, Bass, Branan, Brogdon, Cain, Capps, Coates, Coffee, Corn, Crain, Crutchfield, Easley, Fisher, Ford, Garrison, Gumm, Harrison, Hobson, 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: Eason McIntyre and Johnson (C).--2.

Vacancy: District 38.--1.

The bill and emergency passed.

SB 1271 was referred for engrossment.

CHANGE IN COMMITTEE ASSIGNMENT

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

SB 1879 – withdrawn from Health and Human Resources Committee and referred to Business and Labor.

INTRODUCTION

Senator Rabon introduced his daughter, Berrie; and Senator Mazzei introduced his daughters, Mykela and Carissa, to the Senate.

MESSAGE FROM THE HOUSE

Advising passage of and returning the following Engrossed resolution:

SCR 41

The above-numbered measure was referred for enrollment.

REPORT OF ENGROSSED AND ENROLLED MEASURE

SCR 41 was correctly enrolled, properly signed and ordered transmitted to the Honorable House for signature of the Speaker.

Senator Fisher moved that the Senate recess to the call of the Chair, which motion was declared adopted.

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The Senate reconvened with Senator Corn presiding.

Senator Corn questioned the presence of a quorum and ordered the roll called, following which a quorum was declared present.

GENERAL ORDER

SB 1288 by Crutchfield and Kerr of the Senate and Bengé and Newport of the House was called up for consideration.

Remove Kerr as coauthor and Senator Rabon asked to be named coauthor on **SB 1288**, which was the order.

Senator Crutchfield moved to amend **SB 1288**, 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 Crutchfield moved that **SB 1288** be advanced, which motion was declared adopted.

THIRD READING

SB 1288 was read for the third time at length.

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

Aye: Adelson, Aldridge, Anderson, Barrington, Bass, Branan, Brogdon, Cain, Capps, Coates, 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.--46.

Excused: Coffee.--1.

Vacancy: District 38.--1.

The bill and emergency passed.

SB 1288 was referred for engrossment.

MESSAGES FROM THE HOUSE

Advising naming of House conferees on **HB 1558** as follows: Staggs, Jones, Kern, Bengé, Hyman, Newport.

Advising passage of and transmitting for consideration Engrossed **HBs 2125, 2369, 2411, 2496, 2631, 2654, 2880** and **3016**.

HB 2125 – By Wright of the House and Easley of the Senate.

An Act relating to sunset; amending 74 O.S. 2001, Sections 3907, as last amended by Section 6, Chapter 168, O.S.L. 2005, 7003, as amended by Section 14, Chapter 312, O.S.L. 2004, 7005, as amended by Section 16, Chapter 312, O.S.L. 2004, 7007, as amended by Section 17, Chapter 312, O.S.L. 2004, 7008 and 7009, as amended by Section 18, Chapter 312, O.S.L. 2004 (74 O.S. Supp. 2005, Sections 3907, 7003, 7005, 7007 and 7009), which relate to the State Agency Review Committee; renaming the Committee; re-creating the Committee; modifying the termination date; and providing an effective date.

HB 2369 – By Dank, Adkins, Armes, Balkman, Banz, Billy, Blackwell, Braddock, Calvey, Cooksey, Duncan, Johnson, Kern, Martin, Nance, Peterson (Pam), Piatt, Sullivan, Terrill, Thompson, Walker, Wesselhoft, Winchester, Worthen and Wright of the House and Coffee of the Senate.

An Act relating to public health and safety; amending Section 12, Chapter 200, O.S.L. 2005, Section 13, Chapter 200, O.S.L. 2005 and Section 14, Chapter 200, O.S.L. 2005 (63 O.S. Supp. 2005, Sections 1-740.2, 1-740.3 and 1-740.4), which relate to abortion performed upon unemancipated minors; requiring written informed consent of parent; modifying delivery requirements; modifying exceptions; requiring certain entity to adopt consent form; requiring retention of consent form for certain time period; expanding scope of judicial bypass of notice requirement and appeals procedure; updating statutory

reference; modifying scope of criminal penalty and civil remedies; and declaring an emergency.

HB 2411 – By Adkins and DePue of the House and Gumm of the Senate.

(revenue and taxation - amending 68 O.S., Sections 223 and 1001 - gross production taxes - exemptions - effective date - emergency)

HB 2496 – By Trebilcock, Adkins, Balkman, Bengé, Blackwell, Braddock, Calvey, Dank, DePue, Duncan, Johnson, Liotta, Nance, Peterson (Pam), Terrill, Thompson, Walker, Wesselhoft and Winchester of the House and Myers of the Senate.

An Act relating to public health and safety; enacting the Unborn Child Pain Awareness/Prevention Act; defining terms; making certain unborn child pain information available to pregnant females; requiring certain certification by the female; requiring the State Board of Medical Licensure and Supervision to make available certain information; providing for Internet web site; providing for certain reporting forms; specifying content and purpose of forms; providing penalties; setting privacy requirements for certain court proceedings; providing for severability; providing for codification; and declaring an emergency.

HB 2631 – By Martin of the House and Ford of the Senate.

An Act relating to the Oklahoma Public Employees Retirement System; providing for election by certain participating employers of the Oklahoma Public Employees Retirement System to cease participation; providing for irrevocable and binding nature of election; prescribing procedures related to election; providing for effect of election upon employer and employee contributions; requiring payment of actuarial cost by withdrawing municipality or rural water district; providing for codification; providing an effective date; and declaring an emergency.

HB 2654 – By Winchester, Dank, Adkins, Bengé, Braddock, DePue, Liotta, Nance, Reynolds, Terrill and Wesselhoft of the House and Laughlin of the Senate.

An Act relating to public health and safety; amending 63 O.S. 2001, Section 1-738, which relates to abortion; creating the Statistical Reporting of Abortion Act of Oklahoma; providing short title; providing definitions; providing for the State Department of Health to prepare reporting forms; providing for the Board to distribute reporting forms; providing content of reporting forms; providing for the Board to prepare and distribute an induced abortion complications report; providing the time in which reports are due; providing content complications reporting form; requiring public reports containing certain information; providing time in which certain reports must be filed; providing for enforcement of reporting requirements; providing for penalties; providing for confidentiality; providing for severability; providing for codification; and providing an effective date.

HB 2880 – By Young and Nance of the House and Leftwich of the Senate.

An Act relating to statutes and reports; amending Section 3, Chapter 495, O.S.L. 2002, as last amended by Section 1, Chapter 55, O.S.L. 2005 (75 O.S. Supp. 2005, Section 503), which relates to the Small Business Regulatory Review Committee; modifying term of

office for certain appointees; providing for appointments to fill vacancies; and providing an effective date.

HB 3016 – By Armes, Jackson, Braddock, Duncan and McMullen of the House and Capps of the Senate.

An Act relating to game and fish; amending 29 O.S. 2001, Sections 5-202 and 6-304, which relate to permission to hunt or fish upon the land of another; creating presumption that consent to hunt or fish is valid for specific period of time; updating statutory language; and providing an effective date.

The above-numbered measures were read the first time.

Advising the signing of and returning Enrolled **SCR 41**.

The above-numbered enrolled measure was transmitted to the Secretary of State.

REPORT OF ENGROSSED AND ENROLLED MEASURES

SBs 1271 and **1288** were each correctly engrossed, properly signed and ordered transmitted to the Honorable House for consideration.

MESSAGE FROM THE HOUSE

Advising passage of and transmitting for consideration Engrossed **HBs 2252** and **2288**.

HB 2252 – By Benge, Newport, Billy, Brannon, Brown, Carey, Coody, Covey, Dorman, Glenn, Hilliard, Hyman, Kiesel, Lamons, Mass, McCarter, McDaniel, Miller (Ray), Morgan (Danny), Nations, Peters, Peterson (Ron), Plunk, Pruett, Roan, Rousselot, Shelton, Sherrer, Shoemake, Smithson, Tibbs, Walker and Winchester of the House and Crutchfield and Rabon of the Senate.

An Act relating to the Oklahoma Department of Agriculture, Food, and Forestry; creating the “Rural Fire Revolving Fund”; stating purpose; making appropriations; providing exemptions; and declaring an emergency.

HB 2288 – By Benge, Newport, Billy, Blackburn, Blackwell, Braddock, Brannon, Coody, Covey, Deutschendorf, Dorman, Gilbert, Glenn, Harrison, Hyman, Kiesel, Lindley, Mass, McPeak, Nations, Peters, Peterson (Ron), Plunk, Pruett, Roan, Sherrer, Shoemake, Smithson, Sweeden, Tibbs, Turner and Walker of the House and Crutchfield and Rabon of the Senate.

An Act relating to supplemental funding of the Department of Corrections; making appropriations; stating purposes; requiring and authorizing certain expenditures; requiring and authorizing certain salary increases; and declaring an emergency.

The above-numbered measures were read the first time.

EXECUTIVE NOMINATIONS

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

Bernard, Marie, M.D., Edmond, as a member of the Oklahoma State Board of Examiners for Nursing Home Administrators - Health and Human Resources

Cochran, Rhonda Y., Tahlequah, as a member of the Oklahoma Board of Licensed Alcohol and Drug Counselors - Health and Human Resources

Jakubovitz, James M., Owasso, as a member of the Oklahoma State Board of Examiners for Nursing Home Administrators - Health and Human Resources

Senator Fisher moved that when the clerk's desk is clear, the Senate stand adjourned to convene Tuesday, February 28, 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 1292 – Business and Labor, coauthored by Hilliard (principal House author)

SB 1624 – Health and Human Resources, coauthored by Leftwich of the Senate, and coauthored by Ingmire (principal House author)

SB 1900 – Judiciary, coauthored by Askins (principal House author)

SB 1970 – Public Safety and Homeland Security, coauthored by Sullivan (principal House author)

SB 2039 – Judiciary, coauthored by Sullivan (principal House author)

DO PASS, As Amended:

SB 756 – Business and Labor, coauthored by Eason McIntyre, Shurden, Wilson of the Senate, and coauthored by Wilt (principal House author)

CS for SB 825 – Appropriations, remove Leftwich and substitute Corn as principal Senate author, and coauthored by Leftwich of the Senate, and coauthored by Blackwell (principal House author)

SB 1040 – Health and Human Resources, coauthored by Peters (principal House author)

CS for SB 1093 – Appropriations, coauthored by Lamons (principal House author)

- CS for SB 1096** – Finance, coauthored by Balkman (principal House author)
- SB 1332** – Finance, coauthored by Hilliard (principal House author)
- SB 1341** – Appropriations, coauthored by Terrill (principal House author)
- SB 1385** – Finance, coauthored by Young (principal House author)
- CS for SB 1391** – Finance, coauthored by Branam of the Senate, and coauthored by Terrill (principal House author)
- SB 1434** – Health and Human Resources, coauthored by Steele (principal House author)
- SB 1455** – Finance, coauthored by Hickman (principal House author)
- CS for SB 1570** – Appropriations, coauthored by Rousselot (principal House author)
- SB 1598** – Finance, coauthored by Morgan (Fred) (principal House author)
- SB 1623** – Health and Human Resources, remove Lamb and substitute Cain as principal Senate author, and coauthored by Cox (principal House author)
- CS for SB 1636** – Appropriations, coauthored by Billy (principal House author)
- SB 1647** – Finance, coauthored by Sullivan (principal House author)
- CS for SB 1698** – Appropriations, coauthored by Johnson (Constance) of the Senate, and coauthored by Terrill (principal House author)
- SB 1707** – Health and Human Resources, coauthored by Duncan (principal House author)
- SB 1720** – Appropriations, coauthored by Rousselot (principal House author)
- CS for SB 1726** – Health and Human Resources, coauthored by Cargill (principal House author)
- SB 1738** – Appropriations, coauthored by Johnson (Constance), Lawler of the Senate, and coauthored by Terrill (principal House author)
- SB 1752** – Appropriations, coauthored by Liotta (principal House author)
- SB 1755** – Appropriations, coauthored by Perry (principal House author)
- SB 1765** – Health and Human Resources, coauthored by Eason McIntyre of the Senate, and coauthored by Morgan (Danny) (principal House author)
- SB 1769** – Judiciary, coauthored by Terrill (principal House author)
- SB 1772** – Judiciary, coauthored by Crain of the Senate, and coauthored by Sullivan (principal House author)
- CS for SB 1783** – Appropriations, coauthored by Jackson (principal House author)
- CS for SB 1785** – Appropriations, coauthored by Rousselot (principal House author)
- SB 1796** – Judiciary, coauthored by Eddins (principal House author)
- SB 1799** – Appropriations, coauthored by Eason McIntyre of the Senate, and coauthored by Morgan (Danny) (principal House author)
- SB 1826** – Appropriations, coauthored by Billy (principal House author)
- CS for SB 1827** – Appropriations, coauthored by Nance (principal House author)
- SB 1831** – Appropriations, coauthored by Peters (principal House author)
- SB 1832** – Judiciary, coauthored by Toure (principal House author)
- CS for SB 1840** – Appropriations, coauthored by Shumate (principal House author)
- CS for SB 1842** – Appropriations, coauthored by Sullivan (principal House author)
- CS for SB 1850** – Health and Human Resources, coauthored by Denney (principal House author)

SB 1858 – Appropriations, coauthored by Corn of the Senate, and coauthored by Hiett (principal House author)

CS for SB 1870 – Health and Human Resources, coauthored by Sullivan (principal House author)

CS for SB 1894 – Appropriations, coauthored by Jolley, Johnson (Mike) of the Senate, and coauthored by Bengé (principal House author)

CS for SB 1902 – Appropriations, coauthored by Morgan (Danny) (principal House author)

CS for SB 1909 – Appropriations, coauthored by Trebilcock (principal House author)

CS for SB 1910 – Appropriations, coauthored by Hickman (principal House author)

SB 1913 – Appropriations, coauthored by Bengé (principal House author)

CS for SB 1915 – Health and Human Resources, coauthored by Worthen (principal House author)

SB 1917 – Finance, coauthored by McCarter (principal House author)

SB 1919 – Appropriations

CS for SB 1921 – Finance, coauthored by Sullivan (principal House author)

SB 1941 – Finance, coauthored by Case (principal House author)

CS for SB 1944 – Appropriations, coauthored by Ingmire (principal House author)

SB 1951 – Appropriations, coauthored by Brannon (principal House author)

SB 1957 – Appropriations, coauthored by Ingmire (principal House author)

CS for SB 1964 – Appropriations, coauthored by Blackwell (principal House author)

CS for SB 1971 – Health and Human Resources, coauthored by Peters (principal House author)

SB 1974 – Appropriations, coauthored by Blackwell (principal House author)

SB 1984 – Appropriations, coauthored by Blackwell (principal House author)

CS for SB 1993 – Appropriations, coauthored by Taylor, Crutchfield, Lawler, Rabon of the Senate, and coauthored by Ingmire (principal House author)

CS for SB 2047 – Appropriations, coauthored by Wilt (principal House author)

SB 2049 – Health and Human Resources, coauthored by Johnson (Constance) of the Senate, and coauthored by Denney (principal House author)

SJR 43 – Appropriations, coauthored by Steele (principal House author)

SJR 53 – Appropriations, coauthored by Johnson (Mike), Mazzei of the Senate, and coauthored by Carey (principal House author)

SJR 58 – Appropriations, coauthored by Morgan (Danny) (principal House author)

SJR 62 – Finance, coauthored by Nance (principal House author)

FIRST READING

The following was introduced and read the first time:

SR 68 – By Capps and Bass.

A Resolution expressing the belief that the Hokkaido Aerospace Science and Technology Incubation Center will benefit the state; welcoming them and extending best wishes; and directing distribution.

Pursuant to the Fisher motion, the Senate adjourned at 2:30 p.m. to meet Tuesday, February 28, 2006, at 9:30 a.m.