

# Senate Journal

## First Regular Session of the Fifty-first Legislature of the State of Oklahoma

Forty-fifth Legislative Day, Monday, April 23, 2007

The Senate was called to order by Senator Corn.

Roll Call:

Present: Adelson, Aldridge, Anderson, Ballenger, Barrington, Bass, Bingman, Branan, Brogdon, Brown, Burrage, Coates, Coffee, Corn, Crain, Crutchfield, Easley, Eason, McIntyre, Ford, Garrison, Gumm, Ivester, Johnson (C), Johnson (M), Jolley, Justice, Lamb, Laster, Laughlin, Leftwich, Mazzei, Morgan, Myers, Nichols, Paddack, Rabon, Reynolds, Rice, Riley, Schulz, Sparks, Sweeden, Sykes, Wilcoxson, Williamson, Wilson and Wyrick.—47.

Excused: Lerblance.—1.

Senator Corn declared a quorum present.

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

### REPORT OF ENGROSSED AND ENROLLED MEASURES

**HBs 1303 and 1581** were each correctly engrossed and, together with engrossed **SAs**, properly signed and ordered returned to the Honorable House.

**SB 507** was correctly enrolled and after fourth reading, properly signed and ordered transmitted to the Honorable House for signature of the Speaker.

### MESSAGES FROM THE HOUSE

Advising fourth reading of and transmitting for signature Enrolled **HBs 1145, 1219, 1223, 1241 and 1271**.

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

Advising passage of and returning the following Engrossed bills:

**SB 160**

**SB 379** - coauthored by Luttrell of the House

**SB 777**

**SB 808**

**SB 890**

**SB 903** - coauthored by McDaniel (Randy) of the House

**SB 917** - coauthored by McCullough and Tibbs of the House

**SB 921**

**SB 1028**

The above-numbered measures were referred for enrollment.

Advising passage of and transmitting for consideration Engrossed **HCR 1031**.

**HCR 1031** – By Peterson (Ron), Adkins, Armes, Auffet, Banz, Benge, BigHorse, Billy, Blackwell, Braddock, Brannon, Brown, Cannaday, Carey, Cargill, Collins, Coody, Cooksey, Covey, Cox, Dank, DeWitt, Denney, Derby, Dorman, Duncan, Ellis, Enns, Faught, Gilbert, Glenn, Hamilton, Harrison, Hickman, Hilliard, Hoskin, Hyman, Ingmire, Inman, Jackson, Jett, Johnson (Dennis), Johnson (Rob), Jones, Jordan, Joyner, Kern, Key, Kiesel, Lamons, Liebmann, Lindley, Luttrell, Martin (Scott), Martin (Steve), McAffrey, McCarter, McCullough, McDaniel (Jeannie), McDaniel (Randy), McMullen, McNiel, McPeak, Miller, Morgan, Morrissette, Murphey, Nations, Peters, Peterson (Pam), Piatt, Pittman, Proctor, Pruet, Renegar, Reynolds, Richardson, Roan, Rousselot, Schwartz, Sears, Shannon, Shelton, Sherrer, Shoemake, Shumate, Smithson, Steele, Sullivan, Terrill, Thompson, Thomsen, Tibbs, Trebilcock, Turner, Walker, Watson, Wesselhoft, Winchester, Worthen and Wright of the House and Brown of the Senate.

A Concurrent Resolution proclaiming April 20, 2007, as Independent Insurance Agents of Oklahoma Day.

The above-numbered measure was read the first time.

Advising conference granted on Engrossed **SB 1** and naming House conferees as follows: Wesselhoft, McDaniel (Randy), Terrill, Morrissette, Shumate, Benge, Miller, Piatt and Johnson (Rob)

Advising rejection of **SAs** to the following bills, requesting conference and House conferees to be named later:

**HB 1375**  
**HB 1383**  
**HB 1390**  
**HB 1391**  
**HB 1412**  
**HB 1485**  
**HB 1497**  
**HB 1513**  
**HB 1631**  
**HB 1674**  
**HB 1737**  
**HB 1928**  
**HB 1933**  
**HB 2082**

**MESSAGE FROM THE HOUSE**  
**HAs TO SENATE BILLS**

Advising passage of and returning the following engrossed bills as amended:

**SB 47** - coauthored by Reynolds, Peterson (Pam) and Wright of the House  
**SB 145** - coauthored by Kiesel, Inman, Sherrer and Smithson of the House  
**SB 151**  
**SB 410**  
**SB 426** - coauthored by Sherrer of the House  
**SB 430** - coauthored by Faught and McDaniel (Randy) of the House  
**SB 455**  
**SB 464** - coauthored by Gilbert, Terrill and Kern of the House  
**SB 469**  
**SB 470** - coauthored by Hyman of the House  
**SB 496** - coauthored by Sherrer and Dorman of the House  
**SB 517**  
**SB 553**  
**SB 560**  
**SB 590** - coauthored by Dorman of the House  
**SB 620** - coauthored by Ford of the Senate  
**SB 658**  
**SB 674** - coauthored by Harrison and Renegar of the House  
**SB 710**  
**SB 712** - coauthored by Kern, Peterson (Pam) and Terrill of the House  
**SB 738** - coauthored by McDaniel (Randy) of the House  
**SB 763** - coauthored by Sherrer, Brannon, Smithson and Tibbs of the House

**SB 787** - coauthored by Peterson (Pam), Kern and Billy of the House

**SB 829**

**SB 848** - coauthored by Enns, Pittman and Shelton of the House

**SB 896** - remove Martin (Scott) and substitute Terrill as Principal House Author

**SB 909**

**SB 922**

**SB 1104** - coauthored by Dorman, Sherrer, Shumate, Kern and Terrill of the House

House amendments were read on the above-numbered bills.

### **GENERAL ORDER**

**HB 1771** by Thompson of the House and Branan of the Senate was called up for consideration.

Senator Branan moved that **HB 1771** be advanced, which motion was declared adopted.

### **THIRD READING**

**HB 1771** 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, Ballenger, Barrington, Bass, Bingman, Branan, Brogdon, Brown, Burrage, Coates, Coffee, Corn, Crain, Crutchfield, Easley, Eason McIntyre, Ford, Garrison, Gumm, Ivester, Johnson (C), Johnson (M), Jolley, Justice, Lamb, Laster, Laughlin, Leftwich, Mazzei, Morgan, Myers, Nichols, Paddack, Rabon, Reynolds, Rice, Riley, Schulz, Sparks, Sweeden, Sykes, Wilcoxson, Williamson, Wilson and Wyrick.-47.

Excused: Lerblance.--1.

The bill passed.

**HB 1771** was referred for engrossment.

### **GENERAL ORDER**

**HB 1606** by Shannon and Roan of the House and Coates of the Senate was called up for consideration.

Senator Coates asked that **HB 1606** be laid over temporarily, which was the order.

**HB 1606** remains on General Order.

### **GENERAL ORDER**

**HB 1580** by Peters and Coody of the House and Ford of the Senate was called up for consideration.

Senator Constance Johnson asked to coauthor **HB 1580**, which was the order.

Senator Ford moved that **HB 1580** be advanced, which motion was declared adopted.

### **THIRD READING**

**HB 1580** 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, Ballenger, Barrington, Bass, Bingman, Branan, Brogdon, Brown, Burrage, Coates, Coffee, Corn, Crain, Crutchfield, Easley, Eason McIntyre, Ford, Garrison, Gumm, Ivester, Johnson (C), Johnson (M), Jolley, Justice, Lamb, Laster, Laughlin, Leftwich, Mazzei, Morgan, Myers, Nichols, Paddack, Rabon, Reynolds, Rice, Riley, Schulz, Sparks, Sweeden, Sykes, Wilcoxson, Williamson, Wilson and Wyrick.-47.

Excused: Lerblance.--1.

The bill passed.

**HB 1580** was referred for engrossment.

### **GENERAL ORDER**

**SCR 25** by Eason McIntyre of the Senate and Shelton of the House, considered on Page 1017, was called up for further consideration.

All other members of the Senate asked to coauthor **SCR 25**, which was the order.

**SCR 25** was adopted upon motion of Senator Eason McIntyre and referred for engrossment.

**INTRODUCTION**

Senator Mike Johnson introduced his wife, Judy, to the Senate.

**GENERAL ORDER**

**HB 1074** by Braddock of the House and Lamb of the Senate was called up for consideration.

Senator Lamb moved that **HB 1074** be advanced, which motion was declared adopted.

**THIRD READING**

**HB 1074** 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, Ballenger, Barrington, Bass, Bingman, Branan, Brogdon, Brown, Burrage, Coates, Coffee, Corn, Crain, Crutchfield, Easley, Eason McIntyre, Ford, Garrison, Gumm, Ivester, Johnson (C), Johnson (M), Jolley, Justice, Lamb, Laster, Laughlin, Leftwich, Mazzei, Morgan, Myers, Nichols, Paddack, Rabon, Reynolds, Rice, Riley, Schulz, Sparks, Sweeden, Sykes, Wilcoxson, Williamson, Wilson and Wyrick.-47.

Excused: Lerblance.--1.

The bill passed.

**HB 1074** was properly signed and ordered returned to the Honorable House.

**GENERAL ORDER**

**HB 1396** by Adkins of the House and Burrage of the Senate was called up for consideration.

Senator Burrage moved to amend **HB 1396**, 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 Burrage moved that **HB 1396** be advanced, which motion was declared adopted.

**THIRD READING**

**HB 1396** 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, Ballenger, Barrington, Bass, Bingman, Branan, Brogdon, Brown, Burrage, Coates, Coffee, Corn, Crain, Crutchfield, Easley, Eason McIntyre, Ford, Garrison, Gumm, Ivester, Johnson (C), Johnson (M), Jolley, Justice, Lamb, Laster, Laughlin, Leftwich, Mazzei, Morgan, Myers, Nichols, Paddack, Rabon, Reynolds, Rice, Riley, Schulz, Sparks, Sweeden, Sykes, Wilcoxson, Williamson, Wilson and Wyrick.-47.

Excused: Lerblance.--1.

The bill and emergency passed.

**HB 1396** was referred for engrossment.

**PENDING CONSIDERATION OF HAS**

**HAs to SB 398** were concurred in upon motion of Senator Adelson.

**SB 398**, as amended by the Honorable House, was read at length.

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

Aye: Adelson, Aldridge, Anderson, Ballenger, Barrington, Bass, Bingman, Branan, Brogdon, Brown, Burrage, Coates, Coffee, Corn, Crain, Crutchfield, Easley, Eason McIntyre, Ford, Garrison, Gumm, Ivester, Johnson (C), Johnson (M), Jolley, Justice, Lamb, Laster, Laughlin, Leftwich, Mazzei, Morgan, Myers, Nichols, Paddack, Rabon, Reynolds, Rice, Riley, Schulz, Sparks, Sweeden, Sykes, Wilcoxson, Williamson, Wilson and Wyrick.-47.

Excused: Lerblance.--1.

The bill passed.

House amendments were properly signed and the above-numbered bill was referred for enrollment.

**GENERAL ORDER**

**HB 1306** by Enns of the House and Branán of the Senate was called up for consideration.

Senator Branán moved that **HB 1306** be advanced, which motion was declared adopted.

**THIRD READING**

**HB 1306** 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, Ballenger, Barrington, Bass, Bingman, Branán, Brogdon, Brown, Burrage, Coates, Coffee, Corn, Crain, Crutchfield, Easley, Eason McIntyre, Ford, Garrison, Gumm, Ivester, Johnson (C), Johnson (M), Jolley, Justice, Lamb, Laster, Laughlin, Leftwich, Mazzei, Morgan, Myers, Nichols, Paddack, Rabon, Reynolds, Rice, Riley, Schulz, Sparks, Sweeden, Sykes, Wilcoxson, Williamson, Wilson and Wyrick.-47.

Excused: Lerblance.--1.

The bill passed.

**HB 1306** was properly signed and ordered returned to the Honorable House.

**GENERAL ORDER**

**HB 1927** by Steele et al of the House and Leftwich and Burrage of the Senate was called up for consideration.

Senator Sykes asked to coauthor **HB 1927**, which was the order.

Senator Leftwich moved to amend **HB 1927**, Page 9, Line 16 through Page 12, Line 18 by deleting Section 3 and inserting in lieu thereof a new Section 3 to read as follows:

“SECTION 3. AMENDATORY 10 O.S. 2001, Section 7003-6.2, as amended by Section 5, Chapter 205, O.S.L. 2006 (10 O.S. Supp. 2006, Section 7003-6.2), is amended to read as follows:

Section 7003-6.2 A. Any interested party aggrieved by any order or decree may appeal to the Supreme Court pursuant to Section 7003-6.4 of this title and the rules of the Supreme Court of this state.



B. The pendency of an appeal thus taken shall not suspend the order of the district court regarding a child, nor shall it remove the child from the custody of that court or of the person, institution or agency to whose care such child has been committed, unless the Supreme Court shall so order, except as provided in subsection C of this section. The pendency of an appeal from an order of adjudication shall not prevent the district court from holding a dispositional hearing unless the appellate court shall so order.

C. 1. If the court determines it would be in the best interests of a child, the court may place the child in the legal custody of the Department of Human Services. If the child is placed in the custody of the Department, the court may not direct the Department to place the child in a specific home or placement.

2. At any hearing including, but not limited to, hearings conducted pursuant to Section 7003-8.6 of this title, where it is determined that a child in state custody will be released from state custody, the district attorney, ~~or the attorney for the child, or the Department of Human Services through the district attorney~~ may give verbal notice to the court of an objection to the order of the court and an intention to seek review of that order based on the grounds that the order of the court releasing the child from state custody creates a serious risk of danger to the health or safety of the child. ~~The party giving notice of its objection to the order of the court and its intent to seek review of that order shall file with the presiding judge of the administrative judicial district a written application to review the order no later than 5:00 p.m. the following judicial day; provided, if the district attorney and the Department of Human Services disagree regarding the order of the court releasing the child from state custody, the written application to review the order on behalf of the Department shall be filed by the Department.~~

3. Upon giving such notice, the court issuing the custody order in question shall stay the custody order filing of an application and completion of review as provided in this section. The district attorney or attorney for the child shall file with the presiding judge of the administrative judicial district a written application for review within three (3) judicial days from the custody order. If a written application for review is not filed ~~by 5:00 p.m. the following judicial day~~ within such time period, or if a written notice to the trial court withdrawing the objection is filed within that time period, the objection will be deemed abandoned and the stay shall be lifted.

4. Each application for review shall be assigned by the presiding judge of the administrative judicial district to a judge within that administrative judicial district with juvenile docket responsibilities. The review shall be completed within five (5) judicial days of the filing of the written application for review. The review conducted by the reviewing judge shall address the question of whether releasing the child from state custody creates a serious risk of danger to the health or safety of the child. The reviewing court shall review the record of the hearing and any other evidence deemed relevant by the reviewing court. At the conclusion of the review, the reviewing court shall issue its findings of fact and conclusions of law and report them to the court issuing the custody order under review.

5. A finding by the reviewing court that the order releasing the child from state custody creates a serious risk of danger to the health or safety of the child shall be controlling and the court issuing the order under review shall proceed to enter a different custody order. If the reviewing court finds that the order under review does not create a serious risk of danger to the health or safety of the child and that the order is otherwise appropriate then the court issuing the order under review shall lift the stay and the order

shall be subject to appeal as provided in subsection A of this section. The failure of any court to issue the stay mandated by this subsection shall be subject to immediate mandamus to an appropriate court.”, which amendment was declared adopted.

Senator Leftwich moved to amend **HB 1927**, Page 1, by restoring the title, which amendment was withdrawn upon request of Senator Leftwich.

Senator Leftwich moved that **HB 1927** be advanced, which motion was declared adopted.

### **THIRD READING**

**HB 1927** was read for the third time at length.

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

Aye: Adelson, Aldridge, Ballenger, Barrington, Bass, Bingman, Branan, Brogdon, Brown, Burrage, Coates, Coffee, Corn, Crain, Crutchfield, Easley, Eason McIntyre, Ford, Garrison, Gumm, Ivester, Johnson (C), Johnson (M), Jolley, Justice, Lamb, Laster, Laughlin, Leftwich, Mazzei, Morgan, Myers, Nichols, Paddack, Rabon, Reynolds, Rice, Riley, Schulz, Sparks, Sweeden, Sykes, Wilcoxson, Williamson, Wilson and Wyrick.--46.

Excused: Anderson and Lerblance.--2.

The bill passed.

**HB 1927** was referred for engrossment.

### **GENERAL ORDER**

**SCR 10** by Brogdon of the Senate and Key of the House was called up for consideration.

**SCR 10** was adopted upon motion of Senator Brogdon and referred for engrossment.

### **GENERAL ORDER**

**HB 1616** by Roan of the House and Lamb of the Senate was called up for consideration.

Senator Lamb moved that **HB 1616** be advanced, which motion was declared adopted.

**THIRD READING**

**HB 1616** 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, Ballenger, Barrington, Bass, Bingman, Branan, Brogdon, Brown, Burrage, Coates, Coffee, Crain, Crutchfield, Easley, Eason McIntyre, Ford, Garrison, Gumm, Ivester, Johnson (C), Johnson (M), Jolley, Justice, Lamb, Laster, Laughlin, Leftwich, Mazzei, Morgan, Myers, Nichols, Paddack, Rabon, Reynolds, Rice, Riley, Schulz, Sparks, Sweeden, Sykes, Wilcoxson, Williamson, Wilson and Wyrick.--46.

Nay: Corn.--1.

Excused: Lerblance.--1.

The bill and emergency passed.

**HB 1616** was properly signed and ordered returned to the Honorable House.

**GENERAL ORDER**

**HB 1754** by Worthen of the House and Myers of the Senate was called up for consideration.

Senator Myers moved that **HB 1754** be advanced, which motion was declared adopted.

**THIRD READING**

**HB 1754** 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, Ballenger, Barrington, Bass, Bingman, Branan, Brogdon, Brown, Burrage, Coates, Coffee, Corn, Crain, Crutchfield, Easley, Eason McIntyre, Ford, Garrison, Gumm, Ivester, Johnson (C), Johnson (M), Jolley, Justice, Lamb, Laster, Laughlin, Leftwich, Mazzei, Morgan, Myers, Nichols, Paddack, Rabon, Reynolds, Rice, Riley, Schulz, Sparks, Sweeden, Sykes, Wilcoxson, Williamson, Wilson and Wyrick.-47.

Excused: Lerblance.--1.

The bill passed.

**HB 1754** was properly signed and ordered returned to the Honorable House.

### **GENERAL ORDER**

**HB 1606** by Shannon and Roan of the House and Coates of the Senate was called up for further consideration.

Senator Coates moved that **HB 1606** be advanced, which motion was declared adopted.

### **THIRD READING**

**HB 1606** 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, Ballenger, Barrington, Bass, Bingman, Branan, Brogdon, Brown, Burrage, Coates, Coffee, Corn, Crain, Crutchfield, Easley, Eason McIntyre, Ford, Garrison, Gumm, Ivester, Johnson (C), Johnson (M), Jolley, Justice, Lamb, Laster, Laughlin, Leftwich, Mazzei, Morgan, Myers, Nichols, Paddack, Rabon, Reynolds, Rice, Riley, Schulz, Sparks, Sweeden, Sykes, Wilcoxson, Williamson, Wilson and Wyrick.-47.

Excused: Lerblance.--1.

The bill passed.

**HB 1606** was referred for engrossment.

### **MOTION TO RECONSIDER VOTE**

Senator Brown moved to reconsider the vote whereby **HB 1961** failed, which motion was declared adopted upon roll call as follows:

Aye: Adelson, Aldridge, Anderson, Barrington, Bass, Bingman, Branan, Brogdon, Brown, Burrage, Coates, Coffee, Corn, Crain, Crutchfield, Easley, Eason McIntyre, Ford, Garrison, Gumm, Ivester, Johnson (M), Jolley, Justice, Lamb, Laster, Laughlin, Leftwich, Mazzei, Morgan, Myers, Nichols, Paddack, Rabon, Reynolds, Rice, Riley, Schulz, Sparks, Sweeden, Sykes, Wilcoxson, Williamson, Wilson and Wyrick.--45.

Nay: Ballenger and Johnson (C).--2.

Excused: Lerblance.--1.

### **THIRD READING**

**HB 1961** 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, Bingman, Branan, Brogdon, Brown, Coates, Coffee, Corn, Crain, Crutchfield, Eason McIntyre, Ford, Garrison, Ivester, Johnson (M), Jolley, Justice, Lamb, Laughlin, Leftwich, Mazzei, Myers, Nichols, Paddack, Rabon, Reynolds, Rice, Riley, Schulz, Sparks, Sweeden, Sykes, Wilcoxson, Williamson and Wilson.--39.

Nay: Ballenger, Burrage, Easley, Gumm, Johnson (C), Laster, Morgan and Wyrick.--8.

Excused: Lerblance.--1.

The bill passed.

**HB 1961** was referred for engrossment.

### **INTRODUCTION**

Senator Rice introduced his wife, Dr. Apple Newman Rice, and their son, Parker, to the Senate.

### **FIRST READING**

The following were introduced and read the first time:

**SCR 32** – By Schulz of the Senate and Braddock of the House.

A Resolution dedicating a certain highway as the Senator Robert M. “Bob” Kerr Memorial Highway; and directing distribution.

**SCR 33** – By Johnson (Mike) and Justice of the Senate and Richardson of the House.

A Concurrent Resolution welcoming the National Bio and Agro Defense Facility project site selection team to Oklahoma; advising of the many opportunities afforded by the Canadian County site; and directing distribution.

**SCR 34** – By Corn of the Senate and Smithson of the House.

A Concurrent Resolution praising the life and bravery of Corporal Josh Pickard, USMC; mourning his loss; and directing distribution.

**UNANIMOUS CONSENT REQUEST  
DIRECT TO CALENDAR**

Senator Schulz asked unanimous consent to suspend Rule 6-4 and refer **SCR 32** direct to the Calendar for consideration, which was the order.

**GENERAL ORDER**

**SCR 32** by Schulz of the Senate and Braddock of the House was called up for consideration.

All other members of the Senate asked to coauthor **SCR 32**, which was the order.

**SCR 32** was adopted upon motion of Senator Schulz and referred for engrossment.

**PENDING CONSIDERATION OF HAS**

**HAs** to **SB 473** were concurred in upon motion of Senator Branam.

**SB 473**, as amended by the Honorable House, was read at length.

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

Aye: Adelson, Aldridge, Anderson, Ballenger, Barrington, Bass, Bingman, Branam, Brogdon, Brown, Burrage, Coffee, Corn, Crain, Crutchfield, Easley, Eason McIntyre, Ford, Garrison, Gumm, Ivester, Johnson (C), Johnson (M), Jolley, Justice, Lamb, Laster, Laughlin, Leftwich, Mazzei, Myers, Nichols, Paddack, Rabon, Reynolds, Rice, Riley, Schulz, Sparks, Sweeden, Sykes, Wilcoxson, Williamson, Wilson and Wyrick.--45.

Nay: Coates.--1.

Excused: Lerblance and Morgan.--2.

The bill passed.

House amendments were properly signed and the above-numbered bill was referred for enrollment.

**GENERAL ORDER**

**HB 2077** by Jackson et al of the House and Sparks of the Senate was called up for consideration.

Senator Sparks moved that **HB 2077** be advanced, which motion was declared adopted.

**THIRD READING**

**HB 2077** 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, Ballenger, Barrington, Bass, Bingman, Branan, Brogdon, Brown, Burrage, Coates, Coffee, Corn, Crutchfield, Easley, Eason McIntyre, Ford, Garrison, Gumm, Ivester, Johnson (C), Johnson (M), Justice, Laster, Laughlin, Leftwich, Myers, Nichols, Paddack, Rabon, Reynolds, Rice, Riley, Schulz, Sparks, Sweeden, Sykes, Wilcoxson, Williamson, Wilson and Wyrick.--42.

Nay: Crain, Jolley, Lamb and Mazzei.--4.

Excused: Lerblance and Morgan.--2.

The bill and emergency passed.

**HB 2077** was referred for engrossment.

**PENDING CONSIDERATION OF HAS**

**HAs to SB 509** were concurred in upon motion of Senator Wyrick.

**SB 509**, as amended by the Honorable House, was read at length.

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

Aye: Adelson, Anderson, Ballenger, Barrington, Bass, Bingman, Branan, Brown, Burrage, Coates, Coffee, Corn, Crain, Crutchfield, Easley, Eason McIntyre, Ford, Garrison, Gumm, Ivester, Johnson (C), Johnson (M), Jolley, Justice, Lamb, Laster, Laughlin, Leftwich, Mazzei, Myers, Nichols, Paddack, Rabon, Reynolds, Rice, Riley, Schulz, Sparks, Sweeden, Sykes, Wilcoxson, Williamson, Wilson and Wyrick.--44.

Nay: Aldridge and Brogdon.--2.

Excused: Lerblance and Morgan.--2.

The bill and emergency passed.

House amendments were properly signed and the above-numbered bill was referred for enrollment.

**GENERAL ORDER**

**HB 1545** by Winchester of the House and Johnson (Mike) of the Senate was called up for consideration.

Senator Johnson (Mike) moved that **HB 1545** be advanced, which motion was declared adopted.

**THIRD READING**

**HB 1545** 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, Ballenger, Barrington, Bass, Bingman, Branan, Brogdon, Brown, Burrage, Coates, Coffee, Corn, Crain, Crutchfield, Easley, Eason McIntyre, Ford, Garrison, Gumm, Ivester, Johnson (C), Johnson (M), Jolley, Justice, Lamb, Laster, Laughlin, Leftwich, Mazzei, Myers, Nichols, Paddack, Rabon, Reynolds, Rice, Riley, Schulz, Sparks, Sweeden, Sykes, Wilcoxson, Williamson, Wilson and Wyrick.--46.

Excused: Lerblance and Morgan.--2.

The bill passed.

**HB 1545** was properly signed and ordered returned to the Honorable House.

**GENERAL ORDER**

**HB 1490** by Sullivan et al of the House and Easley and Williamson of the Senate was called up for consideration.

Senator Williamson moved that **HB 1490** be advanced, which motion was declared adopted.

**THIRD READING**

**HB 1490** 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, Bingman, Branan, Brogdon, Brown, Coffee, Corn, Crain, Easley, Eason McIntyre, Ford, Gumm, Ivester, Johnson (M), Jolley, Lamb, Leftwich,



Mazzei, Morgan, Nichols, Reynolds, Rice, Riley, Sparks, Sweeden, Wilcoxson, Williamson and Wilson.--30.

Nay: Ballenger, Barrington, Bass, Coates, Crutchfield, Garrison, Johnson (C), Justice, Laster, Laughlin, Myers, Paddack, Rabon, Schulz, Sykes and Wyrick.--16.

Excused: Lerblance.--1.

\*Not Voting: Burrage.—1.

The bill passed.

Senators Rabon, Paddack and Crutchfield desired to vote Aye on the emergency.

On the question of passage of the emergency, the vote resulted as follows: Aye: 33; Nay: 13; Excused: 1; Not Voting: 1.

The emergency passed.

\*Senator Burrage asked to be shown not voting on **HB 1490** for reason of personal interest, as provided in Article V, Section 24, Oklahoma Constitution.

**HB 1490** was referred for engrossment.

#### **PENDING CONSIDERATION OF HAS**

**HAs** to **SB 399** were concurred in upon motion of Senator Adelson.

**SB 399**, as amended by the Honorable House, was read at length.

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

Aye: Adelson, Aldridge, Anderson, Ballenger, Barrington, Bass, Bingman, Branan, Brogdon, Brown, Burrage, Coates, Coffee, Corn, Crain, Crutchfield, Easley, Eason McIntyre, Ford, Garrison, Gumm, Ivester, Johnson (C), Johnson (M), Jolley, Justice, Lamb, Laster, Laughlin, Leftwich, Mazzei, Morgan, Myers, Nichols, Paddack, Rabon, Reynolds, Rice, Riley, Schulz, Sparks, Sweeden, Sykes, Wilcoxson, Williamson, Wilson and Wyrick.-47.

Excused: Lerblance.--1.

The bill passed.

House amendments were properly signed and the above-numbered bill was referred for enrollment.

**UNANIMOUS CONSENT REQUEST  
DIRECT TO CALENDAR**

Senator Wilson asked unanimous consent to suspend Rule 6-4 and refer **SCR 31** direct to the Calendar for consideration, which was the order.

**GENERAL ORDER**

**SCR 31** by Wilson of the Senate and Hoskin of the House was called up for consideration.

All other members of the Senate asked to coauthor **SCR 31**, which was the order.

**SCR 31** was adopted upon motion of Senator Wilson and referred for engrossment.

**GENERAL ORDER**

**HB 2192** by Cargill of the House and Aldridge of the Senate was called up for consideration.

Senator Aldridge moved that **HB 2192** be advanced, which motion was declared adopted.

**THIRD READING**

**HB 2192** 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, Ballenger, Barrington, Bass, Bingman, Branan, Brogdon, Brown, Burrage, Coates, Coffee, Corn, Crain, Crutchfield, Easley, Eason McIntyre, Ford, Garrison, Gumm, Ivester, Johnson (C), Johnson (M), Jolley, Justice, Lamb, Laster, Laughlin, Leftwich, Mazzei, Myers, Nichols, Paddack, Rabon, Reynolds, Rice, Riley, Schulz, Sparks, Sweeden, Sykes, Wilcoxson, Williamson, Wilson and Wyrick.--46.

Excused: Lerblance and Morgan.--2.

The bill and emergency passed.

**HB 2192** was properly signed and ordered returned to the Honorable House.

## **GENERAL ORDER**

**HB 1401** by Liebmann of the House and Branan of the Senate was called up for consideration.

Senator Branan moved that **HB 1401** be advanced, which motion was declared adopted.

## **THIRD READING**

**HB 1401** 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, Ballenger, Barrington, Bass, Bingman, Branan, Brogdon, Brown, Burrage, Coates, Coffee, Corn, Crain, Crutchfield, Easley, Eason McIntyre, Ford, Garrison, Gumm, Ivester, Johnson (C), Johnson (M), Jolley, Justice, Lamb, Laster, Laughlin, Leftwich, Mazzei, Myers, Nichols, Paddack, Rabon, Reynolds, Rice, Riley, Schulz, Sparks, Sweeden, Sykes, Williamson, Wilson and Wyrick.--45.

Nay: Wilcoxson.--1.

Excused: Lerblance and Morgan.--2.

The bill passed.

**HB 1401** was properly signed and ordered returned to the Honorable House.

## **GENERAL ORDER**

**HB 2103** by Cargill et al of the House and Johnson (Mike) and Reynolds of the Senate was called up for consideration.

Senator Johnson (Mike) moved to amend **HB 2103**, Page 4, Line 17, by inserting after the word "enrollment" and before the period the following language " , nor shall it exceed one hundred fifteen percent (115%) of the nonguaranteed rate charged to resident students enrolling for the first time as undergraduate students for the same academic year"; and Page 5, Line 18, through Page 6, Line 2, by deleting all new language.

Senator Reynolds moved to amend the Johnson amendment, by striking the provisions of the Johnson amendment and Page 4, Line 17, by inserting after the word "enrollment" and before the period the following language: " , nor shall it exceed one hundred fifteen percent (115%) of the nonguaranteed rate charged to resident students enrolling for the first

time as undergraduate students for the same academic year”; and Page 4, Line 9, by inserting after the period the following language:

“Each institution shall provide students with the following information prior to enrollment:

- a. the annual tuition charged and the percentage increase for the previous four academic years, and
- b. the annual tuition and percentage increase that the nonguaranteed tuition rate would have to increase to equal or exceed the guaranteed tuition rate for the succeeding four academic years.”; and

Page 5, Line 18, through Page 6, Line 2, by deleting all new language, which amendment was declared adopted.

The Johnson amendment to **HB 2103** was rendered null upon adoption of the Reynolds amendment.

Senator Johnson (Mike) moved that **HB 2103** be advanced, which motion was declared adopted.

### **THIRD READING**

**HB 2103** 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, Bingman, Branan, Brogdon, Brown, Coffee, Crain, Crutchfield, Easley, Eason McIntyre, Johnson (M), Jolley, Lamb, Laughlin, Leftwich, Morgan, Myers, Reynolds, Riley, Sykes, Wilcoxson, Williamson and Wilson.--26.

Nay: Ballenger, Bass, Burrage, Coates, Corn, Ford, Garrison, Gumm, Ivester, Johnson (C), Justice, Laster, Nichols, Paddack, Rabon, Rice, Schulz, Sparks, Sweeden and Wyrick.--20.

Excused: Lerblance and Mazzei.--2.

The bill passed.

Pursuant to Rule 13-22, Senator Gumm served notice that the vote be reconsidered whereby **HB 2103** passed.

**GENERAL ORDER**

**HB 1698** by Morgan et al of the House and Eason McIntyre of the Senate was called up for consideration.

Senator Eason McIntyre moved that **HB 1698** be advanced, which motion was declared adopted.

**THIRD READING**

**HB 1698** 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, Ballenger, Barrington, Bass, Bingman, Branan, Brogdon, Brown, Burrage, Coates, Coffee, Corn, Crain, Crutchfield, Easley, Eason McIntyre, Ford, Garrison, Gumm, Ivester, Johnson (C), Johnson (M), Jolley, Justice, Lamb, Laster, Laughlin, Leftwich, Morgan, Myers, Nichols, Paddack, Rabon, Reynolds, Rice, Riley, Schulz, Sparks, Sweeden, Sykes, Wilcoxson, Williamson, Wilson and Wyrick.--46.

Excused: Lerblance and Mazzei.--2.

The bill and emergency passed.

**HB 1698** was referred for engrossment.

**GENERAL ORDER**

**HB 1384** by Ingmire and Dorman of the House and Johnson (Mike) of the Senate was called up for consideration.

Senator Johnson (Mike) moved that **HB 1384** be advanced, which motion was declared adopted.

**THIRD READING**

**HB 1384** 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, Ballenger, Barrington, Bass, Bingman, Branan, Brogdon, Brown, Burrage, Coates, Coffee, Corn, Crain, Crutchfield, Easley, Eason McIntyre, Ford, Garrison, Gumm, Ivester, Johnson (C), Johnson (M), Jolley, Justice, Lamb,

Laster, Laughlin, Leftwich, Morgan, Myers, Nichols, Paddack, Rabon, Reynolds, Rice, Riley, Schulz, Sparks, Sweeden, Sykes, Wilcoxson, Williamson, Wilson and Wyrick.--46.

Excused: Lerblance and Mazzei.--2.

The bill and emergency passed.

**HB 1384** was referred for engrossment.

#### **MESSAGE FROM THE HOUSE**

Advising fourth reading of and returning Enrolled **SB 507**.

The above-numbered enrolled measure was referred to the Governor.

#### **EXECUTIVE NOMINATIONS**

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

Barnes, Charles H., Choctaw, as a member of the Oklahoma Real Estate Commission - Business and Labor

Cullison, Johnny B., Shawnee, as a member of the Committee of Home Inspector Examiners - Business and Labor

Dearth, Andrew, Tecumseh, as a member of the Oklahoma Professional Boxing Commission - Business and Labor

VanMeter, Martin, Durant, as a member of the Oklahoma Real Estate Commission - Business and Labor

Westheimer, Wanda O., Ardmore, as a member of the Oklahoma Arts Council - Tourism and Wildlife

Senator Laughlin moved that when the clerk's desk is clear, the Senate stand adjourned to convene Tuesday, April 24, 2007, at 9:30 a.m., which motion prevailed.

#### **MESSAGE FROM THE GOVERNOR**

Advising his approval April 23, 2007, of Enrolled **SBs 129, 161, 944** and **1006** and veto of **SB 698**.

The veto message reads as follows:

April 23, 2007

To the Honorable President Pro Tempore  
and Members of the Oklahoma Senate  
First Session, Fifty-first Oklahoma Legislature

**ENROLLED SB 698**

This is to advise you that on this date, pursuant to the authority vested in me by Section 11 of Article VI of the Oklahoma Constitution to approve or object to legislation presented to me, I have VETOED Senate Bill 698. I have been informed by one of the principal authors that this bill contains an error, and the author has requested I veto this bill. For this reason, I have vetoed Senate Bill 698.

By the Governor of the State of Oklahoma  
/s/ Brad Henry

Pursuant to the Laughlin motion, the Senate adjourned at 3:40 p.m. to meet Tuesday, April 24, 2007, at 9:30 a.m.