

Senate Journal

Second Regular Session of the Fifty-first Legislature of the State of Oklahoma

Thirty-ninth Legislative Day, Thursday, April 10, 2008

The Senate was called to order by Senator Brogdon.

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, Lamb, Laster, Laughlin, Leftwich, Lerblance, Mazzei, Morgan, Myers, Nichols, Paddack, Rabon, Reynolds, Rice, Riley, Schulz, Sparks, Sweeden, Sykes, Wilcoxson, Williamson, Wilson and Wyrick.—47.

Excused: Justice.—1.

Senator Brogdon declared a quorum present.

The prayer was offered by Pastor Michael Goldsmith, The Assembly, Broken Arrow, the guest of Senator Mazzei.

REPORT OF ENGROSSED AND ENROLLED MEASURES

SRs 59 and 71 were each correctly enrolled, properly signed and ordered transmitted to the Secretary of State.

SCRs 66 and 67 were each correctly enrolled, properly signed and ordered transmitted to the Honorable House for signature of the Speaker.

HBs 2254, 2255, 2256, 2257, 2258, 2260, 2261, 2262, 2263, 2264, 2265, 2266, 2267, 2268, 2269, 2270, 2271, 2272, 2273, 2274, 2275, 2276, 2277, 2278, 2279, 2280, 2281, 2282, 2283, 2284, 2285, 2286, 2287, 2288, 2289, 2290, 2291, 2292, 2293, 2294, 2295, 2296, 2298, 2299, 2300, 2301, 2302, 2303, 2304, 2305, 2306, 2307, 2308, 2309, 2310, 2311, 2312, 2313, 2314, 2315, 2316, 2317, 2318, 2319, 2320, 2321, 2322, 2323, 2324, 2325, 2326, 2327, 2328, 2329, 2330, 2331, 2332, 2333, 2334, 2335, 2336, 2337, 2338, 2339, 2340, 2341, 2342, 2343, 2344, 2345, 2346, 2347, 2348, 2349, 2350, 2351, 2352,

2353, 2354, 2355, 2356, 2357, 2358, 2359, 2360, 2361, 2362, 2363, 2364, 2365, 2366, 2367, 2368, 2369, 2370, 2371, 2372, 2373, 2374, 2375, 2376, 2377, 2378, 2379, 2380, 2381, 2382, 2383, 2384, 2385, 2386, 2387, 2388, 2389, 2390, 2391, 2392, 2393, 2394, 2395, 2396, 2397, 2398, 2399, 2400, 2401, 2402, 2403, 2404, 2405, 2406, 2407, 2408, 2409, 2410, 2411, 2412, 2413, 2414, 2415, 2416, 2417, 2418, 2419, 2420, 2421, 2422, 2423, 2424, 2425, 2426, 2427, 2428, 2429, 2430, 2431, 2432, 2433, 2434, 2435, 2436, 2437, 2438, 2439, 2705 and 2758 were each correctly engrossed and, together with engrossed SAs, properly signed and ordered returned to the Honorable House.

INTRODUCTION

Senator Brogdon introduced the President of the Senate, Lieutenant Governor Jari Askins, to the Senate.

GENERAL ORDER

HB 3162 by Blackwell of the House and Aldridge of the Senate was called up for consideration.

Senator Aldridge moved that **HB 3162** be advanced, which motion was declared adopted.

THIRD READING

HB 3162 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, Corn, Crain, Crutchfield, Easley, Eason McIntyre, Ford, Garrison, Gumm, Ivester, Johnson (C), Johnson (M), Jolley, Lamb, Laster, Laughlin, Leftwich, Lerblance, Mazzei, Morgan, Myers, Nichols, Paddack, Rabon, Reynolds, Rice, Riley, Schulz, Sparks, Sweeden, Wilcoxson, Wilson and Wyrick.--44.

Excused: Coffee, Justice, Sykes and Williamson.--4.

The bill passed.

HB 3162 was referred for engrossment.

GENERAL ORDER

HB 2470 by Rousselot of the House and Brown of the Senate, previously considered on Page 1061, was called up for further consideration.

Senator Brown moved to amend **HB 2470**, Page 1, by striking the title, which amendment was declared adopted.

Senator Brown moved that **HB 2470** be advanced, which motion was declared adopted.

THIRD READING

HB 2470 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, Lamb, Laster, Laughlin, Leftwich, Lerblance, Mazzei, Morgan, Myers, Nichols, Paddack, Rabon, Reynolds, Rice, Riley, Schulz, Sparks, Sweeden, Sykes, Wilcoxson, Williamson, Wilson and Wyrick.--47.

Excused: Justice.--1.

The bill passed.

HB 2470 was referred for engrossment.

GENERAL ORDER

HB 2522 by Sherrer et al of the House and Burrage of the Senate was called up for consideration.

Senators Garrison, Sparks, Johnson (Constance), Rice and Eason McIntyre asked to coauthor **HB 2522**, which was the order.

Senator Burrage moved that **HB 2522** be advanced, which motion was declared adopted.

THIRD READING

HB 2522 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, Lamb, Laster, Laughlin, Leftwich, Lerblance, Mazzei, Morgan, Myers, Nichols, Paddack, Rabon, Reynolds, Rice, Riley, Schulz, Sparks, Sweeden, Sykes, Wilcoxson, Williamson, Wilson and Wyrick.--47.

Excused: Justice.--1.

The bill passed.

HB 2522 was properly signed and ordered returned to the Honorable House.

INTRODUCTION

Senator Lamb introduced his daughter, Lauren, to the Senate.

GENERAL ORDER

HB 2765 by Cox et al of the House and Crain of the Senate was called up for consideration.

Senator Crain moved that **HB 2765** be advanced, which motion was declared adopted.

THIRD READING

HB 2765 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, Ivester, Johnson (M), Jolley, Lamb, Laughlin, Leftwich, Mazzei, Morgan, Myers, Paddack, Rabon, Reynolds, Rice, Riley, Schulz, Sparks, Sweeden, Sykes, Wilcoxson, Williamson and Wyrick.--41.

Nay: Johnson (C), Laster, Lerblance and Wilson.--4.

Excused: Gumm, Justice and Nichols.--3.

The bill passed.

HB 2765 was properly signed and ordered returned to the Honorable House.

MOTION TO RECONSIDER VOTE

Senator Lamb moved to reconsider the vote whereby **SB 1878** passed.

Senator Williamson moved to table the Lamb motion, which tabling motion was declared adopted.

House amendments on **SB 1878** were properly signed and the above-numbered bill was referred for enrollment.

GENERAL ORDER

HB 3239 by McNiel et al of the House and Corn of the Senate was called up for consideration.

Senators Johnson (Constance) and Sparks asked to coauthor **HB 3239**, which was the order.

Senator Corn moved that **HB 3239** be advanced, which motion was declared adopted.

THIRD READING

HB 3239 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, Brown, Burrage, Coates, Corn, Crain, Crutchfield, Easley, Eason McIntyre, Ford, Garrison, Ivester, Johnson (C), Johnson (M), Jolley, Lamb, Laster, Laughlin, Leftwich, Lerblance, Mazzei, Myers, Nichols, Paddack, Reynolds, Rice, Riley, Schulz, Sparks, Sweeden, Sykes, Wilcoxson, Williamson, Wilson and Wyrick.--42.

Nay: Brogdon, Gumm and Rabon.--3.

Excused: Coffee, Justice and Morgan.--3.

The bill passed.

HB 3239 was referred for engrossment.

GENERAL ORDER

HB 2474 by Walker et al of the House and Ivester of the Senate was called up for consideration.

Senator Garrison asked to coauthor **HB 2474**, which was the order.

Senator Corn moved to amend **HB 2474**, Page 1, Line 10 ½, by inserting a new Section 1 to read as follows:

“SECTION 1. AMENDATORY 47 O.S. 2001, Section 2-117, as last amended by Section 1, Chapter 348, O.S.L. 2007 (47 O.S. Supp. 2007, Section 2-117), is amended to read as follows:

Section 2-117. A. The Commissioner of Public Safety and each officer of the Department of Public Safety, as designated and commissioned by the Commissioner, are hereby declared to be peace officers of the State of Oklahoma and shall be so deemed and taken in all courts having jurisdiction of offenses against the laws of the state. Such officers shall have the powers and authority now and hereafter vested by law in other peace officers, including the right and power of search and seizure, except the serving or execution of civil process, and the right and power to investigate and prevent crime and to enforce the criminal laws of this state.

B. The officers of the Department shall have the following authority, responsibilities, powers and duties:

1. To enforce the provisions of this title and any other law regulating the operation of vehicles or the use of the highways, including, but not limited to, the Motor Carriers Act of this state, or any other laws of this state by the direction of the Governor;

2. To arrest without writ, rule, order or process any person detected by them in the act of violating any law of the state;

3. When the officer is in pursuit of a violator or suspected violator and is unable to arrest such violator or suspected violator within the limits of the jurisdiction of the Oklahoma Highway Patrol Division, to continue in pursuit of such violator or suspected violator into whatever part of the state may be reasonably necessary to effect the apprehension and arrest of the same, and to arrest such violator or suspected violator wherever the violator may be overtaken;

4. To assist in the location of stolen property, including livestock and poultry or the carcasses thereof, and to make any inspection necessary of any truck, trailer or contents thereof in connection therewith;

5. At all times to direct all traffic in conformance with law and, in the event of a fire, or other emergency, or to expedite traffic, or to insure safety, to direct traffic as conditions may require, notwithstanding the provisions of law;

6. To require satisfactory proof of ownership of the contents of any motor vehicle, including livestock, poultry or the carcasses thereof. In the event that the proof of ownership is not satisfactory, it shall be the duty of the officer to take the motor vehicle, driver, and the contents of the motor vehicle into custody and deliver the same to the sheriff of the county wherein the cargo, motor vehicle and driver are taken into custody;

7. When on duty, upon reasonable belief that any vehicle is being operated in violation of any provisions of this title, or any other law regulating the operation of vehicles, to require the driver thereof to stop and exhibit his or her driver license and the certificate of registration issued for the vehicle, if required to be carried in the vehicle pursuant to paragraph 3 of subsection A of Section 1113 of this title, and submit to an inspection of such vehicle, the license plates and certificate of registration thereon, if applicable, or to any inspection and test of the equipment of such vehicle;

8. To inspect any vehicle of a type required to be registered hereunder in any public garage or repair shop or in any place where such vehicles are held for sale or wrecking, for the purpose of locating stolen vehicles and investigating the title and registration thereof;

9. To serve all warrants relating to the enforcement of the laws regulating the operation of vehicles or the use of the highways and bench warrants issued for nonpayment of fines and costs for moving traffic violations;

10. To investigate and report traffic collisions on all interstate and defense highways and on all highways outside of incorporated municipalities, and may investigate traffic collisions within any incorporated municipality upon request of the local law enforcement agency, and to secure testimony of witnesses or of persons involved;

11. To investigate reported thefts of motor vehicles, trailers and semitrailers;

12. To stop and inspect any motor vehicle or trailer for such mechanical tests as may be prescribed by the Commissioner to determine the roadworthiness of the vehicle. Any vehicle which may be found to be unsafe for use on the highways may be ordered removed from said highway until such alterations or repairs have been made that will render said vehicle serviceable for use on the highway;

13. To stop and inspect the contents of all motor vehicles to ascertain whether or not the provisions of all general laws are being observed;

14. To enforce the laws of the state relating to the registration and licensing of motor vehicles;

15. To enforce the laws relating to the operation and use of vehicles on the highway;

16. To enforce and prevent, on the roads of the state highway system, the violation of the laws relating to the size, weight, and speed of commercial motor vehicles and all laws designed for the protection of the highway pavements and structures on such highways;

17. To investigate and report to the Corporation Commission and the Oklahoma Tax Commission violation of their rules and the laws governing the transportation of persons and property by motor transportation companies and all other motor carriers for hire;

18. To investigate and report violations of all laws relating to the collection of excise taxes on motor vehicle fuels;

19. To regulate the movement of traffic on the roads of the state highway system;

20. Whenever possible, to determine persons causing or responsible for the breaking, damaging, or destruction of any improved surfaced roadway, structure, sign, marker, guardrail, or any other appurtenance constructed or maintained by the Department of Transportation, and to arrest persons responsible therefor and to bring them before the proper officials for prosecution;

21. To investigate incidents involving an employee of the Department, when such incidents are related to the performance of the duties of the employee; and

22. To initiate or assist in manhunts and fugitive apprehensions.

C. Whenever any person is arrested by a patrol officer for a traffic violation the provisions of Sections 16-101 through 16-114 of this title shall apply.

D. 1. Except as provided in this subsection, the powers and duties conferred on the Commissioner and officers of the Department of Public Safety shall not limit the powers and duties of sheriffs or other peace officers of the state or any political subdivision of the state.

2. The Oklahoma Highway Patrol Division shall have primary law enforcement authority respecting traffic-related offenses upon the National System of Interstate and Defense Highways, and may have special law enforcement authority on ~~those portions of~~ the federal-aid primary highways and the state highway system, including those portions of the federal aid primary highways and the state highway system which are located within the boundaries and on the outskirts of a municipality, and designated by the Commissioner of Public Safety for such special law enforcement authority. As used in this subsection “outskirts of a municipality” means and shall be determined by presence of the following factors:

- a. low land use density,
- b. absence of any school or residential subdivision requiring direct ingress or egress from the highway, and
- c. a scarcity of retail or commercial business abutting the highway.

3. The Commissioner may designate any portion of the National System of Interstate and Defense Highways, ~~and those portions of~~ the federal-aid primary highways, and the state highway system ~~which are located within the boundaries of and on the outskirts of a municipality~~ for special traffic-related enforcement by the Oklahoma Highway Patrol Division and issue a written notice to any other law enforcement agency affected thereby. Upon receipt of such notice, the affected law enforcement agency shall not regulate traffic nor enforce traffic-related statutes or ordinances upon such designated portion of the National System of Interstate and Defense Highways or such designated portions of the federal-aid primary highways and the state highway system without prior coordination and written approval of the Commissioner.

E. 1. Any of the following persons may request the Commissioner to investigate the traffic-related enforcement practices of a municipal law enforcement agency whose jurisdiction includes portions of the federal-aid primary highways, the state highway system, or both located within the boundaries of and on the outskirts of the municipality:

- a. the district attorney in whose jurisdiction the municipality is located,
- b. a majority of the county commissioners, by resolution, of the county in which the municipality is located,
- c. the State Auditor and Inspector,
- d. the State Attorney General, or
- e. a state legislator in whose district the municipality is located.

2. The request shall state that the requesting party believes the enforcement practices are being conducted:

- a. within the boundaries of and on the outskirts of the municipality, and
- b. for the purpose of generating more than fifty percent (50%) of the revenue needed for the operation of the municipality.

3. Upon receipt of a request pursuant to this subsection, the Commissioner may investigate the traffic-related enforcement practices of the municipal law enforcement

agency and the receipts and expenditures of the municipality. The law enforcement agency, the municipality, and the requesting party shall cooperate fully with the Commissioner in such an investigation. Upon the completion of the investigation, the Commissioner shall submit a report of the results of the investigation to the Attorney General, who shall make a determination within sixty (60) days of receipt of the report as to whether the enforcement practices of the municipal law enforcement agency are being conducted as provided in subparagraphs a and b of paragraph 2 of this subsection. Upon a determination that the enforcement practices are not being conducted in such a manner, the Attorney General shall notify the Commissioner in writing, and the Commissioner shall take no action to make a designation as provided in paragraph 3 of subsection D of this section. Upon a determination that the enforcement practices are being conducted as provided in subparagraphs a and b of paragraph 2 of this subsection, the Attorney General shall notify the Commissioner in writing, and the Commissioner shall make the designation of special traffic-related enforcement as provided in paragraph 3 of subsection D of this section, which shall stay in force for such time as determined by the Commissioner. The Department of Public Safety shall adopt rules to uniformly implement the procedures for initiating, investigating and reporting to the Attorney General the results of a request under the provisions of this subsection and the criteria for determining the length of time the designation of special traffic-related enforcement shall be in force.

F. Nothing in this section shall limit a member of the Oklahoma Highway Patrol Division from requesting assistance from any other law enforcement agency nor limit officers of such agency from rendering the requested assistance. The officer and the law enforcement agency responding to the request of the member of the Oklahoma Highway Patrol Division or sheriff's department shall have the same rights and immunities as are possessed by the Oklahoma Highway Patrol Division.

G. No state official shall have any power, right, or authority to command, order, or direct any commissioned law enforcement officer of the Department of Public Safety to perform any duty or service contrary to the provisions of this title or any other laws of this state.", and by renumbering subsequent sections, which amendment was declared adopted.

Senator Ivester moved that **HB 2474** be advanced, which motion was declared adopted.

THIRD READING

HB 2474 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, Corn, Crain, Crutchfield, Easley, Eason McIntyre, Ford, Garrison, Gumm, Ivester, Johnson (C), Johnson (M), Jolley, Lamb, Laster, Laughlin, Leftwich, Lerblance, Mazzei, Myers, Nichols, Paddock, Rabon, Reynolds, Rice, Riley, Schulz, Sparks, Sweeden, Sykes, Wilcoxson, Williamson, Wilson and Wyrick.--45.

Excused: Coffee, Justice and Morgan.--3.

The bill passed.

HB 2474 was referred for engrossment.

GENERAL ORDER

HB 2819 by Sullivan of the House and Williamson of the Senate was called up for consideration.

Senator Williamson moved that **HB 2819** be advanced, which motion was declared adopted.

THIRD READING

HB 2819 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, Corn, Crain, Crutchfield, Easley, Eason McIntyre, Ford, Garrison, Gumm, Ivester, Johnson (C), Johnson (M), Jolley, Lamb, Laster, Laughlin, Leftwich, Lerblance, Mazzei, Myers, Nichols, Paddack, Rabon, Rice, Riley, Schulz, Sparks, Sweden, Sykes, Wilcoxson, Williamson, Wilson and Wyrick.--44.

Excused: Coffee, Justice, Morgan and Reynolds.--4.

The bill passed.

HB 2819 was referred for engrossment.

GENERAL ORDER

HB 3354 by Terrill of the House and Wilson of the Senate was called up for consideration.

Senator Wilson moved that **HB 3354** be advanced, which motion was declared adopted.

THIRD READING

HB 3354 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, Corn, Crain, Crutchfield, Easley, Eason McIntyre, Ford, Garrison, Gumm, Ivester, Johnson (C), Johnson (M), Jolley, Lamb, Laster, Laughlin, Leftwich, Lerblance, Mazzei, Myers, Nichols, Paddack, Rabon, Reynolds, Rice, Riley, Schulz, Sparks, Sweeden, Sykes, Wilcoxson, Williamson, Wilson and Wyrick.--45.

Excused: Coffee, Justice and Morgan.--3.

The bill passed.

HB 3354 was properly signed and ordered returned to the Honorable House.

HB 3354 was read at length as follows:

HB 3354- By Terrill of the House and Wilson of the Senate

An Act directing the Secretary of State to refer to the people for their approval or rejection a proposed amendment to the Constitution of the State of Oklahoma by adding a new Section 22A to Article X; prohibiting applications for exemption from ad valorem taxation prior to certain filing; authorizing laws for purposes of implementation; providing ballot title; and directing filing.

BE IT ENACTED BY THE PEOPLE OF THE STATE OF OKLAHOMA:

SECTION 1. The Secretary of State shall refer to the people for their approval or rejection, as and in the manner provided by law, the following proposed amendment to the Constitution of the State of Oklahoma by adding a new Section 22A to Article X thereof, to read as follows:

Section 22A. No person, firm, corporation or other legal entity shall be allowed to file for any ad valorem tax exemption provided for in Article X of the Oklahoma Constitution, for any year or years prior to the person, firm, corporation or legal entity filing their original application for said exemption with the county assessor. Eligibility for the applicable exemption shall be established as required by law. The Legislature may pass any additional laws that may be required to implement the provisions of this section.

SECTION 2. The Ballot Title for the proposed Constitutional amendment as set forth in SECTION 1 of this act shall be in the following form:

BALLOT TITLE

Legislative Referendum No. _____

State Question No. _____

THE GIST OF THE PROPOSITION IS AS FOLLOWS:

This measure amends the Oklahoma Constitution. It would add a new Section 22A to Article 10. This section is related to the property tax system. There are certain types of exemptions from property tax. A person or a business might be required to file an application for an exemption. This section would require a person or a business to file an application the first time in order to have an exemption. A person or a business could not file an application late to obtain an exemption for a prior tax year. The Legislature would be given the authority to write laws to implement the provisions of this section.

SHALL THE PROPOSAL BE APPROVED?

FOR THE PROPOSAL — YES _____

AGAINST THE PROPOSAL — NO _____

SECTION 3. The Chief Clerk of the House of Representatives, immediately after the passage of this act, shall prepare and file one copy thereof, including the Ballot Title set forth in SECTION 2 hereof, with the Secretary of State and one copy with the Attorney General.

MESSAGES FROM THE HOUSE

Advising fourth reading of and transmitting for signature Enrolled **HBs 1647** and **2691**.

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 1399**SB 1435**

The above-numbered measures were referred for enrollment.

Advising the signing of and returning Enrolled **SCRs 66** and **67**.

The above-numbered enrolled measures were transmitted to the Secretary of State.

Advising passage of and transmitting for consideration Engrossed **HCR 1073**.

HCR 1073 – By Johnson (Dennis) of the House and Justice of the Senate.

A Concurrent Resolution disapproving permanent rules of the Oklahoma Water Resources Board; and directing distribution.

The above-numbered measure was read the first time.

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

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

SB 1139

SB 1587

SB 1672

SB 1918

House amendments were read on the above-numbered bills.

Senator Jolley presiding.

GENERAL ORDER

HB 3201 by Denney et al of the House and Aldridge of the Senate was called up for consideration.

Senator Aldridge moved that **HB 3201** be advanced, which motion was declared adopted.

THIRD READING

HB 3201 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, Bingman, Branan, Burrage, Coates, Coffee, Crain, Ford, Gumm, Ivester, Johnson (M), Jolley, Lamb, Laughlin, Mazzei, Nichols and Sweeden.--19.

Nay: Adelson, Ballenger, Bass, Brogdon, Brown, Corn, Crutchfield, Easley, Eason McIntyre, Garrison, Johnson (C), Laster, Leftwich, Lerblance, Morgan, Myers, Paddack, Rabon, Reynolds, Rice, Riley, Schulz, Sparks, Sykes, Wilcoxson, Williamson, Wilson and Wyrick.--28.

Excused: Justice.--1.

The bill failed.

Pursuant to Rule 13-22, Senator Aldridge served notice that the vote be reconsidered whereby **HB 3201** failed.

Senator Laster 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 Williamson presiding.

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

UNANIMOUS CONSENT REQUEST DIRECT TO CALENDAR

Senator Morgan asked unanimous consent to suspend Rule 6-4 and refer **SCR 71** direct to the Calendar for consideration, which was the order.

GENERAL ORDER

SCR 71 by Morgan and Coffee of the Senate and Benge of the House was called up for consideration.

SCR 71 was adopted upon motion of Senator Morgan and referred for engrossment.

GENERAL ORDER

HB 2606 by Peterson (Pam) et al of the House and Brogdon of the Senate was called up for consideration.

Senator Anderson moved that **HB 2606** be advanced, which motion was declared adopted.

THIRD READING

HB 2606 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, Lamb, Laster, Laughlin, Leftwich, Lerblance, Mazzei, Morgan, Myers, Nichols, Paddack, Rabon, Reynolds, Rice, Riley, Schulz, Sparks, Sweeden, Sykes, Wilcoxson, Williamson, Wilson and Wyrick.--47.

Excused: Justice.--1.

The bill passed.

HB 2606 was properly signed and ordered returned to the Honorable House.

REPORT OF ENGROSSED AND ENROLLED MEASURES

SBs 1435 and **1878** were each correctly enrolled, properly signed and ordered transmitted to the Honorable House for signature of the Speaker.

MESSAGE FROM THE HOUSE

Advising fourth reading of and returning Enrolled **SBs 1435** and **1878**.

The above-numbered enrolled measures were referred to the Governor.

EXECUTIVE NOMINATIONS

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

Bradford, Marilyn S., Shawnee, as a member of the Board of Regents of Seminole State College - Education

Williams, Juanita, Tulsa, as a member of the Oklahoma Human Rights Commission - Health and Human Resources

Senator Laster moved that when the clerk's desk is clear, the Senate stand adjourned to convene Monday, April 14, 2008, at 1:30 p.m., which motion prevailed.

FIRST READING

The following were introduced and read the first time:

SCR 72 – By Laughlin of the Senate and Denney of the House.

A Concurrent Resolution offering an apology to Native Peoples on behalf of the State of Oklahoma; supporting a U.S. Congressional Apology to Native Americans; and directing distribution.

SCR 73 – By Paddack of the Senate and Thomsen of the House.

A Concurrent Resolution authorizing the Regional University System of Oklahoma, acting on behalf of East Central University, to issue certain revenue bonds pursuant to Sections 4001-4017 of Title 70 of the Oklahoma Statutes; and directing distribution.

SR 72 – By Garrison and Adelson.

A Resolution stating the American military is paying too much for fuel in Iraq; requesting donations or subsidies; and directing distribution.

SR 73 – By Crain.

A Resolution congratulating the Tulsa Memorial High School Chargers Boys Basketball team for winning the 2007-2008 Class 6A state title; commending their attitude; and directing distribution.

Pursuant to the Laster motion, the Senate adjourned at 12:25 p.m. to meet Monday, April 14, 2008, at 1:30 p.m.