

# Senate Journal

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

Forty-sixth Legislative Day, Tuesday, April 24, 2007

The Senate was called to order by Senator Williamson.

Roll Call:

Present: Adelson, Aldridge, Anderson, Ballenger, Barrington, Bass, Bingman, Branan, Brogdon, Brown, Burrage, Coffee, Corn, Crain, Crutchfield, Easley, Eason McIntyre, Ford, Garrison, Gumm, Ivester, Johnson (C), Johnson (M), Jolley, Justice, 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: Coates.—1.

Senator Williamson 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

**SCRs 10, 25, 31 and 32** were each correctly engrossed, properly signed and ordered transmitted to the Honorable House for consideration.

**HBs 1384, 1396, 1490, 1580, 1606, 1698, 1771, 1927, 1961 and 2077** were each correctly engrossed and, together with engrossed **SAs**, properly signed and ordered returned to the Honorable House.

**SBs 160, 379, 398, 399, 473, 509, 777, 808, 890, 903, 917, 921 and 1028** were each correctly enrolled and after fourth reading, properly signed and ordered transmitted to the Honorable House for signature of the Speaker.

**PENDING CONSIDERATION OF HAS**

**HAs to SB 1092** were rejected upon motion of Senator Laughlin, conference requested, and Senate conferees to be named later.

**GENERAL ORDER**

**HB 2050** by Sherrer and McDaniel (Jeannie) of the House and Burrage of the Senate was called up for consideration.

Senator Burrage moved that **HB 2050** be advanced, which motion was declared adopted.

**THIRD READING**

**HB 2050** 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, Corn, Crain, Crutchfield, Easley, Eason McIntyre, Ford, Garrison, Gumm, Ivester, Johnson (C), Johnson (M), Jolley, Justice, Lamb, Laster, Laughlin, Leftwich, Lerblance, Mazzei, Myers, Nichols, Paddack, Rabon, Reynolds, Rice, Riley, Schulz, Sparks, Sweeden, Sykes, Wilcoxson, Williamson, Wilson and Wyrick.--45.

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

The bill and emergency passed.

**HB 2050** was referred for engrossment.

**INTRODUCTION**

Senator Justice introduced his granddaughter, Cassidy Justice, to the Senate.

**GENERAL ORDER**

**HB 1544** by Winchester et al of the House and Branan and Barrington of the Senate was called up for consideration.

Senator Branan moved that **HB 1544** be advanced, which motion was declared adopted.

**THIRD READING**

**HB 1544** was read for the third time at length.

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

Aye: Adelson, Barrington, Bass, Bingman, Branan, Brown, Burrage, Crain, Crutchfield, Ford, Garrison, Gumm, Johnson (C), Johnson (M), Jolley, Justice, Lamb, Laster, Laughlin, Mazzei, Myers, Nichols, Rice, Schulz, Sparks, Sweeden, Wilcoxson, Williamson and Wilson.--29.

Nay: Aldridge, Anderson, Ballenger, Brogdon, Corn, Easley, Eason McIntyre, Ivester, Leftwich, Lerblance, Paddack, Rabon, Reynolds, Riley, Sykes and Wyrick.--16.

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

The bill passed.

Senators Anderson, Paddack and Leftwich desired to vote Aye on the emergency.

On the question of passage of the emergency, the vote resulted as follows: Aye: 32; Nay: 13; Excused: 3.

The emergency passed.

**HB 1544** was referred for engrossment.

**GENERAL ORDER**

**HB 1562** by Denney and Sears of the House and Laughlin of the Senate was called up for consideration.

Senator Laughlin moved that **HB 1562** be advanced, which motion was declared adopted.

**THIRD READING**

**HB 1562** 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, Bingman, Branan, Brogdon, Brown, Burrage, Coffee, 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.--43.

Nay: Bass, Corn, Johnson (C) and Lerblance.--4.

Excused: Coates.--1.

The bill passed.

**HB 1562** was referred for engrossment.

### **PENDING CONSIDERATION OF HAS**

**HAs** to **SB 426** were rejected upon motion of Senator Laster, conference requested, and Senate conferees to be named later.

### **GENERAL ORDER**

**HB 1686** by Nations et al of the House and Rice of the Senate was called up for consideration.

Senator Rice moved to amend **HB 1686**, Page 1, by restoring the title, which amendment was declared adopted.

Senator Rice moved that **HB 1686** be advanced, which motion was declared adopted.

### **THIRD READING**

**HB 1686** was read for the third time at length.

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

Aye: Adelson, Anderson, Ballenger, Barrington, Bass, Bingman, Branan, Brown, Burrage, Corn, Crain, Crutchfield, Easley, Eason McIntyre, Ford, Garrison, Gumm, Johnson (C), Johnson (M), Jolley, Justice, Laster, Leftwich, Lerblance, Mazzei, Morgan, Myers, Nichols, Paddack, Rabon, Rice, Riley, Sparks, Sweeden, Wilcoxson, Williamson, Wilson and Wyrick.--38.

Nay: Aldridge, Brogdon, Coffee, Ivester, Lamb, Laughlin, Reynolds, Schulz and Sykes.--9.

Excused: Coates.--1.

The bill passed.

**HB 1686** was referred for engrossment.

## GENERAL ORDER

**HB 1042** by Smithson and Brannon of the House and Wyrick of the Senate was called up for consideration.

Senator Corn moved to amend **HB 1042**, Page 4, Line 21 ½, by inserting a new Section 2 to read as follows:

“SECTION 2. AMENDATORY 29 O.S. 2001, Section 4-110, as last amended by Section 10, Chapter 16, O.S.L. 2006 (29 O.S. Supp. 2006, Section 4-110), is amended to read as follows:

Section 4-110 §29-4-110. Fishing licenses.

A. Except as otherwise provided in the Oklahoma Wildlife Conservation Code, no person shall fish, pursue, harass, catch, kill, take in any manner, use, have in possession, sell, or transport all or any portion of fish without having first procured a license for such from the Director or from any of the authorized agents of the Department of Wildlife Conservation. The Wildlife Conservation Commission may designate two (2) days per year in which residents and nonresidents may fish without first procuring a fishing license pursuant to the provisions of this section.

B. Pursuant to the provisions of this Code, persons excepted from the license requirements of this section are:

1. Legal residents under sixteen (16) years of age and nonresidents under sixteen (16) years of age from states which do not require nonresident fishing licenses for persons under sixteen (16) years of age;

2. Legal residents sixty-four (64) years of age or older and nonresidents sixty-four (64) years of age or older from states which do not require nonresident fishing licenses for persons sixty-four (64) years of age or older, provided such resident has obtained a senior citizen's license pursuant to the provisions of Section 4-133 of this title;

3. Legal residents born on or before January 1, 1923;

4. Legal resident veterans having a disability of ~~sixty percent (60%)~~ thirty percent (30%) or more;

5. Legal resident owners or tenants, their spouses, parents, grandparents, children and their spouses, grandchildren and their spouses who fish in private ponds on land owned or leased by them;

6. Every Oklahoma citizen who is serving in a branch of the United States Armed Forces, is on properly authorized leave of absence from military duty, has in possession proper written evidence showing such authorized leave, and is serving outside the State of Oklahoma at the time of such fishing;

7. Any patient of an institution of the State of Oklahoma established for the care and treatment of mental illness or alcohol or drug dependency or any developmentally disabled person residing in any group home or other institution or developmentally disabled persons

when accompanied by an attendant of such institution or legal guardian of said patient, or when fishing on institutional property;

8. Any person under eighteen (18) years of age who is in the legal and physical custody of the State of Oklahoma or one of its agencies by court order;

9. Any person under eighteen (18) years of age who is in the physical custody of a child care facility as defined by Section 402 of Title 10 of the Oklahoma Statutes;

10. Any person who is legally blind or who has any other physical impairment, as certified by a physician licensed in this state or any state which borders this state, which prevents the person from properly using fishing apparatus without the assistance of another person, and any one person actually accompanying and actually assisting such legally blind or otherwise physically impaired person while the latter is fishing. This certification shall be carried by the individual while fishing;

11. Nonresidents under fourteen (14) years of age;

12. Job Corps trainees of this state, provided that such trainees shall have on their persons a duly authorized identification card issued by their respective Job Corps Center and shall present such card upon request, in lieu of a fishing license. The trainees shall return their cards to their respective Job Corps Center when the trainees leave their respective Job Corps training programs;

13. Any legal resident having a proven disability which renders the resident nonambulatory and confined to a wheelchair as certified by a physician licensed in this state or any state which borders this state;

14. Any person who is fishing with a pole and line, trotline, or throwline in streams, natural lakes, natural ponds, and mine pits in the county in which the person is a resident, or in streams, natural lakes, natural ponds, and mine pits which form a part of the boundary line of the county in which the person is a resident, when using any bait other than commercial or artificial bait, blood, stink bait, cut fish, and shrimp; and

15. Any person participating in an aquatic education event or clinic sanctioned by the Department of Wildlife Conservation.

C. Except as otherwise provided for in the Oklahoma Wildlife Conservation Code, the fee for an annual license issued pursuant to the provisions of this section shall be:

1. For legal residents eighteen (18) years of age and older, Nineteen Dollars (\$19.00); for legal residents sixteen (16) or seventeen (17) years of age, Four Dollars (\$4.00). For a two-day resident permit license, Nine Dollars (\$9.00); and

2. For nonresidents, Thirty-six Dollars (\$36.00), provided the Commission may enter into reciprocity agreements with states wherein nonresident license fees shall be in conformity with such reciprocal agreements. For a five-day nonresident permit license, Seventeen Dollars and fifty cents (\$17.50). Of the amount of monies collected pursuant to the provisions of this paragraph, Five Dollars (\$5.00) of the license fee for nonresidents, and One Dollar and fifty cents (\$1.50) of the five-day nonresident permit fee shall be deposited in the Wildlife Land Acquisition Fund created pursuant to the provisions of Section 4-132 of this title.

D. Legal residents who have resided in this state for at least six (6) months and who are receiving Social Security Disability benefits, Supplemental Security Income benefits, disability benefits under the Railroad Retirement Act, 45 U.S.C.A., Section 231a, postal employees receiving disability benefits pursuant to 5, U.S.C., Section 8451 (1998) or legal residents who are one hundred percent (100%) disabled and are receiving disability

payments from the Multiple Injury Trust Fund pursuant to Section 173 of Title 85 of the Oklahoma Statutes, may purchase a disability fishing license from the Director for Ten Dollars (\$10.00) for five (5) years.

E. 1. Any person arrested while violating the provisions of this section who does not meet the requirements of subsection H of this section, may purchase a substitute temporary thirty-day license from the arresting game warden in lieu of posting bond. The fee for a substitute license purchased pursuant to the provisions of this subsection shall be:

- a. for legal residents, Fifty Dollars (\$50.00), and
- b. for nonresidents, Ninety Dollars (\$90.00).

2. Except as otherwise provided by this subsection, the fees from licenses purchased pursuant to the provisions of this subsection shall be deposited in the Wildlife Conservation Fund to be used exclusively for developing, managing, preserving, and protecting wildlife and wildlife habitat.

F. Unless a substitute license is purchased as provided for by subsection E of this section, any resident of this state convicted of violating the provisions of this section shall be punished by the imposition of a fine of not less than Twenty-five Dollars (\$25.00) nor more than Two Hundred Dollars (\$200.00) or by imprisonment in the county jail for a period not to exceed thirty (30) days, or by both said fine and imprisonment.

G. Unless a substitute license is purchased as provided for by subsection E of this section, any nonresident convicted of violating this section shall be punished by a fine of not less than Fifty Dollars (\$50.00) nor more than Two Hundred Dollars (\$200.00) or by imprisonment in the county jail for a period not more than thirty (30) days, or by both such fine and imprisonment.

H. Any person producing proof in court that a current fishing license issued by the Department of Wildlife Conservation to such person was in force at the time of the alleged offense shall be entitled to dismissal of a charge of violating this section upon payment of court costs; however, if proof of fishing license is presented to the court or district attorney within seventy-two (72) hours after the violation, the charge shall be dismissed without payment of court costs.”, and by renumbering subsequent sections and amending the title to conform.

Senator Rabon moved to table the Corn amendment, which tabling motion was declared adopted.

Senator Wyrick moved that **HB 1042** be advanced, which motion was declared adopted.

### **THIRD READING**

**HB 1042** 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, Coffee, Corn, Crain, Crutchfield, Easley, Eason McIntyre, Ford,

Garrison, Gumm, Ivester, Johnson (C), Johnson (M), Jolley, Justice, 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: Coates.--1.

The bill and emergency passed.

**HB 1042** was properly signed and ordered returned to the Honorable House.

### **GENERAL ORDER**

**HB 1718** by Miller of the House and Gumm of the Senate was called up for consideration.

Senator Gumm moved that **HB 1718** be advanced, which motion was declared adopted.

### **THIRD READING**

**HB 1718** 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, Coffee, Corn, Crain, Crutchfield, Easley, Eason McIntyre, Ford, Garrison, Gumm, Ivester, Johnson (C), Johnson (M), Jolley, Justice, 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: Coates.--1.

The bill and emergency passed.

**HB 1718** was referred for engrossment.

### **GENERAL ORDER**

**HB 1476** by Coody et al of the House and Jolley and Bass of the Senate was called up for consideration.

Senator Jolley asked that **HB 1476** be laid over temporarily, which was the order.

**HB 1476** remains on General Order.

#### **MESSAGES FROM THE HOUSE**

Advising rejection of **SAs** to the following bills, requesting conference and naming House conferees as follows: **GCCA**

**HBs 1095 through 1103**  
**HBs 1117 through 1121**  
**HBs 1123 through 1144**  
**HBs 1146 through 1161**  
**HBs 1163 through 1183**  
**HBs 1185 through 1218**  
**HBs 1220 through 1222**  
**HBs 1224 through 1232**  
**HBs 1235 through 1240**  
**HBs 1242 through 1270**  
**HBs 1272 through 1280**

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

**HB 1520**  
**HB 1619**  
**HB 1716**  
**HB 1739**  
**HB 1818**  
**HB 1884**  
**HB 2070**

Advising concurrence in **SAs** to and passage of Engrossed **HB 1797**.

#### **GENERAL ORDER**

**HB 1829** by Kiesel et al of the House and Bingman of the Senate was called up for consideration.

Senator Bingman moved that **HB 1829** be advanced, which motion was declared adopted.

**THIRD READING**

**HB 1829** 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, Coffee, Corn, Crain, Crutchfield, Easley, Eason McIntyre, Ford, Garrison, Gumm, Ivester, Johnson (C), Johnson (M), Jolley, Justice, Lamb, Laster, Laughlin, Leftwich, Lerblance, Mazzei, Morgan, Myers, Nichols, Paddack, Rabon, Rice, Riley, Schulz, Sparks, Sweeden, Sykes, Wilcoxson, Williamson, Wilson and Wyrick.--46.

Excused: Coates and Reynolds.--2.

The bill passed.

**HB 1829** was referred for engrossment.

**GENERAL ORDER**

**HB 1027** by Smithson of the House and Corn of the Senate was called up for consideration.

Senator Corn moved that **HB 1027** be advanced, which motion was declared adopted.

**THIRD READING**

**HB 1027** was read for the third time at length.

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

Aye: Adelson, Anderson, Ballenger, Barrington, Bingman, Branan, Brogdon, Brown, Burrage, Corn, Crutchfield, Easley, Eason McIntyre, Ford, Gumm, Ivester, Johnson (M), Jolley, Justice, Laster, Laughlin, Leftwich, Myers, Nichols, Paddack, Rice, Riley, Schulz, Sparks, Sweeden, Sykes, Williamson, Wilson and Wyrick.--34.

Nay: Aldridge, Bass, Crain, Garrison, Johnson (C), Lamb, Lerblance, Mazzei, Rabon and Wilcoxson.--10.

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

The bill passed.

**HB 1027** was referred for engrossment.

**GENERAL ORDER**

**HB 2071** by Liebmann et al of the House and Crain of the Senate was called up for consideration.

Senator Crain moved that **HB 2071** be advanced, which motion was declared adopted.

**THIRD READING**

**HB 2071** 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, Brown, Burrage, Corn, Crain, Crutchfield, Easley, Eason McIntyre, Ford, Garrison, Gumm, Ivester, Johnson (C), Johnson (M), Jolley, Justice, Lamb, Laster, Laughlin, Leftwich, Lerblance, Nichols, Paddack, Rabon, Rice, Riley, Schulz, Sparks, Sweeden, Sykes, Wilcoxson, Williamson, Wilson and Wyrick.--41.

Nay: Brogdon, Mazzei and Myers.--3.

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

The bill and emergency passed.

**HB 2071** was referred for engrossment.

**GENERAL ORDER**

**HB 1646** by Peterson (Pam) of the House and Ford of the Senate was called up for consideration.

Senator Ford asked that **HB 1646** be laid over temporarily, which was the order.

**HB 1646** remains on General Order.

**GENERAL ORDER**

**HB 1714** by Wesselhoft et al of the House and Nichols et al of the Senate was called up for consideration.

Senator Nichols moved that **HB 1714** be advanced, which motion was declared adopted.

**THIRD READING**

**HB 1714** 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, Coffee, Corn, Crain, Crutchfield, Easley, Eason McIntyre, Ford, Garrison, Gumm, Ivester, Johnson (C), Johnson (M), Jolley, Justice, Lamb, Laster, Laughlin, Leftwich, Lerblance, Mazzei, Morgan, Myers, Nichols, Paddack, Rabon, Rice, Riley, Schulz, Sparks, Sweeden, Sykes, Wilcoxson, Williamson, Wilson and Wyrick.--46.

Excused: Coates and Reynolds.--2.

The bill passed.

**HB 1714** was referred for engrossment.

**GENERAL ORDER**

**HB 1543** by Winchester et al of the House and Corn of the Senate was called up for consideration.

Senator Rabon asked to coauthor **HB 1543**, which was the order.

Senator Corn moved that **HB 1543** be advanced, which motion was declared adopted.

**THIRD READING**

**HB 1543** 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, Coffee, Corn, Crain, Crutchfield, Easley, Eason McIntyre, Ford, Garrison, Gumm, Ivester, Johnson (C), Johnson (M), Jolley, Justice, Lamb, Laster, Laughlin, Leftwich, Lerblance, Mazzei, Morgan, Myers, Nichols, Paddack, Rabon, Rice, Riley, Schulz, Sparks, Sweeden, Sykes, Wilcoxson, Williamson, Wilson and Wyrick.--46.

Excused: Coates and Reynolds.--2.

The bill passed.

**HB 1543** was properly signed and ordered returned to the Honorable House.

**GENERAL ORDER**

**HB 1774** by Thompson and Martin (Scott) of the House and Branan of the Senate was called up for consideration.

Senator Branan moved to amend **HB 1774**, Page 1, by striking the title, which amendment was declared adopted.

Senator Branan moved that **HB 1774** be advanced, which motion was declared adopted.

**THIRD READING**

**HB 1774** 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, Coffee, Corn, Crain, Crutchfield, Easley, Eason McIntyre, Ford, Garrison, Gumm, Ivester, Johnson (C), Johnson (M), Jolley, Justice, Lamb, Laster, Laughlin, Leftwich, Lerblance, Mazzei, Morgan, Myers, Nichols, Paddack, Rabon, Rice, Riley, Schulz, Sparks, Sweden, Sykes, Wilcoxson, Williamson, Wilson and Wyrick.--46.

Excused: Coates and Reynolds.--2.

The bill passed.

**HB 1774** was referred for engrossment.

**Senator Brogdon presiding.**

**GENERAL ORDER**

**HB 1761** by Blackwell and McMullen of the House and Laughlin of the Senate was called up for consideration.

Senator Laughlin moved that **HB 1761** be advanced, which motion was declared adopted.

**THIRD READING**

**HB 1761** 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, Corn, Crain, Crutchfield, Easley, Eason McIntyre, Ford, Garrison, Gumm, Ivester, Johnson (C), Johnson (M), Jolley, Justice, Lamb, Laster, Laughlin, Leftwich, Lerblance, Mazzei, Myers, Nichols, Paddack, Rabon, Rice, Riley, Schulz, Sparks, Sweeden, Sykes, Wilcoxson, Williamson, Wilson and Wyrick.--44.

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

The bill and emergency passed.

**HB 1761** was referred for engrossment.

### **GENERAL ORDER**

**HB 1621** by Derby et al of the House and Jolley of the Senate was called up for consideration.

Senator Jolley moved that **HB 1621** be advanced, which motion was declared adopted.

### **THIRD READING**

**HB 1621** 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, Coffee, Corn, Crain, Crutchfield, Easley, Eason McIntyre, Ford, Garrison, Gumm, Ivester, Johnson (C), Johnson (M), Jolley, Justice, Lamb, Laster, Laughlin, Leftwich, Lerblance, Mazzei, Myers, Nichols, Paddack, Rabon, Rice, Riley, Schulz, Sparks, Sweeden, Sykes, Wilcoxson, Williamson, Wilson and Wyrick.--45.

Excused: Coates, Morgan and Reynolds.--3.

The bill and emergency passed.

**HB 1621** was referred for engrossment.

**MESSAGES FROM THE HOUSE**

Advising passage of and returning the following Engrossed bills:

**SB 17** - coauthored by Banz, Cooksey, Johnson (Dennis), Kern, Peterson (Pam), Reynolds, Terrill and Tibbs of the House

**SB 938** - coauthored by Wesselhoft of the House

The above-numbered measures were referred for enrollment.

Advising fourth reading of and returning Enrolled **SBs 160, 379, 398, 399, 473, 509, 777, 808, 890, 903, 917, 921** and **1028**.

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

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

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

**SB 136**

**SB 334**

**SB 335**

**SB 339**

**SB 341**

**SB 342**

**SB 343**

**SB 344**

**SB 353**

**SB 354**

**SB 355**

**SB 371** - coauthored by Kiesel and Hoskin of the House

**SB 378**

**SB 481**

**SB 514**

**SB 519**

**SB 523**

**SB 586** - coauthored by Shumate and Shelton of the House

**SB 612** - remove McCullough and substitute DeWitt as principal House author and add Kern and McDaniel (Randy) as House coauthors

**SB 664**

**SB 790** - coauthored by Pittman, McDaniel (Jeannie), McDaniel (Randy), Peterson (Pam), Kern, Jackson, Brannon, Smithson, Winchester and Morgan of the House

**SB 853**

**SB 859** - coauthored by Roan, Walker and Collins of the House

**SB 925**

**SB 984**

**SB 1032** - coauthored by Smithson of the House

**SB 1043**

**SB 1076** - coauthored by Kern of the House

**SCR 6**

House amendments were read on the above-numbered bills.

Senator Laster moved that the Senate recess until 1:30 p.m., which motion was declared adopted.

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The Senate reconvened with Senator Brogdon presiding.

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

### **GENERAL ORDER**

**HB 1601** by Hickman et al of the House and Jolley of the Senate was called up for consideration.

Senators Bass and Constance Johnson asked to coauthor **HB 1601**, which was the order.

Senator Jolley moved that **HB 1601** be advanced, which motion was declared adopted.

### **THIRD READING**

**HB 1601** 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, Coffee, Corn, Crain, Crutchfield, Eason McIntyre, Ford, Garrison, Gumm, Ivester, Johnson (C), Johnson (M), Jolley, Justice, Lamb, Laster, Laughlin, Leftwich, Lerblance, Mazzei, Myers, Nichols, Paddack, Rabon, Reynolds, Rice, Riley, Schulz, Sparks, Sweeden, Sykes, Wilcoxson, Williamson, Wilson and Wyrick.--45.

Excused: Coates, Easley and Morgan.--3.

The bill and emergency passed.

**HB 1601** was referred for engrossment.

### **GENERAL ORDER**

**HB 2101** by Cargill et al of the House and Coffee and Johnson (Constance) of the Senate was called up for consideration.

Senator Coffee moved to amend **HB 2101**, Page 2, Line 4, by deleting after the number "2." and before the word "members" all language and inserting the word "Four"; Page 2, Line 11, by deleting after the first word "a" all language through Line 12 and inserting the words "person who has been previously convicted of a criminal offense in Oklahoma, and" ; Page 2, Line 14, by deleting after the word "official" all language through line 16 and inserting a semi-colon " ; " ; Page 2, Line 17, by deleting after the number "3." and before the word "members" all language and inserting the word "Four"; Page 2, Line 21 by deleting after the word "a" all language through line 22 and inserting the words "representative from a for-profit half-way house who specializes in reintegration of inmates,"; Page 3, Line 2, by deleting the period "." and inserting a comma "," and the word "and"; and Page 3, Lone 2 ½, by inserting the words "d. one member shall be a district attorney, or his or her designee.", which amendment was declared adopted.

Senator Coffee moved that **HB 2101** be advanced, which motion was declared adopted.

### **THIRD READING**

**HB 2101** 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, Coffee, Corn, Crain, Crutchfield, Eason McIntyre, Ford, Garrison, Gumm, Ivester, Johnson (C), Johnson (M), Jolley, Justice, Lamb, Laster, Laughlin, Leftwich, Lerblance, Mazzei, Myers, Nichols, Paddack, Rabon, Reynolds, Rice, Riley, Schulz, Sparks, Sweeden, Sykes, Wilcoxson, Williamson, Wilson and Wyrick.--45.

Excused: Coates, Easley and Morgan.--3.

The bill passed.

**HB 2101** was referred for engrossment.

**GENERAL ORDER**

**HB 1617** by Roan of the House and Corn of the Senate was called up for consideration.

Senator Corn moved that **HB 1617** be advanced, which motion was declared adopted.

**THIRD READING**

**HB 1617** 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, Coffee, Corn, Crain, Crutchfield, Eason McIntyre, Ford, Garrison, Gumm, Ivester, Johnson (C), Johnson (M), Jolley, Justice, Lamb, Laster, Laughlin, Leftwich, Lerblance, Mazzei, Myers, Nichols, Paddack, Rabon, Reynolds, Rice, Riley, Schulz, Sparks, Sweeden, Sykes, Wilcoxson, Williamson, Wilson and Wyrick.--45.

Excused: Coates, Easley and Morgan.--3.

The bill passed.

**HB 1617** was properly signed and ordered returned to the Honorable House.

**GENERAL ORDER**

**HB 1960** by Peterson (Ron) of the House and Brown of the Senate was called up for consideration.

Senator Brown asked unanimous consent, which was granted, to suspend Senate Rule 13-4 as it pertains to **HB 1960**.

Senator Brown moved to amend **HB 1960**, Page 1, Line 11 through Page 2, Line 22, by deleting Section 1 and by renumbering subsequent sections, which amendment was declared adopted.

Senator Brown moved that **HB 1960** be advanced, which motion was declared adopted.

**THIRD READING**

**HB 1960** 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, Coffee, Corn, Crain, Crutchfield, Eason McIntyre, Ford, Garrison, Gumm, Ivester, Johnson (M), Jolley, Justice, Lamb, Laster, Laughlin, Leftwich, Lerblance, Mazzei, Myers, Nichols, Paddack, Rabon, Reynolds, Rice, Riley, Schulz, Sparks, Sweeden, Sykes, Wilcoxson, Williamson, Wilson and Wyrick.--44.

Excused: Coates, Easley, Johnson (C) and Morgan.--4.

The bill and emergency passed.

Pursuant to Rule 13-22, Senator Brown served notice that the vote be reconsidered whereby **HB 1960** passed.

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

**HAs to SBs 98 and 859** were rejected upon motion of Senator Laster, conference requested, and Senate conferees to be named later.

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

**HAs to SB 1026** were concurred in upon motion of Senator Bass.

Senators Garrison, Easley, Riley, Eason McIntyre, Leftwich, Adelson and Ivester asked to coauthor **SB 1026**, which was the order.

**SB 1026**, 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, Aldridge, Anderson, Ballenger, Barrington, Bass, Bingman, Branan, Brogdon, Brown, Burrage, Coffee, Corn, Crain, Crutchfield, Easley, Eason McIntyre, Ford, Garrison, Gumm, Ivester, Johnson (M), Jolley, Justice, Lamb, Laster, Laughlin, Leftwich, Lerblance, Mazzei, Myers, Nichols, Paddack, Rabon, Reynolds, Rice, Riley, Schulz, Sparks, Sweeden, Sykes, Wilcoxson, Williamson, Wilson and Wyrick.--45.

Excused: Coates, Johnson (C) and Morgan.--3.

The bill and emergency passed.

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

**GENERAL ORDER**

**HB 1379** by Ingmire et al of the House and Adelson of the Senate was called up for consideration.

Senator Leftwich asked to coauthor **HB 1379**, which was the order.

Senator Adelson moved that **HB 1379** be advanced, which motion was declared adopted.

**THIRD READING**

**HB 1379** 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, Coffee, Corn, Crain, Crutchfield, Easley, Eason McIntyre, Ford, Garrison, Gumm, Ivester, Johnson (M), Jolley, Justice, Lamb, Laster, Laughlin, Leftwich, Lerblance, Mazzei, Myers, Nichols, Paddack, Rabon, Reynolds, Rice, Riley, Schulz, Sparks, Sweeden, Sykes, Wilcoxson, Williamson, Wilson and Wyrick.--45.

Excused: Coates, Johnson (C) and Morgan.--3.

The bill and emergency passed.

**HB 1379** was referred for engrossment.

**GENERAL ORDER**

**HB 1762** by Blackwell of the House and Laughlin of the Senate was called up for consideration.

Senator Laughlin moved that **HB 1762** be advanced, which motion was declared adopted.

**THIRD READING**

**HB 1762** 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, Anderson, Ballenger, Bass, Bingman, Brown, Burrage, Coffee, Crain, Crutchfield, Easley, Eason McIntyre, Ford, Garrison, Gumm, Ivester, Johnson (M), Justice, Lamb, Laster, Laughlin, Leftwich, Lerblance, Mazzei, Myers, Nichols, Rabon, Reynolds, Rice, Riley, Schulz, Sparks, Sweeden, Wilcoxson, Williamson, Wilson and Wyrick.--37.

Nay: Aldridge, Barrington, Branan, Brogdon, Corn, Jolley, Paddack and Sykes.--8.

Excused: Coates, Johnson (C) and Morgan.--3.

The bill and emergency passed.

**HB 1762** was referred for engrossment.

### **GENERAL ORDER**

**HB 1646** by Peterson (Pam) of the House and Ford of the Senate was called up for further consideration.

Senator Ford moved that **HB 1646** be advanced, which motion was declared adopted.

### **THIRD READING**

**HB 1646** 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, Coffee, Corn, Crain, Crutchfield, Easley, Eason McIntyre, Ford, Garrison, Gumm, Ivester, Johnson (M), Jolley, Justice, Lamb, Laster, Laughlin, Leftwich, Lerblance, Mazzei, Myers, Nichols, Paddack, Rabon, Reynolds, Rice, Riley, Schulz, Sparks, Sweeden, Sykes, Wilcoxson, Williamson, Wilson and Wyrick.--45.

Excused: Coates, Johnson (C) and Morgan.--3.

The bill passed.

**HB 1646** was properly signed and ordered returned to the Honorable House.

### **GENERAL ORDER**

**HB 1773** by Thompson et al of the House and Corn of the Senate was called up for consideration.

Senators Branan and Ivester asked to coauthor **HB 1773**, which was the order.

Senator Corn moved that **HB 1773** be advanced, which motion was declared adopted.

### **THIRD READING**

**HB 1773** 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, Coffee, Corn, Crain, Crutchfield, Easley, Eason McIntyre, Ford, Garrison, Gumm, Ivester, Johnson (M), Jolley, Justice, Lamb, Laster, Laughlin, Leftwich, Lerblance, Mazzei, Myers, Nichols, Paddack, Rabon, Reynolds, Rice, Riley, Schulz, Sparks, Sweeden, Sykes, Wilcoxson, Williamson, Wilson and Wyrick.--45.

Excused: Coates, Johnson (C) and Morgan.--3.

The bill and emergency passed.

**HB 1773** was referred for engrossment.

### **GENERAL ORDER**

**HB 1455** by Johnson (Rob) et al of the House and Branan and Lerblance of the Senate was called up for consideration.

Senator Gumm asked to coauthor **HB 1455**, which was the order.

Senator Branan moved to amend **HB 1455**, Page 3, Line 11 through Page 5, Line 12, by deleting Section 2 and by renumbering subsequent section, which amendment was declared adopted.

Senator Branan moved that **HB 1455** be advanced, which motion was declared adopted.

### **THIRD READING**

**HB 1455** 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, Coffee, Corn, Crain, Crutchfield, Easley, Eason McIntyre, Ford, Garrison, Gumm, Ivester, Johnson (C), Johnson (M), Jolley, Justice, 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: Coates.--1.

The bill passed.

**HB 1455** was referred for engrossment.

### **GENERAL ORDER**

**HB 1557** by Denney et al of the House and Morgan of the Senate was called up for consideration.

Senator Morgan moved that **HB 1557** be advanced, which motion was declared adopted.

### **THIRD READING**

**HB 1557** 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, Coffee, Corn, Crain, Crutchfield, Easley, Eason McIntyre, Ford, Garrison, Gumm, Ivester, Johnson (C), Johnson (M), Jolley, Justice, Lamb, Laster, Laughlin, Leftwich, Lerblance, Mazzei, Morgan, Myers, Nichols, Paddack, Rabon, Reynolds, Rice, Riley, Schulz, Sparks, Sweeden, Sykes, Wilcoxson and Wilson.--45.

Excused: Coates, Williamson and Wyrick.--3.

The bill and emergency passed.

**HB 1557** was referred for engrossment.

### **GENERAL ORDER**

**HB 1035** by Blackwell et al of the House and Lamb of the Senate was called up for consideration.

Senator Corn moved to amend **HB 1035**, Page 1, Line 20, Page 1, Line 24, Page 2, Lines 1 and 2, and Page 2, Lines 18 and 19, by deleting the words “deleting the words “Oklahoma State Bureau of Investigation” and inserting in lieu thereof the words “Oklahoma State Bureau of Narcotics and Dangerous Drugs Control”, which amendment was declared adopted.

Senator Lamb moved that **HB 1035** be advanced, which motion was declared adopted.

### **THIRD READING**

**HB 1035** 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, Bingman, Branan, Brogdon, Brown, Burrage, Coffee, Corn, Crain, Easley, Ford, Garrison, Ivester, Johnson (M), Jolley, Justice, Lamb, Laster, Laughlin, Leftwich, Mazzei, Morgan, Myers, Nichols, Rabon, Reynolds, Rice, Riley, Schulz, Sparks, Sweeden, Sykes, Wilcoxson, Williamson, Wilson and Wyrick.--40.

Nay: Bass, Crutchfield, Eason McIntyre, Gumm, Johnson (C), Lerblance and Paddack.--7.

Excused: Coates.--1.

The bill passed.

**HB 1035** was referred for engrossment.

### **GENERAL ORDER**

**HB 1649** by Peterson (Pam) et al of the House and Eason McIntyre of the Senate was called up for consideration.

Senator Eason McIntyre moved that **HB 1649** be advanced, which motion was declared adopted.

### **THIRD READING**

**HB 1649** 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, Coffee, Corn, Crain, Crutchfield, Easley, Eason McIntyre, Ford, Garrison, Gumm, Ivester, Johnson (C), Johnson (M), Jolley, Justice, 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: Coates.--1.

The bill passed.

**HB 1649** was referred for engrossment.

### **EXECUTIVE NOMINATIONS**

The following executive nominations have been approved by the committees named:

Prince, Tom, Edmond, to the State Election Board, to serve a four year term ending March 1, 2011, succeeding himself. (Rules Committee) Motion to confirm made by Senator Mike Johnson.

Turpen, Susan, Oklahoma City, to the State Election Board, to serve a four year term ending March 1, 2011, succeeding Glorine Henley. (Rules Committee) Motion to confirm made by Senator Andrew Rice.

Watkins, Ramon Lanel, Tulsa, to the State Election Board, to serve a four year term ending March 1, 2011, succeeding Kenny Monroe. (Rules Committee) Motion to confirm made by Senator Judy Eason McIntyre.

Motions to confirm the above named executive nominations were declared adopted upon roll call as follows:

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

Excused: Coates, Nichols and Sykes.--3.

**UNANIMOUS CONSENT REQUEST  
DIRECT TO CALENDAR**

Senator Johnson (Mike) asked unanimous consent to suspend Rule 6-4 and refer **SCR 33** direct to the Calendar for consideration, which was the order.

**GENERAL ORDER**

**SCR 33** by Johnson (Mike) and Justice of the Senate and Richardson of the House was called up for consideration.

All other members of the Senate asked to coauthor **SCR 33**, which was the order.

**SCR 33** was adopted upon motion of Senator Johnson (Mike) and referred for engrossment.

**GENERAL ORDER**

**HB 1776** by Thompson and Shannon of the House and Corn of the Senate was called up for consideration.

Senator Corn moved to amend **HB 1776**, 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 Corn moved that **HB 1776** be advanced, which motion was declared adopted.

**THIRD READING**

**HB 1776** 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, Coffee, Corn, Crain, Crutchfield, Easley, Eason McIntyre, Ford, Garrison, Gumm, Ivester, Johnson (C), Johnson (M), Jolley, Justice, Lamb, Laster, Laughlin, Leftwich, Lerblance, Mazzei, Morgan, Myers, Nichols, Paddack, Rabon, Rice, Riley, Schulz, Sparks, Sweeden, Sykes, Wilcoxson, Williamson, Wilson and Wyrick.--46.

Excused: Coates and Reynolds.--2.

The bill and emergency passed.

**HB 1776** was referred for engrossment.

## GENERAL ORDER

**HB 1385** by Ingmire et al of the House and Lamb of the Senate was called up for consideration.

Senator Leftwich asked to coauthor **HB 1385**, which was the order.

Senator Adelson moved to amend **HB 1385**, Page 23, Line 20 ½, by inserting new Sections 8 and 9 to read as follows:

“SECTION 8. AMENDATORY 22 O.S. 2001, Section 60.1, as last amended by Section 14, Chapter 348, O.S.L. 2005 (22 O.S. Supp. 2006, Section 60.1), is amended to read as follows:

Section 60.1. As used in the Protection from Domestic Abuse Act and in the Domestic Abuse Reporting Act, Sections 40.5 through 40.7 of this title and Section 150.12B of Title 74 of the Oklahoma Statutes:

1. "Domestic abuse" means any act of physical harm, or the threat of imminent physical harm which is committed by an adult, emancipated minor, or minor child thirteen (13) years of age or older against another adult, emancipated minor or minor child who are family or household members or who are or were in a dating relationship;

2. "Stalking" means the willful, malicious, and repeated following of a person by an adult, emancipated minor, or minor thirteen (13) years of age or older, with the intent of placing the person in reasonable fear of death or great bodily injury;

3. "Harassment" means a knowing and willful course or pattern of conduct by a ~~family or household member or an individual who is or has been involved in a dating relationship with the person~~ an adult, emancipated minor, or minor thirteen (13) years of age or older, directed at a specific person which seriously alarms or annoys the person, and which serves no legitimate purpose. The course of conduct must be such as would cause a reasonable person to suffer substantial emotional distress, and must actually cause substantial distress to the person. "Harassment" shall include, but not be limited to, harassing or obscene telephone calls in violation of Section 1172 of Title 21 of the Oklahoma Statutes and fear of death or bodily injury;

4. "Family or household members" means:

- a. spouses,
- b. ex-spouses,
- c. present spouses of ex-spouses,
- d. parents, including grandparents, stepparents, adoptive parents and foster parents,
- e. children, including grandchildren, stepchildren, adopted children and foster children,
- f. persons otherwise related by blood or marriage,
- g. persons living in the same household or who formerly lived in the same household, and

- h. persons who are the biological parents of the same child, regardless of their marital status, or whether they have lived together at any time.  
This shall include the elderly and handicapped;

5. "Dating relationship" means a courtship or engagement relationship. For purposes of this act, a casual acquaintance or ordinary fraternization between persons in a business or social context shall not constitute a dating relationship;

6. "Foreign protective order" means any valid order of protection issued by a court of another state or a tribal court;

7. "Rape" means rape and rape by instrumentation in violation of Sections 1111 and 1111.1 of Title 21 of the Oklahoma Statutes;

8. "Victim support person" means a person affiliated with a certified domestic violence or sexual assault program, certified by the Attorney General or certified by a recognized Native American Tribe if operating mainly within tribal lands, who provides support and assistance for a person who files a petition under the Protection from Domestic Violence Act; and

9. "Mutual protective order" means a final protective order or orders issued to both a plaintiff who has filed a petition for a protective order and a defendant included as the defendant in the plaintiff's petition restraining the parties from committing domestic violence, stalking, harassment or rape against each other. If both parties allege domestic abuse, violence, stalking, harassment or rape against each other, the parties shall do so by separate petition pursuant to Section 60.4 of this title.

SECTION 9. AMENDATORY 22 O.S. 2001, Section 60.2, as last amended by Section 1, Chapter 302, O.S.L. 2006 (22 O.S. Supp. 2006, Section 60.2), is amended to read as follows:

Section 60.2. A. A victim of domestic abuse, a victim of stalking, a victim of harassment, a victim of rape, any adult or emancipated minor household member on behalf of any other family or household member who is a minor or incompetent, or any minor age sixteen (16) or seventeen (17) years may seek relief under the provisions of the Protection from Domestic Abuse Act.

1. The person seeking relief may file a petition for a protective order with the district court in the county in which the victim resides, the county in which the defendant resides, or the county in which the domestic violence occurred. If the person seeking relief is a victim of stalking or harassment but is not a family or household member or an individual who is or has been in a dating relationship with the defendant, the person seeking relief must file a complaint against the defendant with the proper law enforcement agency before filing a petition for a protective order with the district court. The person seeking relief shall provide a copy of the complaint that was filed with the law enforcement agency at the full hearing if the complaint is not available from the law enforcement agency. Failure to provide a copy of the complaint filed with the law enforcement agency shall constitute a frivolous filing and the court may assess attorney fees and court costs against the plaintiff pursuant to paragraph 2 of subsection C of Section 60.2 of this title. The filing of a petition for a protective order shall not require jurisdiction or venue of the criminal offense if either the plaintiff or defendant resides in the county. If a petition has been filed in an action for divorce or separate maintenance and either party to the action files a petition for a protective order in the same county where the action for divorce or separate maintenance is filed, the petition for the protective order shall be heard by the court hearing the divorce or

separate maintenance action. If the defendant is a minor child, the petition shall be filed with the court having jurisdiction over juvenile matters.

2. When the abuse occurs when the court is not open for business, such person may request an emergency temporary order of protection as authorized by Section 40.3 of this title.

B. The petition forms shall be provided by the clerk of the court. The Administrative Office of the Courts shall develop a standard form for the petition.

C. 1. Except as otherwise provided by this section, no filing fee, service of process fee, attorney fees or any other fee or costs shall be charged the plaintiff or victim at any time for filing a petition for a protective order whether a protective order is granted or not granted. The court may assess court costs, service of process fees, attorney fees, other fees and filing fees against the defendant at the hearing on the petition, if a protective order is granted against the defendant; provided, the court shall have authority to waive the costs and fees if the court finds that the party does not have the ability to pay the costs and fees.

2. If the court makes specific findings that a petition for a protective order has been filed frivolously and no victim exists, the court may assess attorney fees and court costs against the plaintiff.

D. The person seeking relief shall prepare the petition or, at the request of the plaintiff, the court clerk or the victim-witness coordinator, victim support person, and court case manager shall prepare or assist the plaintiff in preparing the petition.” and by renumbering subsequent section.

Senator Williamson moved to table the Adelson amendment, which tabling motion was declared adopted upon roll call as follows:

Aye: Aldridge, Anderson, Barrington, Bingman, Branan, Brogdon, Brown, Coffee, Crain, Easley, Ford, Johnson (M), Jolley, Justice, Lamb, Laster, Laughlin, Leftwich, Mazzei, Myers, Nichols, Reynolds, Schulz, Sykes, Wilcoxson and Williamson.--26.

Nay: Adelson, Ballenger, Bass, Burrage, Crutchfield, Eason McIntyre, Garrison, Gumm, Ivester, Johnson (C), Lerblance, Morgan, Paddack, Rabon, Rice, Riley, Sparks, Sweeden, Wilson and Wyrick.--20.

Excused: Coates and Corn.--2.

Senator Lamb moved that **HB 1385** be advanced, which motion was declared adopted.

### **THIRD READING**

**HB 1385** 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, Coffee, Crain, Crutchfield, Easley, Eason McIntyre, Ford, Garrison, Gumm, Ivester, Johnson (C), Johnson (M), Jolley, Justice, Lamb, Laster, Laughlin, Leftwich, Lerblance, Mazzei, Morgan, Myers, Nichols, Paddack, Rabon, Reynolds, Rice, Riley, Schulz, Sparks, Sweeden, Sykes, Wilcoxson, Williamson, Wilson and Wyrick.--46.

Excused: Coates and Corn.--2.

The bill passed.

**HB 1385** was referred for engrossment.

### **GENERAL ORDER**

**HB 1476** by Coody et al of the House and Jolley and Bass of the Senate was called up for further consideration.

Senator Jolley moved that **HB 1476** be advanced, which motion was declared adopted.

### **THIRD READING**

**HB 1476** 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, Anderson, Barrington, Bingman, Branan, Brown, Burrage, Coffee, Crain, Crutchfield, Eason McIntyre, Ford, Garrison, Gumm, Johnson (C), Johnson (M), Jolley, Justice, Lamb, Laster, Laughlin, Leftwich, Lerblance, Nichols, Paddack, Rabon, Reynolds, Rice, Riley, Schulz, Sparks, Sweeden, Wilcoxson, Williamson and Wilson.--35.

Nay: Aldridge, Ballenger, Brogdon, Corn, Easley, Ivester, Mazzei, Myers, Sykes and Wyrick.--10.

Excused: Bass, Coates and Morgan.--3.

The bill and emergency passed.

**HB 1476** was referred for engrossment.

## **MESSAGES FROM THE HOUSE**

Advising the Honorable Senate that pursuant to Article V, Section 30 of the Oklahoma Constitution, that the House requests the Honorable Senate to grant the request of the House to adjourn for more than three (3) days beginning Thursday, April 26, 2007, and ending Monday, April 30, 2007.

Advising passage of and returning the following Engrossed bill:

### **SB 825**

The above-numbered measure was referred for enrollment.

Advising fourth reading of and transmitting for signature Enrolled **HBs 1074, 1306, 1401, 1545, 1616, 1754, 1797** and **2192**.

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

Advising rejection of **SAs** to **HB 1868**, requesting conference and House conferees to be named later.

Senator Laster moved that when the clerk's desk is clear, the Senate stand adjourned to convene Wednesday, April 25, 2007, at 9:30 a.m., which motion prevailed.

## **SECOND READING**

The following were read for the second time: **SCR 34** and **HCR 1031**.

Pursuant to the Laster motion, the Senate adjourned at 3:25 p.m. to meet Wednesday, April 25, 2007, at 9:30 a.m.