Senate Journal

First Regular Session of the Fifty-fifth Legislature
of the State of Oklahoma
Thirty-sixth Legislative Day, Monday, April 6, 2015

The Senate was called to order by Senator Griffin.

Roll Call:

Present: Allen, Anderson, Barrington, Bass, Bice, Bingman, Boggs, Brecheen, Brinkley, Brooks, Brown, Crain, Dahm, David, Fields, Floyd, Ford, Fry, Garrison, Griffin, Halligan, Holt, Jech, Jolley, Justice, Loveless, Marlatt, Mazzei, Newberry, Paddack, Pittman, Quinn, Schulz, Sharp, Shaw, Shortey, Silk, Simpson, Smalley, Sparks, Standridge, Stanislawski, Sykes, Thompson, Treat, Wyrick and Yen.—47.

Vacancy: District 11.—1.

Senator Griffin declared a quorum present.

The prayer was offered by Pastor Bryan Fouts, Victory Worship Center, Spiro, the guest of Senator Allen.

REPORT OF ENGROSSED AND ENROLLED MEASURES

SBs 7, 420 and **574** were each correctly enrolled and after fourth reading, properly signed and ordered transmitted to the Honorable House for signature of the Speaker.

HBs 1058 and **1685** were each correctly engrossed and, together with engrossed **SAs**, properly signed and ordered returned to the Honorable House.

CHANGE IN COMMITTEE ASSIGNMENTS

The following bills will be reassigned as follows:

HB 1403 – Withdrawn from Rules and referred to Agriculture and Rural Development
HB 1696 – Withdrawn from Appropriations and referred Direct to the Calendar
HB 2205 – Withdrawn from Judiciary and Appropriations and referred to Appropriations

INTRODUCTIONS

Senator Boggs introduced his grandson, Brandon; Senator Dahm introduced his mother, Becky Dahm, brother and sister-in-law, Travis and Megan Dahm, and nephews, Everett and Cashiuss Dahm,; and Senator David introduced her husband, Dan, to the Senate.

UNANIMOUS CONSENT REQUEST
DIRECT TO CALENDAR

Senator Bice asked unanimous consent to refer **SR 22** direct to the Calendar for consideration, which was the order.

GENERAL ORDER

SR 22 by Bice was called up for consideration.

All other members of the Senate asked to coauthor **SR 22**, which was the order.

SR 22 was adopted upon motion of Senator Bice and referred for enrollment.

GENERAL ORDER

HB 1006 by Kern of the House and Stanislawski of the Senate was called up for consideration.

Senator Stanislawski moved that **HB 1006** be advanced, which motion was declared adopted.

THIRD READING

HB 1006 was read for the third time at length.

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

Aye: Allen, Barrington, Bass, Bice, Bingman, Boggs, Brecheen, Brinkley, Brown, Crain, Dahm, David, Fields, Floyd, Ford, Fry, Garrison, Griffin, Halligan, Holt, Jech, Jolley, Justice, Loveless, Marlatt, Mazzei, Newberry, Paddack, Pittman, Quinn, Schulz, Sharp, Shaw, Silk, Simpson, Smalley, Sparks, Standridge, Stanislawski, Sykes, Thompson, Treat and Yen.--43.

Excused: Anderson, Brooks, Shortey and Wyrick.--4.

Vacancy: District 11.—1.

The bill passed.

HB 1006 was properly signed and ordered returned to the Honorable House.

GENERAL ORDER

HB 1772 by McCall and Perryman of the House and Smalley of the Senate was called up for consideration.

Senator Smalley moved that **HB 1772** be advanced, which motion was declared adopted.

THIRD READING

HB 1772 was read for the third time at length.

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

Aye: Allen, Barrington, Bass, Bice, Bingman, Boggs, Brecheen, Brinkley, Brown, Crain, Dahm, David, Fields, Floyd, Ford, Fry, Garrison, Griffin, Halligan, Holt, Jech, Jolley, Justice, Loveless, Marlatt, Mazzei, Newberry, Paddack, Pittman, Quinn, Schulz, Sharp, Shaw, Silk, Simpson, Smalley, Sparks, Standridge, Stanislawski, Sykes, Thompson, Treat, Wyrick and Yen.--44.

Excused: Anderson, Brooks and Shortey.--3.

Vacancy: District 11.—1.

The bill passed.

HB 1772 was properly signed and ordered returned to the Honorable House.

GENERAL ORDER

HB 1438 by Caldwell of the House and Yen and Pittman of the Senate was called up for consideration.

Senator Yen moved that **HB 1438** be advanced, which motion was declared adopted.

THIRD READING

HB 1438 was read for the third time at length.

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

Aye: Allen, Barrington, Bass, Bice, Boggs, Brecheen, Brinkley, Brown, Crain, Dahm, David, Fields, Floyd, Ford, Fry, Garrison, Griffin, Halligan, Holt, Jech, Jolley, Justice, Loveless, Marlatt, Mazzei, Newberry, Paddack, Pittman, Quinn, Schulz, Sharp, Shaw, Shortey, Simpson, Smalley, Sparks, Standridge, Stanislawski, Sykes, Thompson, Treat, Wyrick and Yen.--43.

Nay: Silk.--1.

Excused: Anderson, Bingman and Brooks.--3.

Vacancy: District 11.—1.

The bill passed.

HB 1438 was properly signed and ordered returned to the Honorable House.

GENERAL ORDER

HB 1042 by Shoemake of the House and Thompson of the Senate was called up for consideration.

Senator Thompson 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, the vote resulted as follows:

Aye: Allen, Barrington, Bass, Bice, Boggs, Brecheen, Brinkley, Brown, Crain, Dahm, David, Fields, Floyd, Ford, Fry, Garrison, Griffin, Halligan, Holt, Jech, Jolley, Justice, Loveless, Marlatt, Mazzei, Newberry, Paddack, Pittman, Quinn, Schulz, Sharp, Shaw, Shortey, Silk, Simpson, Smalley, Sparks, Standridge, Stanislawski, Sykes, Thompson, Treat, Wyrick and Yen.--44.

Excused: Anderson, Bingman and Brooks.--3.

Vacancy: District 11.—1.

The bill passed.

HB 1042 was referred for engrossment.

GENERAL ORDER

HB 1330 by Coody (Ann) and Inman of the House and Fry of the Senate was called up for consideration.

Senator Fry moved that **HB 1330** be advanced, which motion was declared adopted.

THIRD READING

HB 1330 was read for the third time at length.

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

Aye: Allen, Barrington, Bass, Bice, Boggs, Brecheen, Brinkley, Brown, Crain, Dahm, David, Fields, Floyd, Ford, Fry, Garrison, Griffin, Halligan, Holt, Jech, Jolley, Justice, Loveless, Marlatt, Mazzei, Newberry, Paddack, Pittman, Quinn, Schulz, Sharp, Shaw, Shortey, Silk, Simpson, Smalley, Sparks, Standridge, Stanislawski, Sykes, Thompson, Treat, Wyrick and Yen.--44.

Excused: Anderson, Bingman and Brooks.--3.

Vacancy: District 11.—1.

The bill and emergency passed.

HB 1330 was signed and ordered returned to the Honorable House.

GENERAL ORDER

HB 1450 by Calvey of the House and Bice of the Senate was called up for consideration.

Senator Bice moved that **HB 1450** be advanced, which motion was declared adopted.

THIRD READING

HB 1450 was read for the third time at length.

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

Aye: Allen, Barrington, Bass, Bice, Boggs, Brecheen, Brinkley, Brown, Crain, Dahm, David, Fields, Floyd, Ford, Fry, Garrison, Griffin, Halligan, Holt, Jech, Jolley, Justice, Loveless, Marlatt, Mazzei, Newberry, Paddack, Pittman, Quinn, Schulz, Sharp, Shaw, Shortey, Silk, Simpson, Smalley, Sparks, Standridge, Stanislawski, Sykes, Thompson, Treat, Wyrick and Yen.--44.

Excused: Anderson, Bingman and Brooks.--3.

Vacancy: District 11.—1.

The bill passed.

HB 1450 was properly signed and ordered returned to the Honorable House.

GENERAL ORDER

HB 1612 by Henke of the House and Bice of the Senate was called up for consideration.

Senator Bice moved that **HB 1612** be advanced, which motion was declared adopted.

THIRD READING

HB 1612 was read for the third time at length.

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

Aye: Allen, Barrington, Bass, Bice, Boggs, Brecheen, Brinkley, Brown, Crain, Dahm, David, Fields, Floyd, Ford, Fry, Garrison, Griffin, Halligan, Holt, Jech, Jolley, Justice,

Loveless, Marlatt, Mazzei, Newberry, Paddack, Pittman, Quinn, Schulz, Sharp, Shaw, Shortey, Silk, Simpson, Smalley, Sparks, Standridge, Stanislawski, Sykes, Thompson, Treat, Wyrick and Yen.--44.

Excused: Anderson, Bingman and Brooks.--3.

Vacancy: District 11.—1.

The bill passed.

HB 1612 was properly signed and ordered returned to the Honorable House.

PENDING CONSIDERATION OF HAs

HAs to **SB 638** were concurred in upon motion of Senator Schulz.

SB 638, as amended by the Honorable House, was read at length.

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

Aye: Allen, Barrington, Bice, Boggs, Brecheen, Brinkley, Brown, Crain, Dahm, David, Fields, Floyd, Ford, Fry, Garrison, Griffin, Holt, Jech, Jolley, Justice, Loveless, Marlatt, Mazzei, Newberry, Paddack, Pittman, Quinn, Schulz, Sharp, Shaw, Shortey, Silk, Simpson, Smalley, Sparks, Standridge, Stanislawski, Sykes, Thompson, Treat, Wyrick and Yen.--42.

Nay: Bass and Halligan.--2.

Excused: Anderson, Bingman and Brooks.--3.

Vacancy: District 11.—1.

The bill passed.

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

MESSAGES FROM THE HOUSE

Advising fourth reading of and transmitting for signature Enrolled **HBs 1266** and **1729**.

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 23
SB 126
SB 152
SB 250 - coauthored by Pittman of the Senate
SB 479
SB 575
SB 763 - coauthored by Hoskin and Sherrer of the House
SB 831

The above-numbered measures were referred for enrollment.

Advising fourth reading of and returning Enrolled **SBs 7, 420** and **574**.

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

MESSAGES FROM THE HOUSE
HAs TO SENATE BILLS

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

SB 410
SB 417
SB 637
SB 711 - coauthored by Kern and Jordan of the House

House amendments were read on the above-numbered bills.

Senator Schulz moved that when the clerk's desk is clear, the Senate stand adjourned to convene Tuesday, April 7, 2015, at 1:30 p.m., which motion prevailed.

COMMITTEE REPORTS

The following were reported by the committees named, ordered printed and placed on the Calendar:

DO PASS:

HB 1010 – General Government
Ayes: Bice, Floyd, Fry, Holt, Pittman
Nays: Dahm

HB 1011 – General Government
Ayes: Bice, Floyd, Fry, Holt, Pittman
Nays: Dahm

HB 1016 – General Government
Ayes: Bice, Dahm, Floyd, Fry, Holt, Pittman

HB 1020 – General Government
Ayes: Bice, Floyd, Fry, Holt, Pittman
Nays: Dahm

HB 1032 – General Government
Ayes: Bice, Dahm, Floyd, Fry, Pittman

HB 1078 – Health and Human Services
Ayes: Crain, David, Floyd, Griffin, Loveless, Pittman, Standridge, Treat, Yen

HB 1124 – Health and Human Services
Ayes: Crain, David, Floyd, Griffin, Loveless, Pittman, Standridge, Treat, Yen

HB 1423 – Education
Ayes: Brecheen, Ford, Garrison, Halligan, Jolley, Paddack, Quinn, Sharp, Shaw, Smalley, Sparks, Stanislawski, Thompson

HB 1734 – General Government
Ayes: Bice, Dahm, Floyd, Fry, Holt, Pittman

HB 1823 – Education
Ayes: Brecheen, Ford, Garrison, Halligan, Jolley, Paddack, Quinn, Sharp, Shaw, Smalley, Sparks, Stanislawski, Thompson

HB 2119 – General Government
Ayes: Bice, Dahm, Floyd, Fry, Pittman

DO PASS, As Amended:

HB 1005 – Pensions
Ayes: Anderson, Bass, Brinkley, Brown, Jech, Newberry, Paddack

HB 1014 – General Government
Ayes: Bice, Dahm, Fry, Holt, Pittman
Nays: Floyd

HB 1023 – General Government
Ayes: Bice, Dahm, Floyd, Fry, Holt, Pittman

HB 1052 – Pensions
Ayes: Anderson, Bass, Brown, Jech, Newberry

HB 1326 – Health and Human Services
Ayes: Crain, David, Floyd, Griffin, Loveless, Pittman, Standridge, Treat, Yen

CS for **HB 1376** – Pensions
Ayes: Anderson, Bass, Brinkley, Brown, Jech, Newberry, Paddack

CS for **HB 1403** – Agriculture and Rural Development
Ayes: Allen, Barrington, Fields, Garrison, Justice, Silk, Simpson, Sykes, Wyrick

CS for **HB 1409** – Health and Human Services
Ayes: Crain, David, Griffin, Loveless, Pittman, Standridge, Treat, Yen
Nays: Floyd

CS for **HB 1462** – Agriculture and Rural Development
Ayes: Allen, Barrington, Fields, Garrison, Justice, Silk, Simpson, Sykes, Wyrick

HB 1604 – Education
Ayes: Ford, Garrison, Halligan, Jolley, Paddack, Quinn, Sharp, Shaw, Smalley, Sparks, Stanislawski, Thompson
Nays: Brecheen

HB 2049 – Education
Ayes: Brecheen, Ford, Garrison, Halligan, Jolley, Paddack, Quinn, Sharp, Shaw, Smalley, Sparks, Stanislawski, Thompson

HB 2154 – Health and Human Services
Ayes: Crain, David, Floyd, Griffin, Loveless, Pittman, Standridge, Treat, Yen

CS for **HB 2208** – Agriculture and Rural Development
Ayes: Allen, Barrington, Fields, Garrison, Justice, Silk, Sykes, Wyrick

COMMITTEE REPORTS

The following were reported by the committees named and referred to a second committee:

DO PASS, As Amended:

CS for **HB 1498** – Education
Ayes: Brecheen, Ford, Garrison, Halligan, Jolley, Paddack, Quinn, Sharp, Shaw, Smalley, Sparks, Stanislawski, Thompson

CS for **HB 1628** – Health and Human Services
Ayes: Crain, David, Floyd, Griffin, Loveless, Pittman, Standridge, Treat
Nays: Yen

CS for **HB 1672** – Education
Ayes: Brecheen, Ford, Garrison, Halligan, Jolley, Paddack, Quinn, Sharp, Shaw, Smalley, Sparks, Stanislawski, Thompson

HB 1741 – General Government
Ayes: Bice, Dahm, Fry, Holt
Nays: Floyd, Pittman

CS for **HB 2180** – Education
Ayes: Brecheen, Ford, Garrison, Halligan, Paddack, Quinn, Sharp, Shaw, Sparks, Stanislawski, Thompson
Nays: Jolley, Smalley

FIRST READING

The following was introduced and read the first time:

SR 24 – By Bice.
A Resolution congratulating the 2015 Class 6A 138-pound state wrestling champion, Yukon senior Boo Lewallen; wishing him much success in his college career at Oklahoma State University; and directing distribution.

CHANGE IN AUTHORS/COAUTHORS

The following measures were authored/coauthored:

SB 50 - Coauthored by Pfeiffer, Murdock
SB 711 - Coauthored by Loveless
HB 1354 - Coauthored by Murdock

HB 1409 - Coauthored by Loveless
HB 1515 - Coauthored by Schulz
HB 1684 - Coauthored by Lockhart, Condit
HB 1748 - Coauthored by David
HB 2154 - Coauthored by Standridge

MESSAGES FROM THE GOVERNOR

Advising her approval April 2, 2015, of Enrolled **SBs 28, 109, 115, 215** and **338.**

Advising her veto April 6, 2015, of Enrolled **SB 346**.

The veto message reads as follows:

To The Honorable President Pro Tempore
And Members Of The Oklahoma Senate
First Session Of The
Fifty Fifth Oklahoma Legislature

Enrolled Senate Bill No. 346:

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 346.

Although I vetoed an almost identical Bill last session (Senate Bill 2080), Senate Bill 346 would create what the authors titled, "The Governor's Transparency Act of 2015." I maintain the concern I did last session.

Senate Bill 346 would require state agencies provide the relevant appropriate legislative committee with a copy of any Memorandum of Understanding or Agreement (MOU) entered into during that legislative session. This requirement does not exist for state agencies when the legislature is not in session.

The Bill also mandates state agencies to publish a "detailed accounting" regarding every MOU within fifteen (15) days of an MOU's effective date on the agency's website and *documents.ok.gov* website. Despite the fact that every MOU which is the subject of this bill is already available through the provisions of the Oklahoma Open Records Act, Senate Bill 346 places an enormous administrative burden on these state agencies by requiring this lengthy and cumbersome accounting for every MOU, whether significant or insignificant. Senate Bill 346 imposes burdensome and a needless administrative mandate on state agencies, which diminishes a state agency's ability to achieve its core mission and delays delivery of important services.

Consistent with my continued support of government transparency, I encourage ***all*** state agencies and entities, appropriated and non-appropriated, to post all significant MOU's on their websites and to make them available to the public upon request, but I will not impose cumbersome reporting mandates. Such a requirement is not consistent with the principles of efficient and better government.

By the Governor of the State of Oklahoma
/s/ Mary Fallin

Pursuant to the Schulz motion, the Senate adjourned at 2:35 p.m. to meet Tuesday, April 7, 2015, at 1:30 p.m.