Senate Journal

First Regular Session of the Fifty-fifth Legislature
of the State of Oklahoma
Fifty-fifth Legislative Day, Monday, May 11, 2015

The Senate was called to order by Senator Brooks.

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, Matthews, Mazzei, Newberry, Paddack, Pittman, Quinn, Schulz, Sharp, Shaw, Shortey, Silk, Simpson, Smalley, Sparks, Standridge, Stanislawski, Sykes, Thompson, Treat, Wyrick and Yen.—48.

Senator Brooks declared a quorum present.

The prayer was offered by Dr. Bryan Haynes, College Heights Baptist Church, Chickasha, the guest of Senator Justice.

REPORT OF ENGROSSED AND ENROLLED MEASURES

SB 430 was correctly enrolled and after fourth reading, properly signed and ordered transmitted to the Honorable House for signature of the Speaker.

SRs 28, 33 and **34** were each correctly enrolled, properly signed and ordered transmitted to the Secretary of State.

MESSAGE FROM THE HOUSE

Advising rejection of **SAs** to the following bills, requesting conference and naming House Conference Committee on:

HB 1619 - Conference Committee State Government Operations
HB 1823 - Conference Committee on Common Education

PENDING CONSIDERATION OF HAs

HAs to **SB 592** were concurred in upon motion of Senator Anderson.

SB 592, as amended by the Honorable House, was read at length.

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

Aye: Anderson, Barrington, Brooks, Crain, Fields, Ford, Fry, Griffin, Halligan, Holt, Justice, Mazzei, Newberry, Schulz, Sharp, Simpson, Smalley, Standridge and Yen.--19.

Nay: Allen, Bass, Bice, Boggs, Brecheen, Brinkley, Brown, Dahm, David, Floyd, Garrison, Jech, Jolley, Loveless, Marlatt, Matthews, Paddack, Pittman, Quinn, Shaw, Silk, Sparks, Stanislawski, Sykes, Thompson, Treat and Wyrick.--27.

Excused: Bingman and Shortey.--2.

The bill failed.

Pursuant to Rule 8-32, Senator Anderson served notice that the vote be reconsidered whereby **SB 592** failed.

PENDING CONSIDERATION OF HAs

HAs to **SBs** were rejected upon motion of Senator Schulz, conference requested, and Senate conferees appointed as follows:

SB 378 – Newberry, Sykes, Thompson, Griffin, Boggs, Matthews, Sparks

PENDING SENATE ACTION
HOUSE REQUEST FOR CONFERENCE

Upon motion of Senator Schulz, the request of the Honorable House for conference on **HBs 1065** and **1619** was ordered granted and bills referred to GCCA.

Upon motion of Senator Schulz, the request of the Honorable House for conference on the following bills was ordered granted and Senate conferees appointed as follows:

HB 1321 – Crain, Ford, Halligan, Stanislawski, Smalley, Treat, Paddack, Garrison
HB 1823 – Jolley, Ford, Stanislawski, Sharp, Smalley, Garrison, Floyd
HB 2088 – Treat, Ford, Stanislawski, Halligan, Smalley, Pittman, Paddack

MESSAGES FROM THE HOUSE

Advising fourth reading of and transmitting for signature Enrolled **HBs 1052, 1403, 1630, 1681, 2014** and **2181**.

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

Advising fourth reading of and returning Enrolled **SBs 386, 430, 456, 562** and **797**.

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

Advising conference granted on Engrossed **SBs** and naming House conferees as follows:

SB 114 - Conference Committee on Elections and Ethics
SB 356 - Conference Committee on Environmental Law
SB 410 - Conference Committee on Criminal Justice and Corrections
SB 630 - Conference Committee on Common Education
SB 706 - Conference Committee on Common Education

Advising concurrence in **SAs** to and passage of Engrossed **HBs 1150, 1902** and **2166**.

EXECUTIVE NOMINATIONS

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

Adams, David, Oklahoma City, as a member of the Oklahoma Employment Security Commission - Business and Commerce

Andrews, Jill, Claremore, as a member of the State Textbook Committee - Education

Cooke, Michael F., Bethany, as a member of the Construction Industries Board - Business and Commerce

Evans, Erika, Edmond, as a member of the State Textbook Committee - Education

Felty, Matthew K., Oklahoma City, as a member of the Oklahoma Lottery Commission Board of Trustes – Finance

Hall, David, Owasso, as a member of the Uniform Building Code Commission - Business and Commerce

Hayes, Curtis, Oklahoma City, as a member of the Oklahoma Motor Vehicle Commission - Business and Commerce

Hiner, Janice, Oklahoma City, as a member of the State Board of Behavioral Health Licensure - Health and Human Services

Holmes, Burt, Tulsa, as a member of the Oklahoma Centennial Botanical Garden Authority - General Government

Johnson, Jason, Tulsa, as a member of the State Textbook Committee - Education

Latham, Melvin, Oklahoma City, as a member of the Board of Trustees for Langston University - Oklahoma City and Langston University - Tulsa - Education

Lee, Robert, Goldsby, as a member of the State Board of Licensed Social Workers - Health and Human Services

Liotta, Mark, Sapulpa, as a member of the Oklahoma Workers' Compensation Commission - Judiciary

Liotta, Mark, Sapulpa, as a member of the Oklahoma Workers' Compensation Commission - Judiciary

Reid, Karl N., Jr., Stillwater, as a member of the Oklahoma Science and Technology Research and Development Board – Energy

Stanford, Jennifer, Oklahoma City, as a member of the State Textbook Committee - Education

Storm, Lisa, Kingfisher, as a member of the State Textbook Committee - Education

Turrentine, Regina, Ardmore, as a member of the Oklahoma Arts Council - Education

Wilt, John "Mike", Bartlesville, as a member of the Oklahoma Tourism and Recreation Commission - Tourism and Wildlife

Woodrum, Patricia A., Tulsa, as a member of the Oklahoma Centennial Botanical Garden Authority - General Government

Senator Schulz moved that when the clerk's desk is clear, the Senate stand adjourned to convene Tuesday, May 12, 2015, at 9:30 a.m., which motion prevailed.

FIRST READING

The following were introduced and read the first time:

SB 839 – By Bingman of the Senate and Hickman of the House.
An Act relating to public finance; creating the Oklahoma Museum of Popular Culture under the Oklahoma Historical Society; authorizing the Oklahoma Historical Society to do certain construction, maintenance, repair, and operation; authorizing the Oklahoma Capitol Improvement Authority to issue obligations to provide funding for construction of the Oklahoma Museum of Popular Culture for the Oklahoma Historical Society; providing for debt retirement payments; directing how title is to be held and when it is to be transferred; authorizing capitalization of certain interest; stating legislative intent; authorizing payment of certain costs; providing methods for issuance of obligations; authorizing hiring certain professionals for certain purpose; providing for sale of obligations by certain methods; limiting maturity of obligations; providing for utilization of certain interest earnings; providing tax exemption; providing for investment of certain monies; requiring compliance with certain statutory provisions; providing for codification; and providing an effective date.

SCR 26 – By Fry of the Senate and Calvey of the House.
A Concurrent Resolution recalling from the Office of the Governor Enrolled Senate Bill No. 41, passed by the 1st Session of the 55th Oklahoma Legislature.

SR 35 – By Standridge.
A Resolution congratulating Lauren Chamberlain, the "Babe Ruth" of softball, for breaking the NCAA record for most home runs; and directing distribution.

MESSAGES FROM THE GOVERNOR

Advising her approval May 8, 2015, of Enrolled **SBs 64, 208, 256, 327, 335, 362, 414** and **417**.

Advising her veto May 8, 2015, of Enrolled **SB 549**.

The veto message reads as follows:

May 8, 2015

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

Enrolled Senate Bill No. 549:

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 549.

Senate Bill 549 (Bill) dramatically alters how future elected State officers are to be paid. It decouples State officers' salaries from judicial salaries, and instead, codifies a specific and fixed annual salary for each officer, including the Governor, the Lieutenant Governor, the Attorney General, the State Superintendent of Public Instruction, the Corporation Commissioners, the State Treasurer, the State Auditor and Inspector, the State Insurance Commissioner, and the Commissioner of Labor (collectively referred to as "State Officers").

There are two significant deficiencies that compel me to veto this Bill. First, recent compensation reform initiatives have discarded the practice of codifying State employee salaries for good reason: fixing salary in statute tends to calcify salaries without regard to such pertinent considerations as inflation; the current fiscal health of the State; and most importantly, each particular employee's performance.

That is why neutral third-party compensation boards determine the salaries of officials in the other two co-equal branches of Oklahoma government, the Judiciary and the Legislature. These boards are comprised of representatives from a wide swath of our State's citizenry—including labor and civic organizations, communications media and retail business, agriculture, nonstate-supported educational institutions, and religious organizations. As such, the boards emphasize the fact that it is the people of this great State who are the true bosses of the leaders they elect.

It would be better policy to create a new and distinct compensation board for State Officers in the Oklahoma Statutes. In the meantime, however, I cannot approve this Bill. To do so would strip State Officers' compensation decisions from being made at least by a neutral and representative board, that being the Board on Judicial Compensation, which currently sets the salaries to which State Officers' salaries are tied.

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

MESSAGES FROM THE GOVERNOR

Advising her approval May 11, 2015, of Enrolled **SBs 134, 136, 322, 326, 340, 439, 455, 474** and **715**.

Advising her veto May 11, 2015, of Enrolled **SB 41**.

The veto message reads as follows:

May 11, 2015

To the Honorable President Pro Tempore
and Members of the Oklahoma Senate
First Session of the
Fifty Fifth Oklahoma Legislature

ENROLLED SENATE BILL NO. 41:

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 41.

Senate Bill 41 is a law that seeks to clarify the Business Owner's Rights Act, and specifically, whether a "property owner, tenant, employer, place of worship or business entity may prohibit any person from carrying a concealed or unconcealed firearm on the property" if that property is "designated by a city, town, county, or **state** governmental authority as a park, recreational area, or fairgrounds."

Although I strongly defend Oklahomans' right to bear arms, and understand that the Business Owner's Rights Act may need to be strengthened by the Legislature at some time in the future, this Act is currently the subject of pending litigation in District Court in Cleveland County. Our Constitution clearly prohibits the Legislature from passing legislation that would "take away [a] cause of action, or destroy any existing defense" to a suit that has already commenced.

As a result, because Senate Bill 41 could substantively influence or even determine the outcome of pending litigation, any approval of it at this time is likely unconstitutional. It is for this reason that I hereby veto Senate Bill 41.

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

Pursuant to the Schulz motion, the Senate adjourned at 2:30 p.m. to meet Tuesday, May 12, 2015, at 9:30 a.m.