

Senate Journal

First Regular Session of the Fifty-fifth Legislature of the State of Oklahoma

Sixtieth Legislative Day, Monday, May 18, 2015

The Senate was called to order by Senator David.

Roll Call:

Present: Allen, Anderson, Barrington, Bass, Bice, Bingman, Boggs, Brecheen, Brinkley, Brooks, 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.—47.

Excused: Brown.—1.

Senator David declared a quorum present.

The prayer was offered by Dr. Ray L. Earley, Westport Baptist Church, Cleveland, the guest of Senator Griffin.

REPORT OF ENGROSSED AND ENROLLED MEASURE

SB 498 was correctly enrolled and after fourth reading, properly signed and ordered transmitted to the Honorable House for signature of the Speaker.

MESSAGES FROM THE HOUSE

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

SB 548 - GCCA

Advising conferees are unable to agree on the following:

HB 2049

INTRODUCTIONS

Senator Halligan introduced former Senator Ed Long; and Senator Griffin introduced her aunt, Lois Christian, to the Senate.

PENDING CONSIDERATION OF JCR

The **JCR** on **HB 2236** was adopted upon motion of Senator Jolley.

HB 2236, as amended in conference, was read at length.

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

Aye: Allen, Anderson, Barrington, Bice, Bingman, Boggs, Brecheen, Brinkley, Brooks, Crain, Dahm, David, Fields, Ford, Fry, Griffin, Halligan, Holt, Jech, Jolley, Justice, Loveless, Marlatt, Mazzei, Newberry, Quinn, Schulz, Sharp, Shaw, Shortey, Silk, Simpson, Smalley, Standridge, Stanislawski, Sykes, Thompson, Treat and Yen.--39.

Nay: Bass, Floyd, Garrison, Matthews, Pittman and Wyrick.--6.

Excused: Brown, Paddack and Sparks.--3.

The bill and emergency passed.

HB 2236, together with the joint conference committee report thereon, was ordered returned to the Honorable House.

PENDING CONSIDERATION OF HAS

HAs to SB 438 were concurred in upon motion of Senator Sparks.

SB 438, 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, Bass, Bice, Brinkley, Brooks, Crain, Fields, Floyd, Ford, Garrison, Griffin, Halligan, Holt, Jech, Justice, Loveless, Matthews, Pittman, Schulz, Sharp, Shaw, Shortey, Sparks, Standridge, Thompson, Wyrick and Yen.--28.

Nay: Allen, Bingman, Boggs, Brecheen, Dahm, David, Fry, Jolley, Mazzei, Newberry, Quinn, Silk, Simpson, Smalley, Stanislawski, Sykes and Treat.--17.

Excused: Brown, Marlatt and Paddack.--3.

The bill passed.

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

PENDING CONSIDERATION OF CCR

The **CCR on SB 114** was adopted upon motion of Senator Stanislawski.

SB 114, as amended in conference, was read at length.

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

Aye: Allen, Anderson, Barrington, Bass, Bice, Bingman, Boggs, Brecheen, Brinkley, Brooks, Crain, Dahm, David, Fields, Floyd, Ford, Fry, Garrison, Griffin, Halligan, Holt, Jech, Jolley, Justice, Loveless, Matthews, Mazzei, Newberry, Pittman, Quinn, Schulz, Sharp, Shaw, Shortey, Silk, Simpson, Smalley, Sparks, Standridge, Stanislawski, Sykes, Thompson, Treat, Wyrick and Yen.--45.

Excused: Brown, Marlatt and Paddack.--3.

The bill passed.

SB 114, together with the conference committee report thereon, was ordered transmitted to the Honorable House.

Senator Jolley presiding.

PENDING CONSIDERATION OF HAS

HAS to **SB 789** were concurred in upon motion of Senator Sykes.

SB 789, 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, Anderson, Barrington, Bass, Bice, Bingman, Boggs, Brecheen, Brinkley, Brooks, Crain, Dahm, David, Fields, Floyd, Ford, Fry, Garrison, Griffin, Halligan, Holt, Jech, Jolley, Justice, Loveless, Marlatt, Matthews, Mazzei, Newberry, Pittman, Quinn, Schulz, Sharp, Shaw, Shortey, Silk, Simpson, Smalley, Sparks, Standridge, Stanislawski, Sykes, Thompson, Treat, Wyrick and Yen.--46.

Excused: Brown and Paddack.--2.

The bill passed.

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

INTRODUCTION

Senator Allen introduced his wife, Nikki, to the Senate.

PENDING CONSIDERATION OF JCR

The **JCR** on **SB 839** was adopted upon motion of Senator Bingman.

SB 839 was read at length.

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

Aye: Barrington, Bingman, Brinkley, Crain, David, Fields, Ford, Fry, Griffin, Halligan, Holt, Jolley, Justice, Loveless, Matthews, Mazzei, Newberry, Quinn, Schulz, Sharp, Shaw, Smalley, Stanislawski and Thompson.--24.

Nay: Allen, Anderson, Bass, Bice, Boggs, Brecheen, Brooks, Dahm, Floyd, Garrison, Jech, Marlatt, Pittman, Shortey, Silk, Simpson, Sparks, Standridge, Sykes, Treat, Wyrick and Yen.--22.

Excused: Brown and Paddack.--2.

The bill failed.

Pursuant to Rule 8-32, Senator Bingman served notice that the vote be reconsidered whereby **SB 839** failed.

Senator David presiding.

**UNANIMOUS CONSENT REQUEST
DIRECT TO CALENDAR**

Senator Yen asked unanimous consent to refer **SR 37** direct to the Calendar for consideration, which was the order.

GENERAL ORDER

SR 37 by Yen was called up for consideration.

All other members of the Senate asked to coauthor **SR 37**, which was the order.

SR 37 was adopted upon motion of Senator Yen and referred for enrollment.

**UNANIMOUS CONSENT REQUEST
REJECTION OF HAs RESCINDED**

Senator Ford asked unanimous consent to rescind the motion whereby the **HAs** to **SB 707** were rejected and conferees named, which was the order.

SB 707 was placed on pending consideration of **HAs**.

MESSAGES FROM THE HOUSE

Advising fourth reading of and returning Enrolled **SB 498**.

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

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

SB 468 - Conference Committee on Environmental Law

Advising conferees are unable to agree on the following:

HB 1124

Returning following bills, together with conference committee reports thereon, advising adoption of conference committee reports and passage of measures as amended:

SB 173

SB 502 - coauthored by Jech of the Senate

The above-numbered measures, as amended in conference, were referred for enrollment.

**MESSAGES FROM THE HOUSE
CONFERENCE COMMITTEE REPORTS**

Transmitting the following bills, together with conference committee reports thereon, advising adoption of conference committee reports and passage of measures as amended:

HB 1002

HB 1687

HB 1693

Conference committee reports were read on the above-numbered bills.

CONFERENCE COMMITTEE REPORT SUBMITTED

Conference committee report was read on the following bill:

SB 526

**PENDING SENATE ACTION
HOUSE REQUEST FOR CONFERENCE**

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 2180 – Stanislawski, Ford, Halligan, Smalley, Jolley, Bass, Garrison

HB 2184 – Barrington, Sykes, Treat, Marlatt, Smalley, Wyrick, Floyd

Senator Schulz moved that when the clerk's desk is clear, the Senate stand adjourned to convene Tuesday, May 19, 2015, at 9:30 a.m., which motion prevailed.

MESSAGE FROM THE HOUSE

Advising passage of and transmitting for consideration Engrossed **HB 2237** .

HB 2237 – By Hickman of the House and Bingman of the Senate.

An Act relating to the Native American Cultural and Educational Authority; amending 74 O.S. 2011, Section 1226.2, which relates to the Native American Cultural and Educational Authority; making legislative findings; providing for transfer of certain unimproved real property; providing transfer contingent on certain events; stating purpose of transfer; providing for coordination by the Office of Management and Enterprise Services; providing for termination of the Native American Cultural and Educational Authority; requiring certain determination to be made; defining terms; authorizing determination regarding American Indian Cultural Center and Museum; providing for transfer of functions and rights to the American Indian Cultural Center and Museum Trust Authority; providing for transfer of assets; providing for disposition of unexpended funds; specifying assets to be transferred; providing for coordination of transfers by the Office of Management and Enterprise Services; authorizing transfer of assets to certain municipality; imposing requirements upon transfer of assets; defining term; providing for transfer of funds to the American Indian Cultural Center and Museum Postcompletion Revolving Fund; providing for nullification of enactment contingent upon certain agreement; imposing deadline for agreement; providing for extension; specifying required provisions for agreement; providing for use of revenues derived from activities; providing for use of revenues derived from leases; providing for apportionment of certain revenues to the General Revenue Fund of the State Treasury; specifying formula for apportionment of revenues; providing for adjustment of certain dollar amount for inflation; requiring payment of certain amount by certain municipality to the American Indian Cultural Center and Museum Completion Fund; requiring operation, management and maintenance agreement; specifying required content of agreement; providing for transfer of certain real property to municipality; requiring executed agreement to be provided to the Governor, the Speaker of the Oklahoma House of Representatives and the President Pro Tempore of the Oklahoma State Senate; authorizing municipality to transfer assets, rights or responsibilities to municipal entities or designees; authorizing contracts; providing for continued effect of contracts and privileges; providing for continued effect of certain obligations; stating legislative intent with respect to revenues required for certain payments related to obligations; providing for discontinuance of appropriations for operational expenses; providing for continued payment of appropriations for debt service; imposing restriction related to transfer of real property by the Native American Cultural and Educational Authority; providing for termination of the Native American Cultural and Educational Authority; providing for transfer of title to certain described real property to the American Indian Cultural Center and Museum Trust Authority; providing description of real property; stating basis of certain bearing; describing certain physical elements and improvements upon real property; imposing requirement related to instrument of conveyance; requiring

access and providing for easements; making legislative findings regarding adequacy of consideration; authorizing Office of Management and Enterprise Services and the American Indian Cultural Center and Museum Trust Authority to take certain actions; imposing restriction related to real property transferred; authorizing issuance of obligations by the Oklahoma Capitol Improvement Authority; stating purpose of proceeds; imposing restriction on issuance based upon certification by the Director of the Office of Management and Enterprise Services; requiring deposit of certain amount in the American Indian Cultural Center and Museum Completion Fund; providing for repayment of obligations; stating legislative intent with respect to payments; authorizing issuance in series; specifying maximum net proceeds amount; providing for payment of fees and expenses; authorizing hiring of certain professional services; authorizing creation of reserves; prescribing procedures for sale of obligations; authorizing certain agreements related to liquidity; specifying maximum maturity; providing for use of interest earnings; providing for exemption from taxation; providing for investment of proceeds; providing for applicability of certain provisions related to the Oklahoma Capitol Improvement Authority; providing obligations not to constitute a debt of certain state or political subdivisions; providing for statement on bonds or other obligations; imposing restrictions on use of proceeds; imposing limits on expenditure of proceeds; specifying requirements related to deposit of monies into the American Indian Cultural Center and Museum Completion Fund; providing for certification by the Office of Management and Enterprise Services; prescribing procedures for expenditures of proceeds; providing for computation of balance in fund; providing certain amount included for certain purpose; creating the American Indian Cultural Center and Museum Completion Fund; stating sources of income to fund; stating authorized purpose of expenditures; prohibiting deposit of certain federal funds; providing for creation of public trust; designating entity as the American Indian Cultural Center and Museum Trust Authority; providing State of Oklahoma as beneficiary of trust entity; providing for acceptance of beneficial interest; imposing conditions; providing for final declaration of trust; providing for adoption of declaration of trust; specifying required content of declaration of trust; providing for appointment of trustees; stating qualifications for trustees; specifying terms; providing for appointments to fill vacancies; providing effect of appointments contingent upon transfer of certain real property to the American Indian Cultural Center and Museum Trust Authority; providing for applicability of Governmental Tort Claims Act; providing exemption from statutory provision related to dual office holding; authorizing the American Indian Cultural Center and Museum Trust Authority to transfer title to certain real property; authorizing transfer of other property; specifying time period within which transfers required; imposing condition on transfer related to repayment of certain obligations; making legislative findings; providing for termination of the American Indian Cultural Center and Museum Trust Authority; providing for transfer of certain monies to the General Revenue Fund of the State Treasury; providing for disposition of funds; creating the American Indian Cultural Center and Museum Postcompletion Revolving Fund; providing for sources of income to fund; stating authorized purpose of expenditures; providing for codification; and providing an effective date.

The above-numbered measure was read the first time.

MESSAGE FROM THE GOVERNOR

Advising her approval May 18, 2015, of Enrolled **SB 764**.

Pursuant to the Schulz motion, the Senate adjourned at 2:50 p.m. to meet Tuesday, May 19, 2015, at 9:30 a.m.