

Senate Journal

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

Thirty-second Legislative Day, Thursday, March 26, 2015

The Senate was called to order by Senator Stanislawski.

Roll Call:

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

Excused: Garrison, Mazzei and Sykes.—3.

Vacancy: District 11.—1.

Senator Stanislawski declared a quorum present.

The prayer was offered by Scott Newton, North Fork Baptist Church, Eufaula, the guest of Senator Brown.

REPORT OF ENGROSSED AND ENROLLED MEASURES

SB 262 and **820** were each correctly enrolled and after fourth reading, properly signed and ordered transmitted to the Honorable House for signature of the Speaker.

EXECUTIVE NOMINATIONS

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

Buchanan, Gerald "Jerry", Tulsa, as a member of the State Election Board - Rules

Huckabay, Wade, Oklahoma City, as a member of the State Banking Board - Finance

Mouser, Bobby Michael, Stigler, as a member of the Eastern Oklahoma State College Board of Regents - Education

Shannon, Mary, McAlester, as a member of the Oklahoma Department of Libraries Board - General Government

Thompson, Debra, Carney, as a member of the State Election Board - Rules

GENERAL ORDER

HB 1749 by Newell et al of the House and Dahm and Loveless of the Senate was called up for consideration.

Senator Shortey moved to amend **HB 1749**, Page 1, Line 17, by deleting after the word “a” and before the word “employee” the word “state” and inserting therein the word “public”; and, Page 1, Lines 17 through 21, by deleting after the word “employee” and before the period (.) the language, “for membership dues in any public employee association or organization or professional organization that on or after November 1, 2015, collectively bargains on behalf of its membership pursuant to any provision or federal law”; and, Page 2, Line 2, by deleting after the comma (,) and before the word “political” the word “excluding” and inserting therein the word “and”.

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

Aye: Allen, Bingman, Boggs, Brecheen, Brown, Crain, Dahm, David, Fields, Holt, Jech, Jolley, Justice, Loveless, Marlatt, Newberry, Quinn, Schulz, Shaw, Silk, Standridge, Stanislawski, Treat and Yen.--24.

Nay: Barrington, Bass, Bice, Brinkley, Brooks, Floyd, Ford, Fry, Halligan, Paddock, Sharp, Shortey, Simpson, Smalley, Sparks, Thompson and Wyrick.--17.

Excused: Anderson, Garrison, Griffin, Mazzei, Pittman and Sykes.--6.

Vacancy: District 11.—1.

Senator Smalley moved to amend **HB 1749**, by striking the title, the enacting clause and the entire body of the bill and substituting the floor substitute. (Copies were provided for all Senators.)

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

Aye: Allen, Bingman, Boggs, Brecheen, Brown, Crain, Dahm, David, Fields, Holt, Jech, Jolley, Justice, Loveless, Marlatt, Quinn, Schulz, Shaw, Standridge, Stanislawski, Treat and Yen.--22.

Nay: Anderson, Barrington, Bass, Bice, Brinkley, Brooks, Floyd, Ford, Fry, Halligan, Newberry, Paddack, Pittman, Sharp, Shortey, Silk, Simpson, Smalley, Sparks, Thompson and Wyrick.--21.

Excused: Garrison, Griffin, Mazzei and Sykes.--4.

Vacancy: District 11.—1.

Senator Floyd raised a point of order pursuant to Rule 6-8B that **HB 1749** requires a fiscal impact statement.

The Chair requested that the point of order be put in writing and placed upon the clerk's desk.

The Chair ruled pursuant to Rule 6-8B that **HB 1749** does not deal with state tax revenues and therefore does not require a fiscal impact statement.

Pursuant to Rule 9-14, Senator Sparks moved to appeal the ruling of the Chair by offering a substitute ruling that **HB 1749** does relate to state tax revenues and requested a roll call vote on the adoption of the motion.

Senator Schulz moved that the Senate recess to the Call of the Chair, which motion was declared adopted.

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The Senate reconvened with Senator Stanislawski presiding.

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

GENERAL ORDER

HB 1749 by Newell et al of the House and Dahm and Loveless of the Senate was considered further, pending consideration of Senator Sparks substitute ruling motion.

Senator Sparks moved pursuant to Rule 9-14 (written motion) to offer a substitute ruling to the last ruling from the Chair so that the ruling be that the bill under consideration be ruled, per statement of the author, one which creates a fiscal impact on state tax revenues, which motion failed of adoption upon roll call as follows:

Aye: Bass, Floyd, Paddack, Pittman, Sparks and Wyrick.--6.

Nay: Allen, Barrington, Bice, Bingman, Boggs, Brecheen, Brinkley, Brooks, Brown, Crain, Dahm, David, Fields, Ford, Fry, Griffin, Halligan, Holt, Jech, Jolley, Justice, Loveless, Marlatt, Newberry, Quinn, Schulz, Sharp, Shaw, Shortey, Silk, Simpson, Smalley, Standridge, Stanislawski, Thompson, Treat and Yen.--37.

Excused: Anderson, Garrison, Mazzei and Sykes.--4.

Vacancy: District 11.—1.

Senator Shortey asked unanimous consent to suspend Rule 8-23 to allow consideration of an untimely amendment to **HB 1749**, to which request objection was heard.

Senator Shortey moved to suspend Rule 8-23 to allow consideration of an untimely amendment to **HB 1749**, which motion failed of adoption upon roll call as follows:

Aye: Bass, Brooks, Floyd, Fry, Paddack, Pittman, Sharp, Shortey, Silk, Sparks and Wyrick.--11.

Nay: Allen, Barrington, Bice, Bingman, Boggs, Brecheen, Brinkley, Brown, Crain, Dahm, David, Fields, Ford, Griffin, Halligan, Holt, Jech, Jolley, Justice, Loveless, Marlatt, Newberry, Quinn, Schulz, Shaw, Simpson, Smalley, Standridge, Stanislawski, Thompson, Treat and Yen.--32.

Excused: Anderson, Garrison, Mazzei and Sykes.--4.

Vacancy: District 11.—1.

The Chair advised that Senator Anderson, having been present in the Chamber during the vote on **HB 1749** would be shown voting Nay in compliance with Rule 8-31B. The vote thereby resulted as follows: Aye: 11; Nay: 33; Excused: 3; Vacancy: District 11.—1.

Senator Dahm moved to amend **HB 1749**, Page 1, by restoring the title, which amendment was declared adopted upon roll call as follows:

Aye: Allen, Bingman, Brecheen, Brinkley, Brooks, Brown, Crain, Dahm, David, Fields, Griffin, Halligan, Holt, Jech, Jolley, Justice, Loveless, Marlatt, Newberry, Quinn, Schulz, Shaw, Simpson, Standridge, Stanislawski, Treat and Yen.--27.

Nay: Anderson, Barrington, Bass, Bice, Boggs, Floyd, Ford, Fry, Paddack, Pittman, Sharp, Shortey, Silk, Smalley, Sparks, Thompson and Wyrick.--17.

Excused: Garrison, Mazzei and Sykes.--3.

Vacancy: District 11.—1.

The above amendment restores **HB 1749** to the engrossed version of the bill.

Senator Dahm moved that **HB 1749** be advanced, which motion was declared adopted.

THIRD READING

HB 1749 was read for the third time at length.

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

Aye: Allen, Anderson, Bice, Bingman, Brecheen, Brown, Crain, Dahm, David, Fields, Ford, Griffin, Halligan, Holt, Jech, Jolley, Justice, Loveless, Marlatt, Newberry, Quinn, Schulz, Simpson, Standridge, Stanislawski, Treat and Yen.--27.

Nay: Barrington, Bass, Boggs, Brinkley, Brooks, Floyd, Fry, Paddack, Sharp, Shaw, Shortey, Silk, Smalley, Sparks, Thompson and Wyrick.--16.

Excused: Garrison, Mazzei, Pittman and Sykes.--4.

Vacancy: District 11.—1.

The bill passed.

HB 1749 was properly signed and ordered returned to the Honorable House.

EXECUTIVE NOMINATIONS

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

Buchanan, Gerald "Jerry", Tulsa, to the State Election Board, to serve a four-year term ending March 15, 2019, succeeding himself. (Rules Committee) Motion to confirm made by Senator Rick Brinkley on behalf of Senator Mike Mazzei.

Curry, W. Stephen, Oklahoma City, to the State Election Board, to serve a four-year term ending March 15, 2019, succeeding himself. (Rules Committee) Motion to confirm made by Senator Greg Treat.

Mauldin, Thomas W., Jr., Norman, to the State Election Board, to serve a four-year term ending March 15, 2019, succeeding F. Diana Spurlock. (Rules Committee) Motion to confirm made by Senator Rob Standridge.

Montgomery, Thomas M., III, Muskogee, to the State Election Board, to serve a four-year term ending March 15, 2019, succeeding himself. (Rules Committee) Motion to confirm made by Senator Randy Bass on behalf of Senator Earl Garrison.

Ridley, Gary M., Yukon, as Cabinet Secretary of Transportation, to serve at the pleasure of the Governor, succeeding himself. (Transportation Committee) Motion to confirm made by Senator Ron Justice.

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

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

Excused: Garrison, Mazzei, Pittman and Sykes.--4.

Vacancy: District 11.—1.

MESSAGE FROM THE HOUSE

Advising fourth reading of and returning Enrolled **SBs 262** and **820**.

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

Senator Schulz moved that when the clerk's desk is clear, the Senate stand adjourned to convene Monday, March 30, 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 1003 – Veterans and Military Affairs

Ayes: Anderson, Boggs, Fry, Simpson, Smalley

HB 1033 – Business and Commerce

Ayes: Bice, Halligan, Newberry, Sharp, Silk, Thompson, Wyrick, Yen

Nays: Dahm

HB 1040 – Veterans and Military Affairs

Ayes: Anderson, Boggs, Fry, Simpson, Smalley

HB 1375 – Business and Commerce

Ayes: Bice, Dahm, Halligan, Newberry, Sharp, Silk, Thompson, Wyrick, Yen

HB 1515 – Insurance

Ayes: Bass, Brown, Jech, Quinn, Sparks, Stanislawski

HB 1567 – Insurance

Ayes: Brown, Jech, Sparks, Stanislawski

HB 1584 – Business and Commerce

Ayes: Bice, Dahm, Halligan, Newberry, Sharp, Thompson, Wyrick, Yen

HB 1752 – Business and Commerce

Ayes: Bice, Dahm, Halligan, Newberry, Silk, Thompson, Wyrick, Yen

HB 1807 – Business and Commerce

Ayes: Bice, Dahm, Halligan, Newberry, Silk, Thompson, Wyrick, Yen

HB 1903 – Business and Commerce

Ayes: Bice, Dahm, Halligan, Newberry, Sharp, Thompson, Wyrick, Yen

DO PASS, As Amended:

HB 1293 – Insurance

Ayes: Bass, Brown, Jech, Quinn, Sparks, Stanislawski

CS for HB 1827 – Business and Commerce

Ayes: Bice, Halligan, Newberry, Sharp, Silk, Thompson, Yen

Nays: Dahm, Wyrick

CS for HB 1828 – Business and Commerce

Ayes: Bice, Dahm, Halligan, Sharp, Thompson, Yen

Nays: Newberry, Silk, Wyrick

CS for HB 1965 – Public Safety

Ayes: Barrington, Brecheen, Brooks, David, Ford, Holt, Paddack, Shaw

CS for HB 2021 – Insurance

Ayes: Brown, Jech, Sparks, Stanislawski

CS for HB 2217 – Insurance

Ayes: Brown, Jech, Quinn, Sparks, Stanislawski

COMMITTEE REPORTS

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

DO PASS:

HB 1353 – Veterans and Military Affairs

Ayes: Anderson, Boggs, Fry, Simpson, Smalley

FIRST READING

The following was introduced and read the first time:

SCR 14 – By Jolley of the Senate and Grau of the House.

A Concurrent Resolution honoring America's oldest professor, Dr. Harold Fletcher; thanking him for his many contributions to higher education in Oklahoma; and directing distribution.

CHANGE IN AUTHORS/COAUTHORS

The following measures were authored/coauthored:

HB 1515 - Coauthored by Boggs, Bass, Sparks, Stanislawski

HB 1965 - Remove as author Senator Sharp; authored by Public Safety Committee

Pursuant to the Schulz motion, the Senate adjourned at 12:50 p.m. to meet Monday, March 30, 2015, at 1:30 p.m.