

# 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**HB 1403** – Withdrawn from Rules and referred to Agriculture and Rural Development

**HB 1696** – Withdrawn from Appropriations and referred Direct to the Calendar

**HB 2205** – Withdrawn from Judiciary and Appropriations and referred to Appropriations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 Cashius 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.