

Senate Journal

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

Fifty-first Legislative Day, Monday, May 4, 2015

The Senate was called to order by Senator Griffin.

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, Quinn, Schulz, Sharp, Shaw, Shortey, Silk, Simpson, Smalley, Sparks, Standridge, Stanislawski, Sykes, Thompson, Treat, Wyrick and Yen.—46.

Excused: Brown and Pittman.—2.

Senator Griffin declared a quorum present.

The prayer was offered by Tim Kimberley, Frontline Edmond Church, Edmond, the guest of Senator Treat.

REPORT OF ENGROSSED AND ENROLLED MEASURES

SBs 64, 208, 256, 327, 335, 362, 414, 417 and 549 were each correctly enrolled and after fourth reading, properly signed and ordered transmitted to the Honorable House for signature of the Speaker.

SR 31 was correctly enrolled, properly signed and ordered transmitted to the Secretary of State.

PENDING CONSIDERATION OF HAS

HAs to **SB 455** were concurred in upon motion of Senator Stanislawski.

SB 455, 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, Bice, Bingman, Boggs, Brecheen, Brinkley, Brooks, Crain, Dahm, David, Fields, Ford, Fry, Garrison, Griffin, Halligan, Holt, Jech, Justice, Loveless, Marlatt, Mazzei, Newberry, Paddack, Quinn, Schulz, Sharp, Shaw, Shortey, Silk, Simpson, Smalley, Sparks, Standridge, Stanislawski, Sykes, Thompson, Treat and Yen.--41.

Nay: Bass, Floyd and Wyrick.--3.

Excused: Brown, Jolley, Matthews and Pittman.--4.

The bill passed.

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

PENDING CONSIDERATION OF HAS

HAs to **SB 136** were concurred in upon motion of Senator Stanislawski.

SB 136, 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, 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, Sparks, Standridge, Stanislawski, Sykes, Thompson, Treat and Yen.--40.

Nay: Bass, Floyd, Garrison, Paddack and Wyrick.--5.

Excused: Brown, Matthews and Pittman.--3.

The bill passed.

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

Senator David presiding.

PENDING CONSIDERATION OF HAS

HAs to SB 322 were concurred in upon motion of Senator Stanislawski.

SB 322, as amended by the Honorable House, 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, Floyd, Ford, Fry, Garrison, Griffin, Halligan, Holt, Jech, Jolley, Justice, Loveless, Marlatt, Mazzei, Newberry, Paddack, Quinn, Schulz, Sharp, Shaw, Shortey, Silk, Simpson, Smalley, Sparks, Standridge, Stanislawski, Sykes, Thompson, Treat, Wyrick and Yen.--44.

Nay: Bass.--1.

Excused: Brown, Matthews and Pittman.--3.

The bill and emergency passed.

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

PENDING CONSIDERATION OF HAS

HAs to SB 340 were concurred in upon motion of Senator Stanislawski.

SB 340, 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, Bice, Bingman, Boggs, Brecheen, Brinkley, Brooks, Crain, Dahm, David, Fields, Floyd, Ford, Fry, Garrison, Griffin, Halligan, Holt, Jech, Justice, Loveless, Marlatt, Mazzei, Newberry, Paddack, Quinn, Schulz, Sharp, Shaw, Shortey, Silk, Simpson, Smalley, Sparks, Standridge, Stanislawski, Sykes, Thompson, Treat, Wyrick and Yen.--43.

Nay: Bass.--1.

Excused: Brown, Jolley, Matthews and Pittman.--4.

The bill passed.

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

PENDING CONSIDERATION OF HAS

HAs to SB 326 were concurred in upon motion of Senator Dahm.

SB 326, 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, Bice, Bingman, Boggs, Brecheen, Brinkley, Brooks, Crain, Dahm, David, Fields, Floyd, Ford, Fry, Garrison, Griffin, Halligan, Holt, Jech, Justice, Loveless, Marlatt, Mazzei, Newberry, Paddack, Quinn, Schulz, Sharp, Shaw, Shortey, Silk, Simpson, Smalley, Sparks, Standridge, Stanislawski, Sykes, Thompson, Wyrick and Yen.--42.

Nay: Bass.--1.

Excused: Brown, Jolley, Matthews, Pittman and Treat.--5.

The bill passed.

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

PENDING CONSIDERATION OF HAS

HAs to SB 134 were concurred in upon motion of Senator Brooks.

SB 134, 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, 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, Quinn, Schulz, Sharp, Shaw, Shortey, Silk, Simpson, Smalley, Sparks, Standridge, Stanislawski, Sykes, Thompson, Treat and Yen.--44.

Nay: Allen and Wyrick.--2.

Excused: Brown and Pittman.--2.

The bill passed.

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

PENDING CONSIDERATION OF HAS

HAs to **SB 41** were concurred in upon motion of Senator Fry.

SB 41, 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, 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, Paddack, Sparks and Wyrick.--7.

Excused: Brown and Pittman.--2.

The bill passed.

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

PENDING CONSIDERATION OF JCR

The **JCR** on **HB 2235** was adopted upon motion of Senator Jolley.

HB 2235 was read at length.

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

Aye: Allen, Anderson, Barrington, Bice, Bingman, Brinkley, Brooks, Crain, David, Fields, Ford, Fry, Griffin, Halligan, Holt, Jech, Jolley, Justice, Loveless, Marlatt, Mazzei, Quinn, Schulz, Sharp, Shaw, Simpson, Thompson, Treat and Yen.--29.

Nay: Bass, Boggs, Brecheen, Dahm, Floyd, Garrison, Matthews, Newberry, Paddack, Shortey, Silk, Smalley, Sparks, Standridge, Stanislawski, Sykes and Wyrick.--17.

Excused: Brown and Pittman.--2.

The bill passed.

HB 2235, together with the conference committee report thereon, was ordered returned to the Honorable House.

PENDING CONSIDERATION OF HAS

HAs to SB 439 were concurred in upon motion of Senator Quinn.

SB 439, 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, Bice, Bingman, Boggs, Brinkley, Brooks, Crain, Fields, Halligan, Holt, Jech, Justice, Loveless, Mazzei, Newberry, Quinn, Schulz, Sharp, Shaw, Shortey, Silk, Simpson, Smalley, Standridge, Stanislawski and Yen.--27.

Nay: Allen, Bass, Brecheen, Dahm, David, Floyd, Fry, Garrison, Griffin, Jolley, Marlatt, Matthews, Paddack, Sparks, Sykes, Thompson, Treat and Wyrick.--18.

Excused: Brown, Ford and Pittman.--3.

The bill passed.

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

PENDING CONSIDERATION OF HAS

HAs to SB 715 were concurred in upon motion of Senator Smalley.

SB 715, as amended by the Honorable House, 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, Floyd, Fry, Garrison, Griffin, Halligan, Holt, Jech, Jolley, Justice, Loveless, Marlatt, Matthews, Mazzei, Newberry, Paddack, Quinn, Schulz, Sharp, Shaw, Shortey, Silk, Simpson, Smalley, Sparks, Standridge, Stanislawski, Sykes, Thompson, Treat, Wyrick and Yen.--44.

Nay: Bass.--1.

Excused: Brown, Ford and Pittman.--3.

The bill and emergency passed.

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

PENDING CONSIDERATION OF HAS

HAs to SB 474 were concurred in upon motion of Senator Sparks.

SB 474, 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, Bingman, Boggs, Brecheen, Brinkley, Brooks, Crain, David, Floyd, Fry, Garrison, Griffin, Halligan, Holt, Jech, Jolley, Justice, Loveless, Marlatt, Matthews, Mazzei, Newberry, Paddack, Quinn, Schulz, Sharp, Shaw, Shortey, Silk, Simpson, Smalley, Sparks, Standridge, Stanislawski, Thompson, Treat, Wyrick and Yen.--41.

Nay: Allen, Dahm, Fields and Sykes.--4.

Excused: Brown, Ford and Pittman.--3.

The bill passed.

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

PENDING CONSIDERATION OF HAS

HAs to SBs 412 and 460 were rejected upon motion of Senator Schulz, conference requested, and Senate conferees to be named later.

MESSAGES FROM THE HOUSE

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

SB 85 - GCCA
SB 141 - GCCA
SB 144 - GCCA
SB 419 - GCCA
SB 502 - GCCA
SB 726 - GCCA
SB 786 - GCCA

Advising fourth reading of and transmitting for signature Enrolled **HBs 1409, 1614, 1685** and **1825**.

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 64, 208, 256, 327, 335, 362, 414, 417** and **549**.

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

Advising concurrence in **SAs** to and passage of Engrossed **HBs 1044, 1047** and **1748**.

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

HB 1827 - Conference Committee on Business, Labor and Retirement Laws

EXECUTIVE NOMINATIONS

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

Allen, Stephen, Jenks, as a member of the Oklahoma Water Resources Board – Energy

Beck, Richard, Claremore, as a member of the Oklahoma Educational Television Authority - Education

Beller, Jack, Norman, as a member of the Physician Manpower Training Commission - Health and Human Services

Boevers, Anthony "Tony" L., Piedmont, as a member of the Construction Industries Board - Business and Commerce

Caldwell, Warren A. "Tony", Oklahoma City, as a member of the Board of Juvenile Affairs - Health and Human Services

Clark, Bill, Jr., Roff, as a member of the Oklahoma Conservation Commission – Energy

Crosby, Durand H., Norman, as a member of the State Board of Licensed Social Workers - Health and Human Services

Drake, J. Bob, Davis, as a member of the Oklahoma Water Resources Board - Energy

Jayroe-Gamble, Jane, Oklahoma City, as a member of the Oklahoma Arts Council - Education

Livermon, William, Oklahoma City, as a member of the Board of Examiners of Speech-Language Pathology and Audiology - Health and Human Services

Malone, Fred, Bartlesville, as a member of the Oklahoma Motor Vehicle Commission - Business and Commerce

Mather, Timothy A., Oklahoma City, as a member of the Oklahoma Science and Technology Research and Development Board - Energy

Ryan, Mona, Oklahoma City, as a member of the Board of Examiners of Speech Pathology and Audiology - Health and Human Services

St. Cyr, Mark, Jones, as a member of the Board of Pharmacy - Health and Human Services

Storms, Bruce, Chickasha, as a member of the Physician Manpower Training Commission - Health and Human Services

Stough, Phyllis J., Oklahoma City, as a member of the Oklahoma Arts Council - Education

Tucker, Donald S., Bixby, as a member of the Construction Industries Board - Business and Commerce

Westmoreland, Kevin C., Dewar, as a member of the Construction Industries Board - Business and Commerce

Wilson, Eugenia, Jenks, as a member of the Oklahoma State Credit Union Board -
Business and Commerce

Senator Schulz moved that when the clerk's desk is clear, the Senate stand adjourned to convene Tuesday, May 5, 2015, at 9:30 a.m., which motion prevailed.

FIRST READING

The following were introduced and read the first time:

SB 832 – By Jolley.

An Act relating to seasonal employees; declaring seasonal employees of certain state agencies as temporary unclassified employees; authorizing certain state agencies to employ seasonal employees; requiring the certain state agencies report certain employee statistics; providing for codification; and declaring an emergency.

SB 833 – By Loveless.

An Act relating to payroll deductions; amending 62 O.S. 2011, Section 34.70, as amended by Section 393, Chapter 304, O.S.L. 2012 (62 O.S. Supp. 2014, Section 34.70), which relates to voluntary payroll deductions; removing authorization for payroll deduction for Oklahoma Today magazine; and providing an effective date.

SB 834 – By Loveless.

An Act relating to payroll deductions; amending 62 O.S. 2011, Section 34.70, as amended by Section 393, Chapter 304, O.S.L. 2012 (62 O.S. Supp. 2014, Section 34.70), which relates to voluntary payroll deductions; removing authorization for payroll deductions to certain financial institutions; and providing an effective date.

SCR 24 – By Pittman, Matthews, Halligan and Holt of the Senate and Young, Shelton and Williams of the House.

A Concurrent Resolution honoring the life and career of Nancy Randolph Davis; mourning her loss; and directing distribution.

SR 32 – By Fields.

A Resolution recognizing the 85th anniversary of the unveiling of the Pioneer Woman Statue in Ponca City; and directing distribution.

CHANGE IN AUTHORS/COAUTHORS

The following measures were authored/coauthored:

SB 41 - Coauthored by Shortey

SB 436 - Remove as author Senator Quinn; authored by Shortey

SB 526 - Coauthored by Matthews

MESSAGES FROM THE GOVERNOR

Advising her approval May 1, 2015, of Enrolled **SBs 70, 98, 101, 178, 183, 207, 219, 285, 370, 399, 406, 423, 443, 451, 465, 505, 525, 578, 663, 781 and 787**; and veto of **SBs 676 and 788**.

The veto messages read as follows:

May 1, 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. 676

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 676.

Last year, the Environmental Protection Agency proposed regulations that called for new carbon standards for existing power plants. The EPA's proposed rules set forth a national 30 percent reduction in carbon dioxide emissions from 2005 levels at existing power plants by 2030. On December 1, 2014 last year, I directed the Oklahoma Secretary of Energy and Environment to submit comments on behalf of Oklahoma opposing the proposed rules. His comments specifically stated that "the proposed rule introduces unworkable barriers" and asked that the proposed rule "be withdrawn." Unfortunately, it appears that the rules may be finalized later this year. It is in anticipation of these final rules that SB 676 was passed.

I join the majority of Oklahoma legislators, the Attorney General, and many Oklahoma citizens in believing that the EPA is overreaching its authority and doing so in a way that could have disastrous consequences for families and businesses. The EPA's proposed rules will likely ensure any decisions about Oklahoma's energy future will ultimately be held in the hands of federal bureaucrats – not in the hands of the citizens of Oklahoma. Attorneys generals from across the country, including Oklahoma's Attorney General, have warned of

the probable illegal nature of the EPA's interpretation of the Clean Air Act — the purported legal authority for the EPA's proposed rule. Legal challenges are a certainty.

Besides the legal implications of a federal power grab, the EPA's rules are almost certain to have extremely negative consequences regarding both the national economy and Oklahoma's economy. Experts indicate that utility costs could rise nationally by anywhere from fifteen to thirty-five percent if the EPA's rules are implemented. A dramatic rise in utility costs would destroy jobs, hurt businesses and represent a grave financial burden to families.

It is therefore the position of my office that the state of Oklahoma should oppose implementation of the proposed EPA rules and resist the EPA's invitation to collaborate on a State Implementation Plan (SIP) with the federal government. To codify that position and provide clarity, I have issued EO 2015-22.

It clearly states the state of Oklahoma will not develop a SIP with the EPA. Furthermore, the Executive Order asks the Oklahoma Attorney General to "take such action as is necessary to enforce the rights of the State of Oklahoma and its citizens from such federal actions as may impact the freedoms of its people."

I believe SB 676 is intended by the Legislature to fully support the stated positions of both this office and the Attorney General. The purpose of the bill, as stated by the Legislature, is to prevent the implementation of any SIP that is deemed to violate the constitutional rights of the people of Oklahoma.

However, rather than simply prohibiting the development of such a SIP, as I have done through executive order, SB 676 inadvertently requires the State of Oklahoma and its energy and environmental partners to develop a SIP that would then be subject to the constitutional scrutiny of the Attorney General. Section 2 of the Bill specifically states "[t]he Department of Environmental Quality **shall develop** a proposed state compliance plan with input from the Public Utility Division of the Corporation Commission." The development of such a state plan involves dozens of state and private entities and thousands of hours of study and negotiations. It is a massive undertaking and requires the commitment of untold amounts of financial and time resources. It is also an unnecessary one, given that the Legislature, Attorney General and I are in agreement that the state should, in fact, not implement a SIP. While I applaud the willingness of the legislative bodies to join the Executive branch in a statement of solidarity in opposition to EPA overreach, I believe our policy goals have already been accomplished via executive order without the additional expenditure of taxpayer resources required by this bill. I hereby veto SB 676.

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

May 1, 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. 788

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 788.

Senate Bill 788 is an act which seeks to protect religious freedom. It prohibits a person whose duties include performing or solemnizing marriages – specifically mentioning preachers, ministers, priests, rabbis or other ecclesiastical dignitaries – from being compelled to perform or solemnize a marriage “in violation of his or her right to the free exercise of religion.”

SB 788 bill contains significant overlap and redundancies with House Bill 1007, also dealing with religious freedom. HB 1007 states that “no regularly licensed, ordained or authorized official of any religious organization shall be required to solemnize or recognize any marriage that violates the official's conscience or religious beliefs.”

Freedom of religion is an essential right and no religious figure should ever be compelled to violate their religious convictions by the government. Today I signed HB 1007 into law in support of that important principle. To prevent duplicative and overlapping statutes, I hereby veto SB 788.

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

MESSAGE FROM THE GOVERNOR

Advising her approval May 4, 2015, of Enrolled **SB 380**.

Pursuant to the Schulz motion, the Senate adjourned at 3:40 p.m. to meet Tuesday, May 5, 2015, at 9:30 a.m.