

Senate Journal

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

Fifty-third Legislative Day, Wednesday, May 6, 2015

The Senate was called to order by Senator Sykes.

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, Silk, Simpson, Smalley, Sparks, Standridge, Stanislawski, Sykes, Thompson, Treat, Wyrick and Yen.—45.

Excused: Brown, Pittman and Shortey.—3.

Senator Sykes declared a quorum present.

The prayer was offered by Ernest Odunze, Frontline Church Downtown, Oklahoma City, the guest of Senator Treat.

REPORT OF ENGROSSED AND ENROLLED MEASURES

SBs 29, 147, 248, 339, 376, 377, 494 and 751 were each correctly enrolled and after fourth reading, properly signed and ordered transmitted to the Honorable House for signature of the Speaker.

SCR 15 was correctly engrossed, properly signed and ordered transmitted to the Honorable House for consideration.

INTRODUCTION

Senator Holt introduced his son, George, to the Senate.

SCs NAMED

Upon motion of Senator Schulz, Senate conferees were appointed as follows:

SB 459 – GCCA

**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 1118 – Marlatt, Standridge, Griffin, David, Treat, Paddack, Floyd

HB 1827 – Standridge, Newberry, Bice, Dahm, Boggs, Garrison, Matthews

HB 1890 – Newberry, Dahm, Silk, Bass, Wyrick, Brinkley, Anderson

MESSAGES FROM THE HOUSE

Advising fourth reading of and transmitting for signature Enrolled **HBs 1148, 1376, 1616, 1628, 1920, 2187, 2208** and **2234**.

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

Advising the signing of and transmitting for signature Enrolled **HCR 1006**.

The above-numbered enrolled measure was properly signed and ordered returned to the Honorable House.

PENDING CONSIDERATION OF HAS

HAs to SB 562 were concurred in upon motion of Senator David.

SB 562, 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, Bass, Bice, Bingman, Boggs, Brecheen, Brinkley, Brooks, David, Fields, Floyd, Ford, Fry, Garrison, Griffin, Holt, Jech, Jolley, Justice, Loveless, Marlatt, Matthews, Mazzei, Paddack, Quinn, Schulz, Sharp, Shaw, Simpson, Smalley, Sparks, Standridge, Stanislawski, Thompson, Treat, Wyrick and Yen.--38.

Nay: Anderson, Dahm and Silk.--3.

Excused: Brown, Crain, Halligan, Newberry, Pittman, Shortey and Sykes.--7.

The bill passed.

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

PENDING CONSIDERATION OF HAS

HAs to SB 797 were concurred in upon motion of Senator David.

SB 797, 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, David, Fields, Floyd, Ford, Fry, Garrison, Griffin, Holt, Jech, Jolley, Justice, Loveless, Marlatt, Matthews, Mazzei, Newberry, Paddack, Quinn, Schulz, Sharp, Shaw, Silk, Simpson, Smalley, Sparks, Standridge, Stanislawski, Thompson, Treat, Wyrick and Yen.--42.

Nay: Dahm.--1.

Excused: Brown, Halligan, Pittman, Shortey and Sykes.--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 456 were concurred in upon motion of Senator Jolley.

SB 456, 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, Brooks, Crain, David, Fields, Ford, Fry, Griffin, Holt, Jech, Jolley, Justice, Loveless, Newberry, Paddack, Schulz, Sharp, Shaw, Silk, Simpson, Smalley, Stanislawski, Thompson and Yen.--28.

Nay: Allen, Bass, Brecheen, Brinkley, Dahm, Floyd, Garrison, Marlatt, Mazzei, Quinn, Sparks, Standridge, Treat and Wyrick.--14.

Excused: Brown, Halligan, Matthews, Pittman, Shortey and Sykes.--6.

The bill passed.

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

PENDING CONSIDERATION OF HAS

HAs to **SB 386** were concurred in upon motion of Senator Sparks.

SB 386, 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, Bass, Bice, Bingman, Boggs, Brinkley, Brooks, Crain, David, Fields, Floyd, Ford, Fry, Garrison, Griffin, Holt, Jech, Justice, Loveless, Matthews, Paddack, Schulz, Sharp, Shaw, Simpson, Smalley, Sparks, Standridge, Stanislawski, Thompson, Wyrick and Yen.--34.

Nay: Brecheen, Dahm, Jolley, Marlatt, Mazzei, Newberry, Quinn, Silk and Treat.--9.

Excused: Brown, Halligan, Pittman, Shortey and Sykes.--5.

The bill and emergency passed.

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

UNANIMOUS CONSENT REQUEST DIRECT TO CALENDAR

Senator Fields asked unanimous consent to refer **SR 32** direct to the Calendar for consideration, which was the order.

GENERAL ORDER

SR 32 by Fields was called up for consideration.

All other members of the Senate asked to coauthor **SR 32**, which was the order.

SR 32 was adopted upon motion of Senator Fields and referred for enrollment.

PENDING CONSIDERATION OF HAs

HAs to **SBs 379** and **694** were rejected upon motion of Senator Schulz, conference requested, and Senate conferees to be named later.

REQUEST TO RECESS GRANTED

Senator Schulz moved that the Senate consent to the House's request to adjourn for a period of more than three days in the First Regular Session of the 55th Legislature, pursuant to Article 5, Section 30 of the Oklahoma Constitution, beginning May 7, 2015 and ending Monday, May 11, 2015, which motion was declared adopted.

MESSAGES FROM THE HOUSE

Advising fourth reading of and returning Enrolled **SBs 29, 147, 248, 339, 376, 377, 494** and **751**.

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

Advising the Honorable Senate that the House rescinds the rejection of **SAs** and the request for conference on **HB 1622**.

Advising concurrence in **SAs** to and passage of Engrossed **HBs 1052, 1403, 1630, 1681, 2014** and **2181**.

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

- HB 1321** - Conference Committee on Common Education
- HB 1430** - Conference Committee on Judiciary and Civil Procedure
- HB 2049** - Conference Committee on Rules
- HB 2069** - Conference Committee on Children, Youth and Family Services
- HB 2088** - Conference Committee on Common Education
- HB 2217** - Conference Committee on Insurance

Senator Schulz moved that when the clerk's desk is clear, the Senate stand adjourned to convene Thursday, May 7, 2015, at 9:30 a.m., which motion prevailed.

SECOND READING

The following were read for the second time and referred to committee as indicated:

SB 833 – General Government

SB 834 – General Government

SB 835 – Joint Committee on Appropriations and Budget

SB 836 – General Government

FIRST READING

The following were introduced and read the first time:

SB 836 – By Dahm.

An Act relating to executive appointments; amending 74 O.S. 2011, Section 2, which relates to removal of officers; requiring certain executive nominees be registered voters for certain time period; stating exemption; and providing an effective date.

SB 837 – By Jolley and Treat of the Senate and Sears and Casey of the House.

An Act relating to the Corporation Commission; setting certain budget limits; providing an effective date; and declaring an emergency.

SB 838 – By Loveless of the Senate and Echols of the House.

An Act relating to asset forfeiture; creating the Personal Asset Protection Act; providing short title; amending 63 O.S. 2011, Section 2-503, as amended by Section 5, Chapter 154, O.S.L. 2014 (63 O.S. Supp. 2014, Section 2-503), which relates to property subject to forfeiture; requiring conviction for certain property forfeiture; modifying certain burdens of proof; providing for jury trial in certain actions; establishing requirements for certain actions; modifying Fund for deposit of certain monies; modifying certain requirements for seized property; making language gender neutral; providing for noncodification; and providing an effective date.

SR 33 – By Barrington.

A Resolution designating May 10-16, 2015, as Police Week in Oklahoma, and saluting the service of law enforcement officers throughout the state and across the nation.

SR 34 – By Bice.

A Resolution congratulating Xaley Yousey, the 2015 World Indoor Rowing Champion; wishing her much success in her future endeavors; and directing distribution.

CHANGE IN AUTHORS/COAUTHORS

The following measure were authored/coauthored:

SB 386 - Coauthored by Griffith
Coauthored by Virgin

MESSAGE FROM THE GOVERNOR

Advising her approval May 6, 2015, of Enrolled **SBs 34, 92, 116, 155, 167, 180, 239, 269, 292, 425, 534, 542** and **704** and her veto of **SBs 352, 453** and **591**.

The veto messages read 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. 352:

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 352.

Senate Bill 352 waters down competitive bidding requirements for construction contracts let by “counties, cities, other local units of government,” and public trusts (hereinafter referred to as “State actors”). The Bill allows the aforementioned State actors to provide a five percent bid preference to a local contractor who is the second lowest qualified bid on any given contract, if that contractor promises to perform the contract for the same price and terms as the lowest bidder, and if selection of that contractor would create an “economic benefit to the local area or economy.”

Notably, the Bill fails to define what makes a bidder or contractor “local,” how “economic benefit” should be substantiated and quantified, and what minimum amount of “economic benefit,” if any, would be needed to qualify a potential bidder for the preference. As good fiscal stewards of our citizens’ tax monies, we should not enact ambiguous laws governing the award of public contracts. Therefore I have vetoed Senate Bill 352.

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

TO THE HONORABLE PRESIDENT PRO TEMPORE
AND MEMBERS OF THE OKLAHOMA SENATE
FIRST SESSION OF THE
FIFTY FIFTH OKLAHOMA LEGISLATURE

ENROLLED SENATE BILL NO. 453:

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 453.

Senate Bill 453 amends Title 47 section 4-105, to require the Department of Public Safety (DPS) consider a vehicle which can be repossessed the same as a stolen vehicle, by expanding the definition of a converted vehicle. Specifically, the Bill requires DPS to consider a vehicle converted if the person last known to be in possession of the vehicle fails, refuses or neglects to return the vehicle to the owner or lien holder in violation of any lawful court order.

This Bill would result in state and local police officers routinely acting as repossession agents on behalf of independent car dealers. The repossession of a vehicle is strictly a civil matter, unrelated to public safety, and state and local police officers should not participate in that process. Therefore, I have vetoed Senate Bill 453.

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

TO THE HONORABLE PRESIDENT PRO TEMPORE
AND MEMBERS OF THE OKLAHOMA SENATE
FIRST SESSION OF THE
FIFTY FIFTH OKLAHOMA LEGISLATURE

ENROLLED SENATE BILL NO. 591:

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 591.

Senate Bill 591 (Bill) makes it illegal for anyone to “act as, or perform the work of” a mechanical or plumber’s apprentice without first registering with the Construction Industries Board (CIB). The Bill also makes it unlawful for any employer to hire a mechanical or plumber’s apprentice until that apprentice is registered, and regulated, by the CIB.

This Bill is unnecessary, and—if enacted—would bring about many of the detrimental consequences characteristic of regulatory overreach. Current law already provides a mechanism through which an individual who is at least sixteen years old, and who is enrolled in a specialized training program or who is working for a licensee, may register with the State as a mechanical or plumber’s apprentice. As it stands now, such registration must be renewed annually; is subject to several different initial and recurring fees; and carries with it professional responsibilities that, if violated, are subject to CIB disciplinary action. Accordingly, Oklahoma law already has in place a strong regulatory framework that seeks to balance consumer protection with encouraging individuals, and especially youth, in becoming skilled tradesmen.

This Bill significantly expands the current regulatory framework. Fairly interpreted, SB 591—perhaps inadvertently—prohibits people from assisting others in repair work, even if such work is performed within a friend or relative’s personal residence, or done under the direction of a licensed family member. It shuts the door on youth who are interested in becoming plumbers or mechanical tradesmen, but who want to gain real-world familiarity with the trade before committing themselves to more formalized instruction. It has no carve-outs or common-sense exemptions.

Oklahoma must encourage—not restrict—expanded workforce development and the attainment of viable trade skills. This Bill, perhaps unintentionally, does the opposite, by standing for the proposition that there is no place in the skilled trades for anyone unregulated by the State, regardless of whether the work at hand relates to a weekend hobby, a part-time or summer job, or a favor extended to a friend or family member.

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 Thursday, May 7, 2015, at 9:30 a.m.