

Senate Journal

Second Regular Session of the Fifty-fourth Legislature of the State of Oklahoma

Forty-seventh Legislative Day, Monday, April 28, 2014

The Senate was called to order by Senator Fields.

Roll Call:

Present: Aldridge, Allen, Anderson, Ballenger, Barrington, Bingman, Boggs, Branan, Brecheen, Brinkley, Brooks, Brown, Burrage, Coates, Crain, Dahm, David, Ellis, Fields, Ford, Garrison, Griffin, Holt, Ivester, Johnson (C), Johnson (R), Jolley, Justice, Loveless, Marlatt, McAffrey, Newberry, Paddack, Schulz, Sharp, Shaw, Shortey, Shumate, Simpson, Sparks, Standridge, Sykes, Treat and Wyrick.—44.

Excused: Bass, Halligan, Mazzei and Stanislawski.—4.

Senator Fields declared a quorum present.

The prayer was offered by Dr. Dennis Clark, First Christian Church, Guthrie, the guest of Senator Griffin.

REPORT OF ENGROSSED AND ENROLLED MEASURES

HBs 2190, 2367, 2562, 2617, 2621, 2637, 2676, 3143 and 3213 and **HJR 1033** were each correctly engrossed and, together with engrossed **SAs**, properly signed and ordered returned to the Honorable House.

SBs 1728 and 1875 and **SJR 33** were each correctly enrolled, properly signed and ordered transmitted to the Honorable House for signature of the Speaker.

SRs 75 and 80 were each correctly enrolled, properly signed and ordered transmitted to the Secretary of State.

INTRODUCTION

Senator Fields introduced his daughter, Tristan, to the Senate.

**UNANIMOUS CONSENT REQUEST
DIRECT TO CALENDAR**

Senator Paddack asked unanimous consent to refer **SR 66** direct to the Calendar for consideration, which was the order.

GENERAL ORDER

SR 66 by Paddack was called up for consideration.

All other members of the Senate asked to coauthor **SR 66**, which was the order.

SR 66 was adopted upon motion of Senator Paddack and referred for enrollment.

**UNANIMOUS CONSENT REQUEST
DIRECT TO CALENDAR**

Senator Sharp asked unanimous consent to refer **SR 42** direct to the Calendar for consideration, which was the order.

GENERAL ORDER

SR 42 by Sharp was called up for consideration.

All other members of the Senate asked to coauthor **SR 42**, which was the order.

SR 42 was adopted upon motion of Senator Sharp and referred for enrollment.

DEDICATION

Former Senator Charles Ford presented the painting “The Trail of Tears”, sponsored by The Cherokee Nation Businesses and Principal Chief Bill John Baker. Senator Ford introduced the artist, Wayne Cooper, who addressed the Senate. Senator Ford introduced Principal Chief Bill John Baker, who presented the painting as a gift to the Senate. Chief Baker addressed the Senate.

PENDING CONSIDERATION OF HAs

HAs to SBs 1398, 1612 and 1914 were rejected upon motion of Senator Schulz, conference requested, and Senate conferees to be named later.

MESSAGES FROM THE HOUSE

Advising fourth reading of and transmitting for signature Enrolled **HBs 3216, 3254 and 3365**.

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

Advising the signing of and returning Enrolled **SJR 33**.

The above-numbered enrolled measure was transmitted to the Secretary of State.

Advising fourth reading of and returning Enrolled **SBs 1728 and 1875**.

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

Advising rejection of **CCR** to **SB 792**, requesting further conference and conferees to be named later.

Advising rejection of **SAs** to the following bills, requesting conference and House conferees as follows:

- HB 2199** – Conference Committee on Administrative Rules, Government Oversight and Repealer
- HB 2312** – Conference Committee on Judiciary
- HB 2344** – Conference Committee on Economic Development and Financial Services
- HB 2349** – Conference Committee on Judiciary
- HB 2374** – Conference Committee on Veterans and Military Affairs
- HB 2480** – GCCA
- HB 2495** – Conference Committee on Public Safety
- HB 2506** – Conference Committee on Economic Development and Financial Services
- HB 2531** – Conference Committee on Economic Development and Financial Services
- HB 2576** – Conference Committee on Judiciary
- HB 2589** – Conference Committee on Public Health
- HB 2629** – Conference Committee on Economic Development and Financial Services
- HB 2630** – Conference Committee on Economic Development and Financial Services

HB 2804 – GCCA.
HB 2873 – Conference Committee on Judiciary
HB 2985 – Conference Committee on Public Safety
HB 3055 – Conference Committee on Government Modernization and Accountability
HB 3394 – Conference Committee on Judiciary
HJR 1006 – Conference Committee on Rules.

**MESSAGE FROM THE HOUSE
HAS TO SENATE BILLS**

Advising passage of and returning the following engrossed bills as amended:

SB 1143 - Remove Representative Echols as principal House author and substitute with Representative Bennett, coauthored by Representatives Echols, Sanders and Turner.
SB 1536 - coauthored by Senator Johnson (Constance) and Representatives Pittman, Shelton, Hulbert, DeWitt, Echols, Scott and Blackwell
SB 1639 - coauthored by Representative Lockhart
SB 1654 - coauthored by Senators Allen and Ivester and Representatives Cannaday and Bennett
SB 1675
SB 1704 - (Emergency Failed) coauthored by Representative Morrisette
SB 1715 - (Emergency Failed)
SB 1720
SB 1744 - coauthored by Senator Ivester
SB 1848 - coauthored by Senators Allen and Griffin and Representatives Ritze, Kern, Reynolds, Turner, Roberts (Sean) and Fisher
SB 1908
SB 2080 - Remove Representative Echols as principal House author and substitute with Representative Walker, coauthored by Representative Echols

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 29, 2014, 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 2123 – Joint Committee on Appropriations and Budget
SB 2124 – Joint Committee on Appropriations and Budget
SB 2125 – Joint Committee on Appropriations and Budget
SB 2126 – Joint Committee on Appropriations and Budget

SB 2127 – Joint Committee on Appropriations and Budget

SB 2128 – Joint Committee on Appropriations and Budget

SB 2129 – Joint Committee on Appropriations and Budget

CHANGE IN AUTHORS/COAUTHORS

The following measure was authored/coauthored:

HB 2807 - Coauthored by Standridge

MESSAGES FROM THE GOVERNOR

Advising her approval April 25, 2014, of Enrolled **SBs 1262, 1471, 1602, 1655, 1661, 1664, 1773, 1777, 1829, 1948, 1980** and **1993**.

Advising her approval April 28, 2014, of Enrolled **SBs 934, 1181** and **1246**.

Advising her veto April 28, 2014, of Enrolled **SBs 1195** and **1673**.

The veto messages read as follows:

April 28, 2014

TO THE HONORABLE PRESIDENT PRO TEMPORE
AND MEMBERS OF THE OKLAHOMA SENATE
SECOND SESSION OF THE
FIFTY-FOURTH OKLAHOMA LEGISLATURE

ENROLLED SENATE BILL NO. 1195:

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 1195.

Senate Bill 1195 regulates the existence and future construction of privately owned anemometer towers. Specifically, the Bill imposes requirements beyond the Airport Zoning Act and the Aircraft Pilot and Passenger Protection Act. This Bill requires the Oklahoma Aeronautics Commission to establish and maintain a database of all existing anemometer towers in the state, and requires current and future owners of anemometer towers to provide the Commission with certain information under the threat of a criminal penalty.

Anemometers serve as critical tools for Oklahoma citizens and businesses to assess wind resources, and assist meteorologists in providing accurate weather forecasts. Anemometer

towers are appropriately regulated through Airport Zoning Act and the Aircraft Pilot and Passenger Protection Act. Further, the concerns attempted to be addressed by this Bill are better addressed through administrative rule making and civil remedies, rather than through criminal penalties.

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

April 28, 2014

TO THE HONORABLE PRESIDENT PRO TEMPORE
AND MEMBERS OF THE OKLAHOMA SENATE
SECOND SESSION OF THE
FIFTY-FOURTH OKLAHOMA LEGISLATURE

ENROLLED SENATE BILL NO. 1673:

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 1673.

SB 1673 creates the Commodity Research Enhancement Act. Under the Act, any nonprofit commodity organization may petition the Commissioner of the Oklahoma Department of Agriculture, Food and Forestry for approval to conduct a state assessment referendum. The Bill requires the Commissioner to schedule within fifteen (15) days and hold public hearings within forty (40) days on the petition. Once the state assessment referendum is held, the Bill requires the Commissioner to certify the results of the referendum election.

There are two (2) main issues with this Bill. First, although the Bill provides, "The designed nonprofit commodity organization is responsible for all expenses incurred in connection with the referendum," the Bill is not clear that the designated nonprofit commodity organization would be responsible for the expenses incurred by the Commissioner in conducting the public hearing or certifying the referendum election results. Second, the Bill criminalizes any violation of the Commodity Research Enhancement Act, by way of a misdemeanor punishable by up to one (1) year in county jail and/or up to a One Thousand Dollar (\$1,000.00) fine, regardless of one's intent or lack thereof to violate the Act. These two issues result in this Bill being contrary to the best interests of the State of Oklahoma.

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

Pursuant to the Schulz motion, the Senate adjourned at 2:25 p.m. to meet Tuesday, April 29, 2014, at 9:30 a.m.