

# Senate Journal

**Second Regular Session of the Fifty-fifth Legislature**

**of the State of Oklahoma**

**Eighth Legislative Day, Thursday, February 11, 2016**

The Senate was called to order by Senator Fields.

Roll Call:

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

Excused: Fry, Garrison, Mazzei and Paddack.—4.

Senator Dahm declared a quorum present.

The prayer was offered by Pastor Warren G. Blakney, North Peoria Church of Christ, Tulsa, the guest of Senator Matthews.

## **REPORT OF ENGROSSED AND ENROLLED MEASURE**

**SR 41** was correctly enrolled, properly signed and ordered transmitted to the Secretary of State.

## **UNANIMOUS CONSENT REQUEST DIRECT TO CALENDAR**

Senator Shorty asked unanimous consent to refer **SR 43** direct to the Calendar for consideration, which was the order.

## **GENERAL ORDER**

**SR 43** by Shortey was called up for consideration.

All other members of the Senate asked to coauthor **SR 43**, which was the order.

**SR 43** was adopted upon motion of Senator Shortey and referred for enrollment.

## **MESSAGE FROM THE HOUSE**

Advising passage of and transmitting for consideration Engrossed **HBs 2247, 2263, 2264, 2286, 2348, 2401 and 2403**.

**HB 2247** – By McDaniel (Randy) and Cockroft of the House and Smalley of the Senate.

An Act relating to the Teachers' Retirement System of Oklahoma; enacting the Experienced Teacher Support Act; amending 70 O.S. 2011, Sections 17-108.1 and 17-116.10, as amended by Section 4, Chapter 101, O.S.L. 2013 (70 O.S. Supp. 2015, Section 17-116.10), which relate to employer contribution requirements and postretirement earnings limitations; modifying employer contribution requirement for certain employers with respect to compensation earned by certain retired members; modifying postretirement earnings limitations provisions with respect to certain retired members of the System; providing for noncodification; and providing an effective date.

**HB 2263** – By McDaniel (Randy) of the House and Smalley of the Senate.

An Act relating to the Teachers' Retirement System of Oklahoma; amending 70 O.S. 2011, Sections 17-105, as amended by Section 2, Chapter 101, O.S.L. 2013, 17-106, as last amended by Section 1, Chapter 13, O.S.L. 2014, 17-106.1, as amended by Section 1, Chapter 312, O.S.L. 2012, 17-108.1 and 17-120 (70 O.S. Supp. 2015, Sections 17-105, 17-106 and 17-106.1), which relate to administration of the retirement system; modifying requirements prior to retirement; providing for application and forms; modifying period of time for application; authorizing waiver for good cause shown; imposing requirements on employers with respect to information prior to retirement; imposing responsibility upon employer based on failure to submit information or errors in submission; modifying term; authorizing certain beneficiary designations; providing for certain benefit computation; authorizing payment of benefits to lawfully appointed trustee; providing for construction of statutes in event of conflict; providing for submission of documentation to retirement system; authorizing action by administrative rule under certain circumstances; modifying certain dollar amount with respect to payment of monies without intervention of probate court; modifying required documents; modifying provisions related to qualifications of certain physicians of Medical Board of retirement system; authorizing employment of physicians in special cases; modifying provisions related to reports filed with the State Pension Commission; authorizing direct access to data from custodian banks; imposing reporting requirements on employers with respect to retirement system members; requiring reasonable access to records; requiring cooperation by employers with auditors; authorizing waiver of late fees for good cause shown; and providing an effective date.

**HB 2264** – By McDaniel (Randy) of the House and Smalley of the Senate.

An Act relating to the Retirement Freedom Act; amending Section 5, Chapter 375, O.S.L. 2014, as amended by Section 3, Chapter 303, O.S.L. 2015 (74 O.S Supp. 2015, Section 935.5), which relates to employee contributions; modifying time period for purposes of employee contribution rate selections; and providing an effective date.

**HB 2286** – By Murphey of the House and Dahm of the Senate.

An Act relating to crimes and punishments; repealing 21 O.S. 2011, Sections 1844, 1845, 1846 and 1847, which relate to emergency telephone calls on party lines; and providing an effective date.

**HB 2348** – By Roberts (Dustin) and Faught of the House and Simpson of the Senate.

An Act relating to military; authorizing Oklahoma Army and Air National Guard personnel to carry firearms under certain conditions; amending 44 O.S. 2011, Section 26, which relates to duties of the Adjutant General; authorizing the Adjutant General to delegate certain duties and promulgate rules; amending 44 O.S. 2011, Section 232, which relates to youth programs; authorizing the use of state-owned vehicles for certain purposes; authorizing the Adjutant General to execute certain agreements in support of youth programs; amending 44 O.S. 2011, Section 233.2, which relates to agreements with the United States; authorizing the Adjutant General to execute certain agreements in support of certain programs; amending 47 O.S. 2011, Section 151, as amended by Section 1, Chapter 316, O.S.L. 2012 (47 O.S. Supp. 2015, Section 151), which relates to markings and colors for automobiles owned or leased by state; providing certain exemption; amending 74 O.S. 2011, Section 78a, as amended by Section 729, Chapter 304, O.S.L. 2012 (74 O.S. Supp. 2015, Section 78a), which relates to requisition of motor vehicles; providing certain exemption to the Oklahoma Military Department; providing for codification; and providing an effective date.

**HB 2401** – By Biggs of the House and Griffin of the Senate.

An Act relating to crimes and punishments; amending 21 O.S. 2011, Section 142.10, which relates to the Oklahoma Crime Victims Compensation Act; modifying requirements for awarding compensation claims; changing time limitation for filing claims; and providing an effective date.

**HB 2403** – By Biggs and Billy of the House and Smalley of the Senate.

An Act relating to criminal procedure; amending 22 O.S. 2011, Sections 1105.2 and 1105.3, as amended by Section 1, Chapter 77, O.S.L. 2013 (22 O.S. Supp. 2015, Section 1105.3), which relate to the Pretrial Release Act; eliminating county population requirement; updating language; and providing an effective date.

The above-numbered measures were read the first time.

Senator Schulz moved that when the clerk's desk is clear, the Senate stand adjourned to convene Monday, February 15, 2016, 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:****SB 884** – Public Safety

Ayes: Barrington, Brecheen, Brooks, Ford, Matthews, Shaw

**SB 922** – Veterans and Military Affairs

Ayes: Anderson, Boggs, Dossett, Simpson, Smalley, Sykes

**SB 926** – Veterans and Military Affairs

Ayes: Anderson, Boggs, Dossett, Simpson, Smalley, Sykes

**SB 928** – Veterans and Military Affairs

Ayes: Anderson, Boggs, Dossett, Simpson, Smalley, Sykes

**SB 935** – Veterans and Military Affairs

Ayes: Anderson, Boggs, Dossett, Simpson, Smalley, Sykes

**SB 949** – Veterans and Military Affairs

Ayes: Anderson, Boggs, Dossett, Simpson, Smalley, Sykes

**SB 1001** – Public Safety

Ayes: Barrington, Brecheen, Brooks, Ford, Matthews, Shaw

**SB 1125** – Business and Commerce

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

**SB 1145** – Veterans and Military Affairs

Ayes: Anderson, Boggs, Dossett, Simpson, Smalley, Sykes

**SB 1335** – Insurance

Ayes: Bass, Brown, Sparks, Stanislawski

**SB 1386** – Insurance

Ayes: Bass, Brown, Sparks, Stanislawski

**SB 1465** – Veterans and Military Affairs

Ayes: Anderson, Boggs, Dossett, Simpson, Smalley

DO PASS, As Amended:

**SB 970** – Veterans and Military Affairs

Ayes: Anderson, Boggs, Dossett, Simpson, Smalley, Sykes

**SB 1082** – Business and Commerce

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

**SB 1329** – Business and Commerce

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

**CS for SB 1430** – Business and Commerce

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

## **COMMITTEE REPORTS**

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

DO PASS:

**SB 900** – Veterans and Military Affairs

Ayes: Anderson, Boggs, Dossett, Simpson, Smalley, Sykes

**SB 946** – Public Safety

Ayes: Barrington, Brecheen, Brooks, Ford, Matthews, Shaw

**SB 961** – Public Safety

Ayes: Barrington, Brecheen, Brooks, Ford, Matthews, Shaw

**SB 1199** – Business and Commerce

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

Nays: Dahm, Pittman, Silk, Wyrick

**SB 1497** – Insurance

Ayes: Bass, Brown, Sparks

Nays: Stanislawski

DO PASS, As Amended:

**SB 1141** – Public Safety

Ayes: Barrington, Brecheen, Brooks, Ford, Holt, Matthews, Shaw

**SB 1198** – Business and Commerce

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

Nays: Dahm, Silk, Wyrick

**SB 1220** – Public Safety

Ayes: Barrington, Brecheen, Brooks, Ford, Matthews, Shaw

**CHANGE IN AUTHORS/COAUTHORS**

The following measures were authored/coauthored:

**SB 791** - Coauthored by Mulready (principal House author)

**SB 868** - Coauthored by Wood (principal House author)

**SB 893** - Coauthored by Allen

**SB 922** - Coauthored by Roberts (Dustin) (principal House author)

**SB 926** - Coauthored by Roberts (Dustin) (principal House author)

**SB 928** - Coauthored by Roberts (Dustin) (principal House author)

**SB 935** - Coauthored by Roberts (Dustin) (principal House author)

**SB 939** - Coauthored by Coody (Jeff) (principal House author)

**SB 949** - Coauthored by Roberts (Dustin) (principal House author)

**SB 957** - Coauthored by Allen

**SB 969** - Coauthored by Roberts (Dustin) (principal House author)

**SB 970** - Coauthored by Roberts (Dustin) (principal House author)

**SB 985** - Coauthored by Ownbey (principal House author)

**SB 1052** - Coauthored by Murdock (principal House author)

**SB 1064** - Coauthored by Murdock (principal House author)

**SB 1134** - Coauthored by Roberts (Dustin) (principal House author)

**SB 1137** - Coauthored by Allen

**SB 1194** - Coauthored by Nollan (principal House author)

**SB 1195** - Coauthored by Nollan (principal House author)

**SB 1214** - Coauthored by Wood (principal House author)

**SB 1230** - Remove as principal author Representative ODonnell and substitute with Representative McDaniel (Randy)

Coauthored by ODonnell

**SB 1247** - Coauthored by Mulready (principal House author)

**SB 1271** - Coauthored by Watson (principal House author)

**SB 1308** - Coauthored by Allen

**SB 1317** - Coauthored by Watson (principal House author)

**SB 1336** - Coauthored by Murdock (principal House author)

**SB 1338** - Coauthored by Cox (principal House author)

**SB 1339** - Coauthored by Cox (principal House author)  
**SB 1371** - Coauthored by Ownbey (principal House author)  
**SB 1442** - Coauthored by Allen  
**SB 1505** - Coauthored by Billy (principal House author)  
**SJR 63** - Coauthored by Murdock (principal House author)

Pursuant to the Schulz motion, the Senate adjourned at 10:15 a.m. to meet Monday, February 15, 2016, at 1:30 p.m.

**JOURNAL CORRECTION**

Page 239, Line 10, add “Stanislawski” after Standridge; Line 13, change “45” to “46” and Line 12, remove “Stanislawski” and change “3” to “2”.