

# Senate Journal

## Second Regular Session of the Fifty-fifth Legislature of the State of Oklahoma

**Fifty-seventh Legislative Day, Wednesday, May 11, 2016**

The Senate was called to order by Senator Brooks.

Roll Call:

Present: Allen, Anderson, Barrington, Bass, Bice, Bingman, Boggs, Brecheen, Brooks, Brown, Crain, Dahm, David, Dossett, Fields, Floyd, Ford, Fry, Griffin, Halligan, Holt, Jech, Jolley, Justice, Loveless, Marlatt, Matthews, Mazzei, Newberry, Paddack, Pittman, Quinn, Schulz, Sharp, Shaw, Shortey, Silk, Simpson, Smalley, Sparks, Stanislawski, Sykes, Thompson, Treat, Wyrick and Yen.—46.

Excused: Garrison and Standridge.—2.

Senator Brooks declared a quorum present.

The prayer was offered by Dr. Bryan Haynes, College Heights Baptist Church, Chickasha, the guest of Senator Justice.

### REPORT OF ENGROSSED AND ENROLLED MEASURES

**SBs 172, 1030 and 1196** were each correctly enrolled and after fourth reading, properly signed and ordered transmitted to the Honorable House for signature of the Speaker.

**SCR 38** was correctly engrossed, properly signed and ordered transmitted to the Honorable House for consideration.

### INTRODUCTIONS

Senator Wyrick introduced his wife, Pamela Jo, his granddaughter, Remington Jo, her mother, Crystal, and his son, Randy; and Senator Marlatt introduced Governor Mary Fallin to the Senate.

**FIRST READING**

The following were introduced and read the first time:

**SB 1584** – By Jolley and Treat of the Senate and Sears and Casey of the House.

An Act relating to appropriations; making an appropriation to the State Board of Education; stating purpose; providing lapse dates; requiring and prohibiting certain budget procedures; providing an effective date; and declaring an emergency.

**SB 1585** – By Jolley and Treat of the Senate and Sears and Casey of the House.

An Act relating to appropriations; making an appropriation to the Oklahoma Health Care Authority; stating purpose; providing lapse dates; requiring and prohibiting certain budget procedures; providing an effective date; and declaring an emergency.

**SB 1586** – By Jolley and Treat of the Senate and Sears and Casey of the House.

An Act relating to appropriations; making an appropriation to the Oklahoma State Regents for Higher Education; stating purpose; providing lapse dates; requiring and prohibiting certain budget procedures; providing an effective date; and declaring an emergency.

**SB 1587** – By Jolley and Treat of the Senate and Sears and Casey of the House.

An Act relating to appropriations; making an appropriation to the Department of Human Services; stating purpose; providing lapse dates; requiring and prohibiting certain budget procedures; providing an effective date; and declaring an emergency.

**SB 1588** – By Jolley and Treat of the Senate and Sears and Casey of the House.

An Act relating to appropriations; making an appropriation to the Department of Corrections; stating purpose; providing lapse dates; requiring and prohibiting certain budget procedures; providing an effective date; and declaring an emergency.

**SB 1589** – By Jolley and Treat of the Senate and Sears and Casey of the House.

An Act relating to appropriations; making an appropriation to the Department of Mental Health and Substance Abuse Services; stating purpose; providing lapse dates; requiring and prohibiting certain budget procedures; providing an effective date; and declaring an emergency.

**SB 1590** – By Jolley and Treat of the Senate and Casey and Sears of the House.

An Act relating to appropriations; making an appropriation to the Department of Transportation; stating purpose; providing lapse dates; requiring and prohibiting certain budget procedures; providing an effective date; and declaring an emergency.

**SB 1591** – By Jolley and Treat of the Senate and Casey and Sears of the House.

An Act relating appropriations; making an appropriation to the State Board of Career and Technology Education; stating purpose; providing lapse dates; requiring and prohibiting certain budget procedures; providing an effective date; and declaring an emergency.

**SB 1592** – By Jolley and Treat of the Senate and Sears and Casey of the House.

An Act relating to the appropriations; making an appropriation to the Department of Public Safety; stating purpose; providing lapse dates; requiring and prohibiting certain budget procedures; providing an effective date; and declaring an emergency.

**SB 1593** – By Jolley and Treat of the Senate and Sears and Casey of the House.

An Act relating to appropriations; making an appropriation to the Office of Juvenile Affairs; stating purpose; providing lapse dates; requiring and prohibiting certain budget procedures; providing an effective date; and declaring an emergency.

**SB 1594** – By Jolley and Treat of the Senate and Sears and Casey of the House.

An Act relating to appropriations; making an appropriation to the Department of Agriculture, Food, and Forestry; stating purpose; providing lapse dates; requiring and prohibiting certain budget procedures; providing an effective date; and declaring an emergency.

**SB 1595** – By Jolley and Treat of the Senate and Casey and Sears of the House.

An Act relating to appropriations; making an appropriation to the Supreme Court; stating purpose; providing lapse dates; requiring and prohibiting certain budget procedures; providing an effective date; and declaring an emergency.

**SB 1596** – By Jolley and Treat of the Senate and Sears and Casey of the House.

An Act relating to the Department of Labor; amending 74 O.S. 2011, Section 840-5.5, as last amended by Section 6, Chapter 117, O.S.L. 2014 (74 O.S. Supp. 2015, Section 840-5.5), which relates to the unclassified service; modifying offices, positions and personnel in unclassified service; providing an effective date; and declaring an emergency.

**SB 1597** – By Jolley and Treat of the Senate and Sears and Casey of the House.

An Act relating to the Oklahoma Department of Agriculture, Food and Forestry; amending 74 O.S. 2011, Section 840-5.5, as last amended by Section 6, Chapter 117, O.S.L. 2014 (74 O.S. Supp. 2015, Section 840-5.5), which relates to the unclassified service; modifying offices, positions and personnel in unclassified service; providing an effective date; and declaring an emergency.

**SB 1598** – By Jolley and Treat of the Senate and Sears and Casey of the House.

An Act relating to the Commissioners of the Land Office; amending 74 O.S. 2011, Section 840-5.5, as last amended by Section 6, Chapter 117, O.S.L. 2014 (74 O.S. Supp. 2015, Section 840-5.5), which relates to the unclassified service; modifying offices, positions and personnel in unclassified service; providing an effective date; and declaring an emergency.

**SB 1599** – By Jolley and Treat of the Senate and Sears and Casey of the House.

An Act relating to the Office of the Secretary of State; amending 74 O.S. 2011, Section 661.1, which relates to classification of employees; modifying employees in unclassified service; providing an effective date; and declaring an emergency.

**SB 1600** – By Jolley and Treat of the Senate and Sears and Casey of the House.

An Act relating to the Oklahoma Historical Society; amending 74 O.S. 2011, Section 840-5.5, as last amended by Section 6, Chapter 117, O.S.L. 2014 (74 O.S. Supp. 2015, Section 840-5.5), which relates to the unclassified service; modifying offices, positions and personnel in unclassified service; providing an effective date; and declaring an emergency.

**SB 1601** – By Jolley and Treat of the Senate and Sears and Casey of the House.

An Act relating to the State Board of Licensure for Professional Engineers and Land Surveyors; amending 74 O.S. 2011, Section 840-5.5, as last amended by Section 6, Chapter 117, O.S.L. 2014 (74 O.S. Supp. 2015, Section 840-5.5), which relates to the unclassified service; modifying offices, positions and personnel in unclassified service; providing an effective date; and declaring an emergency.

**SB 1602** – By Jolley and Treat of the Senate and Sears and Casey of the House.

An Act relating to agency director qualifications; amending 10A O.S. 2011, Section 2-7-201, as amended by Section 1, Chapter 246, O.S.L. 2012 (10A O.S. Supp. 2015, Section 2-7-201), which relates to the Executive Director of the Office of Juvenile Affairs; amending 57 O.S. 2011, Section 506, as amended by Section 1, Chapter 267, O.S.L. 2012 (57 O.S. Supp. 2015, Section 506), which relates to the Director of Corrections; removing certain requirements relating to education and experience; and providing an effective date.

**SB 1603** – By Jolley and Treat of the Senate and Sears and Casey of the House.

An Act relating to income tax credit; amending 68 O.S. 2011, Section 2357.46, which relates to income tax credit for expenditures incurred by certain contractors; limiting time period during which certain credit shall be allowed; providing an effective date; and declaring an emergency.

**SB 1604** – By Jolley and Treat of the Senate and Sears and Casey of the House.

An Act relating to income tax credit; amending 68 O.S. 2011, Section 2357.43, which relates to tax credit based on federal earned income credit; limiting time period during which credit is refundable; and providing an effective date.

**SB 1605** – By Jolley and Treat of the Senate and Sears and Casey of the House.

An Act relating to income tax credits; amending 68 O.S. 2011, Section 2357.27, as amended by Section 1, Chapter 33, O.S.L. 2014 (68 O.S. Supp. 2015, Section 2357.27), which relates to tax credits for certain entities providing child care services; prohibiting use of tax credits for certain specified taxable years; and providing an effective date.

**SB 1606** – By Jolley and Treat of the Senate and Sears and Casey of the House.

An Act relating to income tax adjustments; amending 68 O.S. 2011, Section 2358, as last amended by Section 1, Chapter 138, O.S.L. 2014 (68 O.S. Supp. 2015, Section 2358), which relates to determination of taxable income; requiring certain amounts deducted on federal return be added to Oklahoma income under specified conditions; and providing an effective date.

**SCR 40** – By Schulz.

A Concurrent Resolution congratulating the Altus High School swim team, 5A boys State Swimming Champions; and directing distribution.

**SCR 41** – By Schulz.

A Concurrent Resolution congratulating the 2016 National Federation of High School State Associations Boys' Swimming Coach of the Year, Linda Wiginton; recognizing her accomplishments; and directing distribution.

**SCR 42** – By Schulz.

A Concurrent Resolution congratulating the 2015 Class 5A Football State Champions, the Altus Bulldogs; commending the team's hard work and dedication to win their first title since 1971; and directing distribution.

**SR 68** – By Sparks.

A Resolution congratulating the OU Women's Gymnastics team for winning the 2016 NCAA National Championship; congratulating OU for being the first school in NCAA history to win the national championship in both women's and men's gymnastics in the same year; and directing distribution.

**SR 69** – By Schulz.

A Resolution congratulating the 2015 Class 5A Football State Champions, the Altus Bulldogs; commending the team's hard work and dedication to win their first title since 1971; and directing distribution.

**SR 70** – By Justice.

A Resolution recognizing and commending Farm Credit and certain local offices for 100 years of support and service to the agricultural community; and directing distribution.

**UNANIMOUS CONSENT REQUEST  
DIRECT TO CALENDAR**

Senator Dahm asked unanimous consent to refer **SCR 39** direct to the Calendar for consideration, which was the order.

**GENERAL ORDER**

**SCR 39** by Dahm of the Senate and Roberts (Sean) of the House was called up for consideration.

**SCR 39** was adopted upon motion of Senator Dahm and referred for engrossment.

**UNANIMOUS CONSENT REQUEST  
DIRECT TO CALENDAR**

Senator Schulz asked unanimous consent to refer **SCRs 40, 41 and 42** direct to the Calendar for consideration, which was the order.

**GENERAL ORDER**

**SCR 42** by Schulz of the Senate and Ortega of the House was called up for consideration.

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

**SCR 42** was adopted upon motion of Senator Schulz and referred for engrossment.

**GENERAL ORDER**

**SCR 40** by Schulz of the Senate and Ortega of the House was called up for consideration.

All other members of the Senate asked to coauthor **SCR 40**, which was the order.

**SCR 40** was adopted upon motion of Senator Schulz and referred for engrossment.

**GENERAL ORDER**

**SCR 41** by Schulz of the Senate and Ortega of the House was called up for consideration.

All other members of the Senate asked to coauthor **SCR 41**, which was the order.

**SCR 41** was adopted upon motion of Senator Schulz and referred for engrossment.

**UNANIMOUS CONSENT REQUEST  
DIRECT TO CALENDAR**

Senator Justice asked unanimous consent to refer **SR 70** direct to the Calendar for consideration, which was the order.

**GENERAL ORDER**

**SR 70** by Justice was called up for consideration.

All other members of the Senate asked to coauthor **SR 70**, which was the order.

**SR 70** was adopted upon motion of Senator Justice and referred for enrollment.

**Senator Marlatt presiding.**

**UNANIMOUS CONSENT REQUEST  
DIRECT TO CALENDAR**

Senator Sparks asked unanimous consent to refer **SR 67** direct to the Calendar for consideration, which was the order.

**GENERAL ORDER**

**SR 67** by Sparks was called up for consideration.

All other members of the Senate asked to coauthor **SR 67**, which was the order.

**SR 67** was adopted upon motion of Senator Sparks and referred for enrollment.

**PENDING CONSIDERATION OF HAS**

**HAs** to **SB 1459** were concurred in upon motion of Senator Stanislawski.

**SB 1459**, 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, Boggs, Brecheen, Brooks, Brown, Dahm, David, Dossett, Fields, Floyd, Ford, Fry, Griffin, Halligan, Holt, Jolley, Justice, Loveless, Marlatt, Matthews, Mazzei, Newberry, Paddack, Pittman, Quinn, Schulz, Sharp, Shaw, Shortey, Silk, Simpson, Smalley, Sparks, Stanislawski, Sykes, Thompson, Wyrick and Yen.--42.

Excused: Bingman, Crain, Garrison, Jech, Standridge and Treat.--6.

The bill passed.

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

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

**SCR 39** was correctly engrossed, properly signed and ordered transmitted to the Honorable House for consideration.

#### **PENDING CONSIDERATION OF HAs**

**HAs** to **SB 253** were rejected upon motion of Senator Schulz, conference requested, and Senate conferees to be named later.

#### **SCs NAMED**

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

**SB 1117** – Dahm, Holt, Fry, Stanislawski, Silk, Floyd, Matthews

**SB 1554** – Marlatt, Standridge, Griffin, Loveless, Sharp, Floyd, Pittman

#### **MESSAGES FROM THE HOUSE**

Advising fourth reading of and returning Enrolled **SBs 172, 1030** and **1196**.

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

Advising rejection of **CCRs** to the following bills, requesting further conference and naming same House conferees as follows:

**SB 526** - Conference Committee on Public Safety

**SB 587** - Conference Committee on Insurance

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

**SB 1496** - Conference Committee on Business, Labor and Retirement Laws

Advising concurrence in **SAs** to and passage of Engrossed **HBs 2599** and **2957**.

Advising passage of and returning the following Engrossed measure:

**SCR 35**

The above-numbered measure was referred for enrollment.

Senator Schulz moved that when the clerk's desk is clear, the Senate stand adjourned to convene Thursday, May 12, 2016, at 9:30 a.m., which motion prevailed.

**SECOND READING**

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

**HB 3168** – Direct To Calendar

**HB 3206** – Direct To Calendar

**MESSAGES FROM THE GOVERNOR**

Advising her approval May 11, 2016, of Enrolled **SBs 687, 946, 1071, 1083, 1227, 1388** and **1488**.

Pursuant to the Schulz motion, the Senate adjourned at 2:40 p.m. to meet Thursday, May 12, 2016, at 9:30 a.m.