

# Senate Journal

## First Regular Session of the Fifty-fourth Legislature of the State of Oklahoma

**Fifty-sixth Legislative Day, Monday, May 13, 2013**

The Senate was called to order by Senator Sykes.

Roll Call:

Present: Aldridge, Allen, Anderson, Ballenger, Barrington, Bass, Bingman, Boggs, Branan, Brecheen, Brinkley, Brooks, Brown, Burrage, Coates, Crain, Dahm, David, Ellis, Fields, Ford, Garrison, Griffin, Halligan, Holt, Ivester, Johnson (C), Johnson (R), Jolley, Justice, Loveless, Marlatt, Mazzei, McAffrey, Newberry, Paddack, Schulz, Sharp, Shaw, Shortey, Shumate, Simpson, Sparks, Standridge, Stanislawski, Sykes, Treat and Wyrick.—  
48.

Senator Sykes declared a quorum present.

The prayer was offered by Pastor Mark Robinson, Wildwood Community Church, Norman, the guest of Senator Sparks.

### **REPORT OF ENGROSSED AND ENROLLED MEASURES**

**SCRs 28** and **30** were each correctly engrossed, properly signed and ordered transmitted to the Honorable House for consideration.

**SBs 285, 692** and **917** were each correctly enrolled, properly signed and ordered transmitted to the Honorable House for signature of the Speaker.

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

Senator Schulz asked unanimous consent to refer **SR 31** direct to the Calendar for consideration, which was the order.

**GENERAL ORDER**

**SR 31** by Schulz was called up for consideration.

**SR 31** was adopted upon motion of Senator Schulz and referred for enrollment.

**EXECUTIVE NOMINATIONS**

The following executive nominations have been approved by the committees named:

Austin, Ronald E., Tishomingo, to the Board of Regents of Murray State College, to serve a seven year term ending June 1, 2020, succeeding Roger Clark. (Education Committee) Motion to confirm made by Senator Frank Simpson.

Ballard, Billy G., Stratford, to the Oklahoma Liquefied Petroleum Gas Board, to serve a four year term ending June 30, 2017, succeeding himself. (Energy Committee) Motion to confirm made by Senator Susan Paddack.

Barrick, Lona A., Ada, to the Oklahoma Arts Council, to serve a three year term ending July 1, 2015, succeeding herself. (Education Committee) Motion to confirm made by Senator Susan Paddack.

Bobo, Jennifer L., Guthrie, to the State Textbook Committee, to serve a three year term ending March 1, 2016, succeeding Kathy Meier. (Education Committee) Motion to confirm made by Senator AJ Griffin.

Butcher, Gerald A., Chickasha, to the Air Quality Control Advisory Council, to serve an unexpired term ending June 15, 2013, succeeding David Branecky. (Energy Committee) Motion to confirm made by Senator Ron Justice.

Butcher, Gerald A., Chickasha, to the Air Quality Control Advisory Council, to serve a seven year term ending June 15, 2020, succeeding himself. (Energy Committee) Motion to confirm made by Senator Ron Justice.

Carder, Kent E., El Reno, to the Board of Regents for Redlands Community College, to serve a seven year term ending April 22, 2020, succeeding Linda Langmacher. (Education Committee) Motion to confirm made by Senator Ron Justice.

Carpenter, Lake D., Leedey, to the Regional University System of Oklahoma, to serve a nine year term ending June 10, 2022, succeeding Joe Anna Hibler. (Education Committee) Motion to confirm made by Senator Bryce Marlatt.

Combs, Rita A., Bixby, to the Board of Trustees for Langston University - Oklahoma City and Langston University - Tulsa, to serve an unexpired term ending June 30, 2014, succeeding Risha Grant. (Education Committee) Motion to confirm made by Senator Rick Brinkley on behalf of Senator Mike Mazzei.

Crain, Sean, Edmond, to the Alarm and Locksmith Industry Committee, to serve a four year term ending June 30, 2017, a new position. (Business and Commerce Committee) Motion to confirm made by Senator Greg Treat.

Dearth, Andrew N., Tecumseh, to the Oklahoma State Athletic Commission, to serve a three year term ending June 30, 2016, succeeding himself. (Business and Commerce Committee) Motion to confirm made by Senator Harry Coates.

Entz, Roy W., Muskogee, to the State Board of Licensure for Professional Engineers and Land Surveyors, to serve a six year term ending June 28, 2018, succeeding himself. (Business and Commerce Committee) Motion to confirm made by Senator Earl Garrison.

Everest, Tricia L., Nichols Hills, to the Oklahoma Arts Council, to serve a three year term ending July 1, 2016, succeeding Jeannette Sias. (Education Committee) Motion to confirm made by Senator Cliff Branan.

Greenlee, Warren J., Altus, to the Board of Trustees for the Quartz Mountain Arts and Conference Center and Nature Park, to serve a seven year term ending June 30, 2020, succeeding himself. (Education Committee) Motion to confirm made by Senator Mike Schulz.

Greenwell, David T., Oklahoma City, to the Oklahoma Accountancy Board, to serve a five year term ending June 30, 2018, succeeding Janice Gray. (Business and Commerce Committee) Motion to confirm made by Senator Kyle Loveless.

Herriman, Scotty J., South Coffeyville, to the Oklahoma Conservation Commission, to serve a five year term ending June 30, 2018, succeeding George Stunkard. (Energy Committee) Motion to confirm made by Senator John Ford.

Hilterbran, Sherian C., Nicoma Park, to the Oklahoma Liquefied Petroleum Gas Board, to serve a four year term ending June 30, 2015, succeeding Ed Kelsay. (Energy Committee) Motion to confirm made by Senator Ron Sharp.

Holloway, Ann, Ardmore, to the Oklahoma State Regents for Higher Education, to serve an unexpired term ending May 16, 2015, succeeding Julie Carson. (Education Committee) Motion to confirm made by Senator Frank Simpson.

Holquin, Eric J., Ardmore, to the Board of Trustees for the University Center of Southern Oklahoma, to serve an unexpired term ending June 30, 2018, succeeding Brent Hartin. (Education Committee) Motion to confirm made by Senator Frank Simpson.

Howard, Brent S., Headrick, to the Board of Regents of Western Oklahoma State College, to serve a seven year term ending March 24, 2020, succeeding Renee Gunkel. (Education Committee) Motion to confirm made by Senator Mike Schulz.

Hutchings, Rachel D., Skiatook, to the Employment Security Commission, to serve a six year term ending July 2, 2019, succeeding W.B. Parker. (Business and Commerce Committee) Motion to confirm made by Senator Eddie Fields.

Lamirand, W. Hershel, Oklahoma City, to the Oklahoma Science and Technology Research and Development Board, to serve a four year term ending June 30, 2017, succeeding himself. (Energy Committee) Motion to confirm made by Senator Cliff Branam.

Lance, Billy G., Jr., Sulphur, to the Board of Regents of the University of Science and Arts of Oklahoma, to serve a seven year term ending June 30, 2020, succeeding Leslie Hudson. (Education Committee) Motion to confirm made by Senator Frank Simpson.

Lawson, Holbrook C., Tulsa, to the Oklahoma Arts Council, to serve a three year term ending July 1, 2016, succeeding herself. (Education Committee) Motion to confirm made by Senator Brian Crain.

Lewis, Sherman L., Edmond, to the Board of Trustees for Langston University - Oklahoma City and Langston University - Tulsa, to serve an unexpired term ending June 30, 2013, succeeding Yvonne Hovell. (Education Committee) Motion to confirm made by Senator Clark Jolley.

Lewis, Sherman L., Edmond, to the Board of Trustees for Langston University - Oklahoma City and Langston University - Tulsa, to serve a seven year term ending June 30, 2020, succeeding himself. (Education Committee) Motion to confirm made by Senator Clark Jolley.

Lovelace, Larry T., Oklahoma City, to the Oklahoma State Athletic Commission, to serve a three year term ending June 30, 2015, succeeding Martin Tippie. (Business and Commerce Committee) Motion to confirm made by Senator Kyle Loveless.

Mason, Desmond, Oklahoma City, to the Oklahoma Arts Council, to serve a three year term ending July 1, 2015, succeeding Leona Mitchell. (Education Committee) Motion to confirm made by Senator Cliff Branam.

Meshri, Dayal T., Tulsa, to the Oklahoma Science and Technology Research and Development Board, to serve a four year term ending June 30, 2017, succeeding himself. (Energy Committee) Motion to confirm made by Senator Gary Stanislawski.

Mindeman, Charlotte L., Tulsa, to the Oklahoma Student Loan Authority, to serve a five year term ending April 6, 2018, succeeding Kathy Elliott. (Education Committee) Motion to confirm made by Senator Brian Crain.

Munson, Tim W., Oklahoma City, to the Environmental Quality Board, to serve a five year term ending January 31, 2018, succeeding Brita Cantrell. (Energy Committee) Motion to confirm made by Senator Greg Treat.

Myers, David J., Ponca City, to the Oklahoma Science and Technology Research and Development Board, to serve a four year term ending June 30, 2016, succeeding Tracy Shirley. (Energy Committee) Motion to confirm made by Senator Eddie Fields.

Myers, Deidre D., Oklahoma City, to the Oklahoma Board of Private Vocational Schools, to serve a six year term ending July 1, 2018, succeeding Sarah Sagan. (Education Committee) Motion to confirm made by Senator Cliff Branam.

Peterson, Adam C., Tulsa, to the State Textbook Committee, to serve a three year term ending March 1, 2015, succeeding Stephen Haley. (Education Committee) Motion to confirm made by Senator Gary Stanislawski.

Pilkington, Catherine A., Stillwater, to the State Textbook Committee, to serve a three year term ending March 1, 2016, succeeding Whitney Stafford. (Education Committee) Motion to confirm made by Senator AJ Griffin.

Pollard, Elizabeth J., Idabel, to the Board of Trustees for the McCurtain County Higher Education Program, to serve a nine year term ending June 30, 2022, succeeding herself. (Education Committee) Motion to confirm made by Senator Jerry Ellis.

Reed, Deanna J., Poteau, to the Board of Regents for Carl Albert State College, to serve a seven year term ending July 1, 2020, succeeding herself. (Education Committee) Motion to confirm made by Senator Mark Allen.

Salmon, Terry, Norman, to the Oklahoma Science and Technology Research and Development Board, to serve a four year term ending June 30, 2017, succeeding himself. (Energy Committee) Motion to confirm made by Senator Rob Standridge.

Scott, Mary J., Mangum, to the Board of Trustees for the Quartz Mountain Arts and Conference Center and Nature Park, to serve an unexpired term ending June 30, 2017, succeeding Stephen Scott. (Education Committee) Motion to confirm made by Senator Mike Schulz.

Sloop, Gail, Oklahoma City, to the State Textbook Committee, to serve a three year term ending March 1, 2014, succeeding a vacant position. (Education Committee) Motion to confirm made by Senator Cliff Branam.

Smith, Lee Allen, Oklahoma City, to the Oklahoma Arts Council, to serve a three year term ending July 2, 2016, succeeding Brenda McDaniel. (Education Committee) Motion to confirm made by Senator Cliff Branam.

Stone, Dennis D., Norman, to the Oklahoma Board of Private Vocational Schools, to serve a six year term ending July 1, 2019, succeeding Linda Andrews. (Education Committee) Motion to confirm made by Senator Corey Brooks.

Talley, Denver S., Chickasha, to the Committee on Home Inspector Examiners, to serve a three year term ending June 30, 2014, succeeding himself. (Business and Commerce Committee) Motion to confirm made by Senator Ron Justice.

Torres, Tamra L., Midwest City, to the State Textbook Committee, to serve a three year term ending March 1, 2015, succeeding LeAnn Chastain. (Education Committee) Motion to confirm made by Senator Cliff Aldridge.

Wendling, John, Jr., Edmond, to the Environmental Quality Board, to serve a five year term ending January 31, 2018, succeeding himself. (Energy Committee) Motion to confirm made by Senator Clark Jolley.

Westmoreland, Kevin C., Dewar, to the Construction Industries Board, to serve a four year term ending September 1, 2015, succeeding Keith Miller. (Business and Commerce Committee) Motion to confirm made by Senator Roger Ballenger.

Motions to confirm the above-named executive nominations were declared adopted upon roll call as follows:

Aye: Aldridge, Allen, Anderson, Ballenger, Barrington, Bass, Bingman, Boggs, Branan, Brecheen, Brinkley, Brooks, Brown, Burrage, Coates, Crain, Dahm, David, Ellis, Fields, Ford, Garrison, Griffin, Halligan, Holt, Ivester, Johnson (C), Johnson (R), Jolley, Justice, Loveless, Marlatt, McAffrey, Newberry, Paddack, Schulz, Sharp, Shaw, Shumate, Simpson, Sparks, Standridge, Stanislawski, Sykes, Treat and Wyrick.--46.

Excused: Mazzei and Shortey.--2.

## **EXECUTIVE NOMINATION**

The following executive nomination has been approved by the committee named:

Milner, Trudy J., Tulsa, to the Board of Regents for the Oklahoma Agricultural and Mechanical Colleges, to serve an unexpired term ending April 4, 2017, succeeding Jay Helm. (Education Committee) Motion to confirm made by Senator Brian Crain.

Motion to confirm the above-named executive nomination was declared adopted upon roll call as follows:

Aye: Aldridge, Ballenger, Bingman, Branan, Brooks, Brown, Coates, Crain, David, Fields, Ford, Griffin, Halligan, Johnson (C), Johnson (R), Jolley, Loveless, McAffrey, Paddack, Schulz, Sharp, Shaw, Sparks, Standridge and Stanislawski.--25.

Nay: Allen, Anderson, Barrington, Bass, Boggs, Brecheen, Brinkley, Burrage, Dahm, Ellis, Garrison, Holt, Ivester, Justice, Newberry, Shumate, Simpson, Sykes, Treat and Wyrick.--20.

Excused: Marlatt, Mazzei and Shortey.--3.

#### **PENDING CONSIDERATION OF HAS**

**HAs to SB 908** were concurred in upon motion of Senator Bingman.

**SB 908**, as amended by the Honorable House, was read at length.

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

Aye: Aldridge, Allen, Anderson, Ballenger, Barrington, Bass, Bingman, Boggs, Branan, Brecheen, Brinkley, Brooks, Brown, Burrage, Coates, Crain, Dahm, David, Ellis, Fields, Ford, Garrison, Griffin, Halligan, Holt, Ivester, Johnson (C), Johnson (R), Jolley, Justice, Loveless, Marlatt, McAffrey, Newberry, Paddack, Schulz, Sharp, Shaw, Shumate, Simpson, Sparks, Standridge, Stanislawski, Sykes, Treat and Wyrick.--46.

Excused: Mazzei and Shortey.--2.

The bill passed.

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

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

Advising fourth reading of and transmitting for signature Enrolled **HBs 1364, 1684, 1686, 1687, 1762, 1830, 1984, 1990** and **2015**.

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

Advising passage of and transmitting for consideration Engrossed **HJR 1046, 1056, 1057** and **1062**.

**HJR 1046** – By Jordan of the House and Newberry of the Senate.

A Joint Resolution approving permanent rules of the Oklahoma Uniform Building Code Commission; and directing distribution.

**HJR 1056** – By Armes of the House and Anderson of the Senate.

A Joint Resolution approving permanent rules of the Oklahoma Funeral Board; and directing distribution.

**HJR 1057** – By Schwartz of the House and Treat of the Senate.

A Joint Resolution approving permanent rules of the Department of Labor; and directing distribution.

**HJR 1062** – By Blackwell of the House and Bass of the Senate.

A Joint Resolution approving permanent rule of the Oklahoma State Athletic Commission; and directing distribution.

The above-numbered measures were read the first time.

Advising fourth reading of and returning Enrolled **SBs 285, 692 and 917**.

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

Advising passage of and returning the following Engrossed bill:

**SCR 26**

The above-numbered measure was referred for enrollment.

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

**SB 71** - GCCA

**SB 166** - GCCA

**SB 226** - GCCA

**SB 321** - GCCA

**SB 330** - GCCA

**SB 343** - GCCA

**SB 387** - GCCA

**SB 418** - GCCA

**SB 436** - GCCA

**SB 522** – GCCA

**SB 629** - Conference Committee on Veterans and Military Affairs

**SB 684** - Conference Committee on Government Modernization

**SB 899** - Conference Committee on Government Modernization

**SB 954** - GCCA

**SB 1058** - Conference Committee on Economic Development and Financial Services

**HB 1233** - GCCA

**HB 2099** - GCCA  
**HB 2182** – GCCA

Advising naming House conferees on Engrossed bills:

**HB 1416** - Conference Committee on Economic Development and Financial Services  
**HB 1418** - Conference Committee on Human Services  
**HB 1623** - Conference Committee on Common Education  
**HB 1763** - Conference Committee on States' Rights  
**HB 1942** - Conference Committee on Public Health

### **EXECUTIVE NOMINATION**

The following executive nomination was read and referred to the committee indicated:

Sanders, Keith R., Atoka, as a member of the Oklahoma Horse Racing Commission - Finance

Senator Schulz moved that when the clerk's desk is clear, the Senate stand adjourned to convene Tuesday, May 14, 2013, at 9:30 a.m., which motion prevailed.

### **CONFERENCE COMMITTEE REPORT SUBMITTED**

Conference committee reports were read on the following bill:

**SB 584**

### **SECOND READING**

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

**HB 2301** – Direct To Calendar  
**HJR 1063** – Health and Human Services  
**HJR 1064** – Health and Human Services  
**HJR 1065** – Health and Human Services

**CHANGE IN AUTHORS/COAUTHORS**

The following measures were authored/coauthored:

**SB 330** - Remove as author Senator Jolley; authored by Senator Marlatt

**SB 418** - Coauthored by Stanislawski

**SR 31** - Coauthored by all other Senators

**MESSAGES FROM THE GOVERNOR**

Advising her approval May 10, 2013, of Enrolled **SBs 197, 235, 549, 853 and 931** and **SJR 35** and on May 13, 2013, of Enrolled **SBs 89, 283, 374, 578, 652, 667, 819, 919, 926, 1008 and 1083** and **SJR 32**.

Advising her veto May 13, 2013, of Enrolled **SB 907**.

The veto message reads as follows:

May 13, 2013

To the Honorable President Pro Tempore  
and Members of the Oklahoma Senate  
First Session of the  
Fifty-fourth Legislature

Enrolled **SB 907**

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 907.

Senate Bill 907 would create the Joint Legislative Committee on Accountability; this Committee would be comprised of both House of Representatives and Senate appointees selected by the Speaker of the House and the President Pro Tempore of the Senate, respectively. Senate Bill 907 would permit the Committee to undertake a review of executive branch entities and then request a performance audit of any executive entity with the State Auditor and Inspector.

While I agree that it is important to consistently gauge the performance of state agencies and to maintain an additional layer of oversight over those agencies, this mechanism is currently available to the Legislature through several avenues including a gubernatorial audit request; the Joint Committee on Accountability, a legislative body which can request executive agency audits pursuant to 62 O.S. § 45.8; the Joint Legislative Committee on Budget and Program Oversight, a legislative body which can request

executive agency audits pursuant to 62 O.S. § 45.9; the Legislative Services Bureau, a legislative body which can request executive agency audits pursuant to 74 O.S. § 452.4; and special audits which can currently be requested by the Speaker of the House and/or the President Pro Tempore of the Senate pursuant to 74 O.S. § 213.

Senate Bill 907 creates a duplication of efforts because the Legislature currently has the ability to request executive agency audits through numerous avenues. This legislation is not consistent with my commitment to create a more streamlined and efficient state government.

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

Pursuant to the Schulz motion, the Senate adjourned at 2:45 p.m. to meet Tuesday, May 14, 2013, at 9:30 a.m.

**JOURNAL CORRECTION**

Page 934, 7<sup>th</sup> line from bottom of page, insert the following language pertaining to **SCR 20**:

**SCR 20** - Coauthored by ODonnell (principal House author)