

Senate Journal

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

Fifty-third Legislative Day, Wednesday, May 5, 2010

The Senate was called to order by Senator Sykes.

Roll Call:

Present: Adelson, Aldridge, Anderson, Ballenger, Barrington, Bass, Bingman, Branan, Brogdon, Brown, Burrage, Coates, Coffee, Corn, Crain, Crutchfield, Easley, Eason McIntyre, Ellis, Ford, Garrison, Halligan, Ivester, Johnson (C), Johnson (M), Jolley, Justice, Lamb, Laster, Leftwich, Lerblance, Marlatt, Mazzei, Myers, Newberry, Nichols, Paddack, Reynolds, Rice, Schulz, Sparks, Stanislawski, Sweeden, Sykes, Wilson and Wyrick.—46.

Excused: Gumm and Russell.—2.

Senator Sykes declared a quorum present.

The prayer was offered by Father Stephen Hamilton, Saints Peter and Paul Catholic Church, Kingfisher, the guest of Senator Mike Johnson.

REPORT OF ENGROSSED AND ENROLLED MEASURES

SBs 461, 509, 820, 1311, 1313, 1799, 1940 and 2126 were each correctly enrolled, properly signed and ordered transmitted to the Honorable House for signature of the Speaker.

SR 114 was correctly enrolled, properly signed and ordered transmitted to the Secretary of State.

SCs NAMED

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

SB 1862 – Coffee, Ford, Jolley, Lamb, Laster

SB 2033 – Coffee, Ford, Jolley, Lamb, Laster

**PENDING SENATE ACTION
HOUSE REQUEST FOR CONFERENCE**

Upon motion of Senator Lamb, the request of the Honorable House for conference on the following bills was ordered granted and Senate conferees appointed as follows:

HB 2753 – Coffee, Ford, Jolley, Lamb, Laster

HB 3035 – Coffee, Johnson (Mike), Laster

MESSAGES FROM THE HOUSE

Advising fourth reading of and transmitting for signature Enrolled **HBs 2306, 2530, 2695, 2746, 2774, 2826, 2934** and **3158**.

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

Advising rejection of **SAs** to **HB 2615**, requesting conference and House conferees to be named later.

Advising passage of and transmitting for consideration Engrossed **HJR 1087**.

HJR 1087 – By Trebilcock of the House and Jolley of the Senate.

A Joint Resolution disapproving permanent rule of the Corporation Commission; and directing distribution.

The above-numbered measure was read the first time.

INTRODUCTIONS

Senator Easley introduced her grandsons, Tristan and Trevor Gage, to the Senate.

**PENDING SENATE ACTION -
VETO OVERRIDE OF SB 1685**

Senator Brogdon moved that **SB 1685** become law notwithstanding the veto of the Governor, which motion failed of adoption upon roll call as follows:

Aye: Aldridge, Barrington, Bingman, Branan, Brogdon, Brown, Burrage, Coates, Coffee, Corn, Crain, Ellis, Ford, Halligan, Ivester, Johnson (M), Jolley, Justice, Lamb, Marlatt, Mazzei, Myers, Newberry, Nichols, Paddack, Schulz, Stanislawski and Sykes.--28.

Nay: Adelson, Ballenger, Bass, Crutchfield, Easley, Eason McIntyre, Garrison, Johnson (C), Laster, Leftwich, Lerblance, Rice, Sparks, Sweeden, Wilson and Wyrick.--16.

Excused: Anderson, Gumm, Reynolds and Russell.--4.

PENDING CONSIDERATION OF HAS

HAs to **SB 1928** were called up for consideration

Senator Newberry asked that **SB 1928** be laid over temporarily, which was the order.

SB 1928 remains on pending consideration of HAs.

PENDING CONSIDERATION OF CCR

The **CCR** on **SJR 59** was adopted upon motion of Senator Crain.

Senator Crain asked to coauthor **SJR 59**, which was the order.

SJR 59, as amended in conference, was read at length.

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

Aye: Aldridge, Barrington, Bingman, Branan, Brogdon, Brown, Burrage, Coffee, Corn, Crain, Ellis, Ford, Garrison, Halligan, Ivester, Johnson (M), Jolley, Justice, Lamb, Marlatt, Mazzei, Myers, Newberry, Nichols, Paddack, Reynolds, Schulz, Stanislawski, Sykes and Wyrick.--30.

Nay: Adelson, Ballenger, Crutchfield, Easley, Eason McIntyre, Johnson (C), Laster, Leftwich, Lerblance, Rice, Sparks, Sweeden and Wilson.--13.

Excused: Anderson, Bass, Coates, Gumm and Russell.--5.

The bill passed.

SJR 59, together with the conference committee report thereon, was ordered transmitted to the Honorable House.

SJR 59 was printed at length as follows:

SJR 59 by Newberry, Jolley, Sykes, Coffee, Brogdon, Branan, Schulz, Stanislawski, Ford, Brown, Aldridge, Barrington, Lamb, Bingman, Russell, Justice, Marlatt, Coates and Crain of the Senate and Thompson, Ritze, Murphey, Faught, Ownbey, Trebilcock, Tibbs, Sears, McDaniel (Randy), Derby, McCullough, Osborn, Martin (Steve), Wright (John), Wesselhoft, Sanders, Kern, Key, Moore and Reynolds of the House

A Joint Resolution directing the Secretary of State to refer to the people for their approval or rejection a proposed amendment to the Oklahoma Constitution by adding a new section to Article II to be designated as Section 37; defining terms; prohibiting laws or rules that compel entities to participate in any health care system; permitting persons and employers to pay directly for health care services; permitting health care providers to accept direct payment for health care services; making it illegal to prohibit the purchase or sale of health insurance in private health care systems; clarifying scope of language; providing ballot title; and directing filing.

NOW, THEREFORE, BE IT RESOLVED BY THE SENATE AND THE HOUSE OF REPRESENTATIVES OF THE 2ND SESSION OF THE 52ND OKLAHOMA LEGISLATURE:

SECTION 1. The Secretary of State shall refer to the people for their approval or rejection, as and in the manner provided by law, the following proposed amendment to Article II of the Oklahoma Constitution by adding a new Section 37 to read as follows:

Section 37. A. For purposes of this section:

1. "Compel" shall include penalties or fines;
2. "Direct payment or pay directly" means payment for lawful health care services without a public or private third party, not including an employer, paying for any portion of the service;
3. "Health care system" means any public or private entity whose function or purpose is the management of, processing of, enrollment of individuals for or payment for, in full or in part, health care services or health care data or health care information for its participants;
4. "Lawful health care services" means any health-related service or treatment to the extent that the service or treatment is permitted or not prohibited by law or regulation that may be provided by persons or businesses otherwise permitted to offer such services; and
5. "Penalties or fines" means any civil or criminal penalty or fine, tax, salary or wage withholding or surcharge or any named fee with a similar effect established by law or rule by a government-established, -created or -controlled agency that is used to punish or discourage the exercise of rights protected under this section.

B. To preserve the freedom of Oklahomans to provide for their health care:

1. A law or rule shall not compel, directly or indirectly, any person, employer or health care provider to participate in any health care system; and
2. A person or employer may pay directly for lawful health care services and shall not be required to pay penalties or fines for paying directly for lawful health care services.

A health care provider may accept direct payment for lawful health care services and shall not be required to pay penalties or fines for accepting direct payment from a person or employer for lawful health care services.

C. Subject to reasonable and necessary rules that do not substantially limit a person’s options, the purchase or sale of health insurance in private health care systems shall not be prohibited by law or rule.

D. This section shall not:

1. Affect which health care services a health care provider or hospital is required to perform or provide;
2. Affect which health care services are permitted by law;
3. Prohibit care related to workers’ compensation;
4. Affect laws or rules in effect as of January 1, 2010; or
5. Affect the terms or conditions of any health care system to the extent that those terms and conditions do not have the effect of punishing a person or employer for paying directly for lawful health care services or a health care provider or hospital for accepting direct payment from a person or employer for lawful health care services.

SECTION 2. The Ballot Title for the proposed Constitutional amendment as set forth in SECTION 1 of this resolution shall be in the following form:

BALLOT TITLE

Legislative Referendum No. _____

State Question No. _____

THE GIST OF THE PROPOSITION IS AS FOLLOWS:

This measure adds a new section of law to the State Constitution. It adds Section 37 to Article 2. It prohibits making a person use a health care system. It prohibits making an employer use a health care system. It prohibits making a health care provider provide treatment in a health care system. It allows a person to pay for treatment directly. It allows an employer to pay for treatment directly. It allows a health care provider to accept payment for treatment directly. It allows the purchase of health insurance in private health care systems. It allows the sale of health insurance in private health care systems.

SHALL THE PROPOSAL BE APPROVED?

FOR THE PROPOSAL — YES _____

AGAINST THE PROPOSAL — NO _____

SECTION 3. The President Pro Tempore of the Senate shall, immediately after the passage of this resolution, prepare and file one copy thereof, including the Ballot Title set forth in SECTION 2 hereof, with the Secretary of State and one copy with the Attorney General.

Senator Lamb moved that the Senate recess until 1:30 p.m., which motion was declared adopted.

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The Senate reconvened with Senator Aldridge presiding.

Senator Aldridge questioned the presence of a quorum and ordered the roll called, following which a quorum was declared present.

MESSAGES FROM THE HOUSE

Advising fourth reading of and returning Enrolled **SBs 461, 509, 820, 1311, 1313, 1799, 1940 and 2126.**

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

Advising the naming of House conferees to Engrossed:

HB 1458 - Sullivan, McDaniel (Randy), Hilliard, McAffrey, Nelson, and Ownbey

HB 3170 - Hickman, Denney, Sears, Shumate, and McDaniel (Jeannie)

HB 3171 - Hickman, Faught, Cox, Pittman, Murphey, Ritze, Hamilton, and Hilliard

HB 3260 - Blackwell, Richardson, Pruett, Smithson, and Jordan

HB 3397 - McNiel, Hickman, Luttrell, Jordan, and Peters

Advising conference granted and naming House conferees on Engrossed:

SB 1840 - Johnson, Thompson, Watson, Pruett, and Hilliard

SB 1872 - Jordan, Sullivan, McDaniel (Randy), Watson, Sherrer, and Shumate

SB 2041 - Johnson, Buck, Walker, Martin (Steve), Tibbs, and Holland

Advising further conference granted and naming House conferees to Engrossed:

HB 1704 - Benge, Murphey, Jackson, Moore, Miller, Derby, Scott, Pittman, and Nations

PENDING CONSIDERATION OF HAS

HAs to SB 1347 were concurred in upon motion of Senator Schulz.

SB 1347, 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: Adelson, Aldridge, Anderson, Ballenger, Barrington, Bass, Bingman, Branan, Brogdon, Brown, Burrage, Coates, Crain, Crutchfield, Eason McIntyre, Ellis, Ford, Garrison, Halligan, Ivester, Johnson (C), Johnson (M), Jolley, Justice, Lamb, Laster, Leftwich, Lerblance, Marlatt, Myers, Newberry, Nichols, Paddack, Reynolds, Rice, Schulz, Sparks, Stanislawski, Sweeden, Sykes, Wilson and Wyrick.--42.

Excused: Coffee, Corn, Easley, Gumm, Mazzei and Russell.--6.

The bill and emergency passed.

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

Senator Sykes presiding.

PENDING CONSIDERATION OF HAS

HAs to SB 1966 were concurred in upon motion of Senator Justice.

SB 1966, as amended by the Honorable House, was read at length.

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

Aye: Adelson, Aldridge, Anderson, Ballenger, Barrington, Bass, Bingman, Branan, Brogdon, Brown, Burrage, Coates, Corn, Crain, Crutchfield, Eason McIntyre, Ellis, Ford, Garrison, Halligan, Ivester, Johnson (C), Johnson (M), Jolley, Justice, Lamb, Laster, Leftwich, Lerblance, Marlatt, Myers, Newberry, Nichols, Paddack, Reynolds, Rice, Schulz, Sparks, Stanislawski, Sweeden, Sykes, Wilson and Wyrick.--43.

Excused: Coffee, Easley, Gumm, Mazzei and Russell.--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 1697 were concurred in upon motion of Senator Anderson.

Senator Johnson (Constance) asked to coauthor **SB 1697**, which was the order.

SB 1697, as amended by the Honorable House, was read at length.

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

Aye: Adelson, Aldridge, Anderson, Ballenger, Barrington, Bass, Bingman, Branan, Brogdon, Brown, Burrage, Coates, Corn, Crain, Crutchfield, Easley, Eason McIntyre, Ellis, Ford, Garrison, Halligan, Ivester, Johnson (C), Johnson (M), Jolley, Justice, Lamb, Laster, Leftwich, Lerblance, Marlatt, Myers, Newberry, Nichols, Paddack, Reynolds, Rice, Schulz, Sparks, Stanislawski, Sweeden, Sykes, Wilson and Wyrick.--44.

Excused: Coffee, Gumm, Mazzei and Russell.--4.

The bill passed.

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

PENDING CONSIDERATION OF HAs

HAs to **SB 1771** were called up for consideration.

Senator Anderson asked that **SB 1771** be laid over for this legislative day, which was the order.

SB 1771 remains on pending consideration of HAs.

PENDING CONSIDERATION OF HAs

HAs to **SB 1250** were concurred in upon motion of Senator Nichols.

Senators Brogdon and Stanislawski asked to coauthor **SB 1250**, which was the order.

SB 1250, 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: Adelson, Aldridge, Anderson, Ballenger, Barrington, Bass, Bingman, Branan, Brogdon, Brown, Burrage, Coates, Corn, Crain, Crutchfield, Easley, Eason McIntyre, Ellis, Ford, Garrison, Halligan, Ivester, Johnson (C), Johnson (M), Jolley, Justice, Lamb, Laster, Leftwich, Lerblance, Marlatt, Myers, Newberry, Nichols, Paddack, Reynolds, Rice, Schulz, Sparks, Stanislawski, Sweeden, Sykes, Wilson and Wyrick.--44.

Excused: Coffee, Gumm, Mazzei and Russell.--4.

The bill and emergency passed.

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

PENDING CONSIDERATION OF HAS

HAs to SB 1882 were concurred in upon motion of Senator Bingman.

SB 1882, 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: Adelson, Aldridge, Anderson, Ballenger, Barrington, Bass, Bingman, Branan, Brogdon, Brown, Burrage, Coates, Coffee, Corn, Crain, Crutchfield, Easley, Eason McIntyre, Ellis, Ford, Garrison, Halligan, Ivester, Johnson (C), Johnson (M), Jolley, Justice, Lamb, Laster, Leftwich, Lerblance, Marlatt, Myers, Newberry, Nichols, Paddack, Reynolds, Rice, Schulz, Sparks, Stanislawski, Sweeden, Sykes, Wilson and Wyrick.--45.

Excused: Gumm, Mazzei and Russell.--3.

The bill and emergency passed.

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

PENDING CONSIDERATION OF HAS

HAs to SB 2204 were concurred in upon motion of Senator Ivester.

Senator Eason McIntyre asked to coauthor **SB 2204**, which was the order.

SB 2204, as amended by the Honorable House, was read at length.

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

Aye: Adelson, Aldridge, Anderson, Ballenger, Barrington, Bass, Bingman, Branan, Brogdon, Brown, Burrage, Coates, Corn, Crain, Crutchfield, Easley, Eason McIntyre, Ellis, Ford, Garrison, Halligan, Ivester, Johnson (C), Johnson (M), Jolley, Justice, Lamb, Laster, Leftwich, Lerblance, Marlatt, Myers, Newberry, Nichols, Paddack, Reynolds, Rice, Schulz, Sparks, Stanislawski, Sweeden, Sykes, Wilson and Wyrick.--44.

Excused: Coffee, Gumm, Mazzei and Russell.--4.

The bill passed.

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

PENDING CONSIDERATION OF HAs

HAs to **SB 2296** were concurred in upon motion of Senator Wyrick.

SB 2296, as amended by the Honorable House, was read at length.

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

Aye: Adelson, Aldridge, Anderson, Ballenger, Barrington, Bass, Bingman, Branan, Brogdon, Brown, Burrage, Coates, Corn, Crain, Crutchfield, Easley, Eason McIntyre, Ellis, Ford, Garrison, Halligan, Ivester, Johnson (C), Johnson (M), Jolley, Justice, Lamb, Laster, Leftwich, Lerblance, Marlatt, Myers, Newberry, Nichols, Paddack, Reynolds, Rice, Schulz, Sparks, Stanislawski, Sweeden, Sykes, Wilson and Wyrick.--44.

Excused: Coffee, Gumm, Mazzei and Russell.--4.

The bill passed.

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

UNANIMOUS CONSENT REQUEST DIRECT TO CALENDAR

Senator Adelson asked unanimous consent to refer **HCR 1048** direct to the Calendar for consideration, which was the order.

GENERAL ORDER

HCR 1048 by Wesselhoft et al of the House and Adelson of the Senate was called up for consideration.

All other members of the Senate asked to coauthor **HCR 1048**, which was the order.

HCR 1048 was adopted upon motion of Senator Adelson and properly signed and ordered returned to the Honorable House.

PENDING CONSIDERATION OF HAS

HAs to SB 1928 were rejected upon motion of Senator Lamb, conference requested, and Senate conferees to be named later.

PENDING CONSIDERATION OF HAS

HAs to SB 2173 were concurred in upon motion of Senator Branan.

SB 2173, 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: Adelson, Aldridge, Ballenger, Barrington, Bass, Bingman, Branan, Brogdon, Brown, Burrage, Coates, Corn, Crain, Crutchfield, Easley, Eason McIntyre, Ellis, Ford, Garrison, Halligan, Ivester, Johnson (M), Jolley, Justice, Lamb, Laster, Leftwich, Lerblance, Marlatt, Myers, Newberry, Nichols, Paddack, Reynolds, Rice, Schulz, Sparks, Stanislawski, Sweeden, Sykes, Wilson and Wyrick.--42.

Nay: Anderson and Johnson (C)--2.

Excused: Coffee, Gumm, Mazzei and Russell.--4.

The bill and emergency passed.

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

Senator Lamb moved that the Senate recess to the call of the Chair, which motion was declared adopted.

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The Senate reconvened with Senator Sykes presiding.

Senator Sykes questioned the presence of a quorum and ordered the roll called, following which a quorum was declared present.

PENDING CONSIDERATION OF HAS

HAs to SB 2166 were rejected upon motion of Senator Lamb, conference requested, and Senate conferees to be named later.

SCs NAMED

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

SB 831 – Bingman, Mazzei, Myers, Johnson (Mike), Gumm, Crutchfield

SB 2235 – Crain, Anderson, Lamb, Laster, Burrage

**PENDING SENATE ACTION
HOUSE REQUEST FOR CONFERENCE**

Upon motion of Senator Lamb, the request of the Honorable House for conference on **HB 2615** was ordered granted and Senate conferees appointed as follows: GCCA.

EXECUTIVE NOMINATIONS

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

Atkinson, Kurtis L., Edmond, to the State Board of Registration for Foresters, to serve a five year term ending June 1, 2015, succeeding himself. (Agriculture Committee) Motion to confirm made by Senator Todd Lamb.

Barrett, John A., Shawnee, to the Oklahoma Indian Affairs Commission, to serve a three year term ending August 15, 2013, succeeding himself. (Health and Human Services Committee) Motion to confirm made by Senator Charlie Laster.

Carson, Joel L., Oklahoma City, to the Board of Mental Health and Substance Abuse Services, to serve a seven year term ending December 31, 2017, succeeding himself. (Health and Human Services Committee) Motion to confirm made by Senator Todd Lamb on behalf of Senator Glenn Coffee.

Cassil, Larry, Jr., Oklahoma City, to the State Board of Licensed Social Workers, to serve a five year term ending October 1, 2015, succeeding himself. (Health and Human Services Committee) Motion to confirm made by Senator Cliff Branam.

Condley, Chris L., Muskogee, to the Development Finance Authority, to serve a six year term ending October 11, 2016, succeeding himself. (Finance Committee) Motion to confirm made by Senator Earl Garrison.

Condley, Chris L., Muskogee, to the Industrial Finance Authority, to serve a six year term ending October 11, 2016, succeeding himself. (Finance Committee) Motion to confirm made by Senator Earl Garrison.

Downing, Carl, Oklahoma City, to the Oklahoma Human Rights Commission, to serve an unexpired term ending July 15, 2011, succeeding Juanita Williams. (Health and Human Services Committee) Motion to confirm made by Senator Cliff Branam.

Eden, Jerry Lee, Elk City, to the Oklahoma Lottery Commission - Board of Trustees, to serve an unexpired term ending January 1, 2012, succeeding Tom Riley. (Finance Committee) Motion to confirm made by Senator Tom Ivester.

Elliott, Cliff, Enid, to the Council of Bond Oversight, to serve a two year term ending September 26, 2012, succeeding himself. (Finance Committee) Motion to confirm made by Senator Patrick Anderson.

Evans, Stan, Oklahoma City, to the Oklahoma Human Rights Commission, to serve a three year term ending July 15, 2013, succeeding himself. (Health and Human Services Committee) Motion to confirm made by Senator Constance Johnson.

Farris, Joe, Taloga, to the State Board of Agriculture, to serve a four year term ending April 26, 2014, succeeding himself. (Agriculture and Rural Development Committee) Motion to confirm made by Senator Mike Schulz.

Foley, Hugh W., Jr., Stillwater, to the Oklahoma Music Hall of Fame Board, to serve a six year term ending July 1, 2016, succeeding Byron Berline. (Wildlife and Tourism Committee) Motion to confirm made by Senator Clark Jolley on behalf of Senator Jim Halligan.

Foust, Verna, Yukon, to the Forensic Review Board, to serve a five year term ending December 31, 2015, succeeding herself. (Public Safety and Homeland Security Committee) Motion to confirm made by Senator Clark Jolley on behalf of Senator Mike Johnson.

Grim, Michael, Oklahoma City, to the Board of Examiners for Speech Pathology and Audiology, to serve a three year term ending August 17, 2013, succeeding Stephen W. Painton. (Health and Human Services Committee) Motion to confirm made by Senator Andrew Rice.

Hartman, Richard R., M.D., Norman, to the Forensic Review Board, to serve a five year term ending December 31, 2014, succeeding himself. (Public Safety and Homeland Security Committee) Motion to confirm made by Senator Clark Jolley on behalf of Senator Jonathan Nichols.

Hernandez, Elvia, Guymon, to the Oklahoma Human Rights Commission, to serve a three year term ending July 15, 2013, succeeding herself. (Health and Human Services Committee) Motion to confirm made by Senator Bryce Marlatt.

Lamirand, W. Hershel, Oklahoma City, to the Oklahoma Science and Technology Research and Development Board, to serve a four year term ending June 30, 2013, succeeding Joe Bouton. (Energy and Environment Committee) Motion to confirm made by Senator Cliff Branam.

Lempicki, Antoinette "Toni", Tulsa, to the State Board of Licensed Social Workers, to serve a five year term ending July 1, 2015, succeeding herself. (Health and Human Services Committee) Motion to confirm made by Senator Clark Jolley on behalf of Senator Mike Mazzei.

Locust, Charles, Stilwell, to the Oklahoma Indian Affairs Commission, to serve a three year term ending August 15, 2013, succeeding himself. (Health and Human Services Committee) Motion to confirm made by Senator Jim Wilson.

Mitchelson, Michael, Edmond, to the Oklahoma Capital Investment Board, to serve a five year term ending December 31, 2015, succeeding himself. (Finance Committee) Motion to confirm made by Senator Mike Johnson.

Orbison, James C., Tulsa, to the Oklahoma Lottery Commission - Board of Trustees, to serve a five year term ending January 1, 2015, succeeding himself. (Finance Committee) Motion to confirm made by Senator Gary Stanislawski.

Packwood, Carl, Shawnee, to the Council of Bond Oversight, to serve a two year term ending September 26, 2012, succeeding himself. (Finance Committee) Motion to confirm made by Senator Charlie Laster.

Pierce, William M., Edmond, to the Oklahoma State Board of Examiners for Long-Term Care Administrators, to serve an unexpired term ending July 1, 2011, succeeding Emma Jordan. (Health and Human Services Committee) Motion to confirm made by Senator Clark Jolley.

Santos-Rivera, Wilfredo, Oklahoma City, to the Oklahoma Human Rights Commission, to serve a three year term ending July 15, 2012, succeeding Sam Vasquez, Sr.. (Health and Human Services Committee) Motion to confirm made by Senator Debbe Leftwich.

Schemmer, Kathy, Norman, to the Organ Donor Education and Awareness Program Advisory Council, to serve a four year term ending November 1, 2014, succeeding herself. (Health and Human Services Committee) Motion to confirm made by Senator Jonathan Nichols.

Smith, Edward, Seminole, to the Board of Juvenile Affairs, to serve a four year term ending March 15, 2014, succeeding himself. (Health and Human Services Committee) Motion to confirm made by Senator Clark Jolley on behalf of Senator Harry Coates.

Thomas, Clifton, Norman, to the Forensic Review Board, to serve a five year term ending December 31, 2015, succeeding himself. (Public Safety and Homeland Security Committee) Motion to confirm made by Senator John Sparks.

Tillett, Kenneth Erroll, Weatherford, to the Oklahoma Human Rights Commission, to serve a three year term ending July 15, 2013, succeeding Teresa Anne Rendon. (Health and Human Services Committee) Motion to confirm made by Senator Mike Schulz.

Turnbo, Steve, Tulsa, to the Will Rogers Memorial Commission, to serve a six year term ending March 1, 2016, succeeding himself. (Tourism and Wildlife Committee) Motion to confirm made by Senator Tom Adelson.

Ware, Stacie, Broken Arrow, to the Oklahoma State Board of Examiners for Long-Term Care Administrators, to serve a three year term ending July 1, 2013, succeeding herself. (Health and Human Services Committee) Motion to confirm made by Senator Clark Jolley on behalf of Senator Mike Mazzei.

Ware, Stacie, Broken Arrow, to the Oklahoma State Board of Examiners for Long-Term Care Administrators, to serve an unexpired term ending July 1, 2010, succeeding Terry W. Clark. (Health and Human Services Committee) Motion to confirm made by Senator Clark Jolley on behalf of Senator Mike Mazzei.

Woodson, Ron, M.D., Lawton, to the State Board of Health, to serve a nine year term ending June 30, 2019, succeeding Ann Warn. (Health and Human Services Committee) Motion to confirm made by Senator Randy Bass.

Zelbst, John Paul, Lawton, to the Wildlife Conservation Commission, to serve an eight year term ending July 1, 2018, succeeding William D. Phelps. (Tourism and Wildlife Committee) Motion to confirm made by Senator Randy Bass.

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

Aye: Adelson, Aldridge, Anderson, Ballenger, Barrington, Bass, Bingman, Branan, Brogdon, Brown, Burrage, Coates, Corn, Crain, Crutchfield, Eason McIntyre, Ellis, Ford, Garrison, Halligan, Ivester, Johnson (C), Johnson (M), Jolley, Justice, Lamb, Laster, Leftwich, Lerblance, Marlatt, Myers, Newberry, Nichols, Paddack, Reynolds, Rice, Schulz, Sparks, Stanislawski, Sweeden, Sykes and Wilson.--42.

Excused: Coffee, Easley, Gumm, Mazzei, Russell and Wyrick.--6.

**MESSAGE FROM THE HOUSE
CONFERENCE COMMITTEE REPORTS**

Transmitting the following bills, together with the conference committee reports thereon, advising adoption of the conference committee reports and passage of the measures as amended:

HB 1741

HB 2631

The conference committee reports were read on the above-numbered bills.

Senator Lamb moved that the Senate recess to the call of the Chair, which motion was declared adopted.

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The Senate reconvened with Senator Stanislawski presiding.

Senator Stanislawski questioned the presence of a quorum and ordered the roll called, following which a quorum was declared present.

MESSAGES FROM THE HOUSE

Advising concurrence in **SAs** to and passage of Engrossed **HBs 1319, 1641, 2313, 2321, 2322, 2348, 2696, 2882, 2911, 3203, 3294, 3315** and **3394**.

Advising the naming of House conferees to Engrossed:

HB 2320 - Martin (Steve), Sullivan, Schwartz, McNiel, Glenn, Hoskin, and Roan

HB 2686 - Morrissette, Sanders, Ortega, Osborn, Johnson, Enns, DeWitt, Armes, Hickman, Richardson, Bailey, Kouplen, Scott, McPeak, Renegar, and Pruett

HB 2831 - Peters, Liebmann, Sullivan, Carey, and Dorman

HB 3231 - Jackson, Trebilcock, Peters, Ownbey, Terrill, Denney, Cannaday, Glenn, and Hilliard

HB 3380 - Terrill, Duncan, Tibbs, McCullough, Christian, Morrissette, and Roan

HJR 1056 - Duncan, Reynolds, Terrill, Christian, Proctor, and Pruett

Advising naming same House conferees to Engrossed:

HB 1747 - Blackwell, Thompson, Watson, Brannon, and Walker

Advising conference granted and naming House conferees on Engrossed:

SB 1887 - Richardson, Murphey, Derby, Osborn, Scott, and Pittman

SB 1954 - Jackson, Nelson, Russ, Banz, Terrill, Fields, Morgan, Inman, McPeak, Murphey, and Proctor

SB 2093 - Sanders, Duncan, Terrill, Inman, and Lamons

EXECUTIVE NOMINATIONS

The following executive nominations were read and referred to committee as indicated:

Cotten, Marshall Phil, Norman, as a member of the Oklahoma State Bureau of Narcotics and Dangerous Drugs - Judiciary

Koehler, Duane G, .D.O., Miami, as a member of the Physician Manpower Training Commission - Health and Human Services

Smith, Janice Ellen, Clinton, as a member of the Board of Juvenile Affairs - Health and Human Services

Talley, Michael Roger, M.D., Okeene, as a member of the Physician Manpower Training Commission - Health and Human Services

Senator Jolley moved that when the clerk's desk is clear, the Senate stand adjourned to convene Thursday, May 6, 2010, at 9:30 a.m., which motion prevailed.

CONFERENCE COMMITTEE REPORTS SUBMITTED

Conference committee reports were read on the following bills:

SB 828 (3rd CCR)

SB 1956

SB 1962

SB 2253

FIRST READING

The following was introduced and read the first time:

SCR 61 – By Coffee of the Senate and Benge of the House.

A Concurrent Resolution recognizing the contributions of T. Boone Pickens; thanking him for his generosity; welcoming him to the state capitol and designating May 12, 2010, “T. Boone Pickens Appreciation Day” in the State of Oklahoma; and directing distribution.

MESSAGE FROM THE GOVERNOR

Advising his approval May 4, 2010, of Enrolled **SBs 441, 1631, 1817, 1819, 1927, 1941, 1985, 2073, 2154, 2211, 2212 and 2270.**

Pursuant to the Jolley motion, the Senate adjourned at 4:15 p.m. to meet Thursday, May 6, 2010, at 9:30 a.m.