

# Senate Journal

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

**Nineteenth Legislative Day, Thursday, March 10, 2011**

The Senate was called to order by Senator David.

Roll Call:

Present: Adelson, Aldridge, Allen, Anderson, Ballenger, Barrington, Bass, Bingman, Branan, Brecheen, Brinkley, Brown, Burrage, Coates, David, Eason McIntyre, Ellis, Fields, Ford, Garrison, Halligan, Holt, Ivester, Johnson (C), Johnson (R), Jolley, Justice, Marlatt, Mazzei, Myers, Newberry, Nichols, Paddack, Reynolds, Rice, Russell, Schulz, Shortey, Simpson, Sparks, Sykes, Treat, Wilson and Wyrick.—44.

Excused: Crain, Laster, Lerblance and Stanislawski.—4.

Senator Marlatt declared a quorum present.

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

### REPORT OF ENGROSSED AND ENROLLED MEASURES

**SB 22, 94, 104, 115, 124, 145, 157, 228, 274, 282, 363, 443, 447, 532, 534, 536, 568, 574, 603, 629, 648, 658, 674, 701, 704, 740, 774, 798, 816, 856, 858, 928, 929, 940, 941, 942 and 943 and SJR 36 and SCR 8** were each correctly engrossed, properly signed and ordered transmitted to the Honorable House for consideration.

### GENERAL ORDER

**SB 19** by Ballenger of the Senate and McNeil of the House was called up for consideration.

Senator Ballenger moved that **SB 19** be advanced, which motion was declared adopted.

**THIRD READING**

**SB 19** was read for the third time at length.

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

Aye: Adelson, Aldridge, Allen, Anderson, Ballenger, Barrington, Bass, Branan, Brecheen, Brinkley, Brown, Burrage, Coates, David, Eason McIntyre, Ellis, Fields, Ford, Garrison, Halligan, Holt, Ivester, Johnson (R), Jolley, Justice, Marlatt, Mazzei, Myers, Newberry, Nichols, Paddack, Reynolds, Rice, Russell, Schulz, Shortey, Simpson, Sparks, Sykes, Treat, Wilson and Wyrick.--42.

Excused: Bingman, Crain, Johnson (C), Laster, Lerblance and Stanislawski.--6.

The bill and emergency passed.

**SB 19** was referred for engrossment.

**GENERAL ORDER**

**SB 185** by Coates of the Senate and Liebmann of the House was called up for consideration.

Senator Coates moved that **SB 185** be advanced, which motion was declared adopted.

**THIRD READING**

**SB 185** was read for the third time at length.

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

Aye: Adelson, Aldridge, Allen, Anderson, Ballenger, Barrington, Bass, Branan, Brecheen, Brinkley, Brown, Burrage, Coates, David, Eason McIntyre, Ellis, Fields, Ford, Garrison, Halligan, Holt, Ivester, Johnson (R), Jolley, Justice, Marlatt, Myers, Newberry, Paddack, Reynolds, Rice, Russell, Schulz, Shortey, Simpson, Sparks, Sykes, Treat, Wilson and Wyrick.--40.

Excused: Bingman, Crain, Johnson (C), Laster, Lerblance, Mazzei, Nichols and Stanislawski.--8.

The bill passed.

**SB 185** was referred for engrossment.

**GENERAL ORDER**

**SB 563** by Brown of the Senate and Mulready of the House was called up for consideration.

Senator Brown moved that **SB 563** be advanced, which motion was declared adopted.

**THIRD READING**

**SB 563** was read for the third time at length.

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

Aye: Adelson, Aldridge, Allen, Anderson, Ballenger, Barrington, Bass, Bingman, Branan, Brecheen, Brinkley, Brown, Burrage, Coates, David, Eason McIntyre, Ellis, Fields, Ford, Garrison, Halligan, Holt, Ivester, Johnson (R), Jolley, Justice, Marlatt, Myers, Newberry, Nichols, Paddack, Reynolds, Rice, Russell, Schulz, Shortey, Simpson, Sparks, Sykes, Treat, Wilson and Wyrick.--42.

Excused: Crain, Johnson (C), Laster, Lerblance, Mazzei and Stanislawski.--6.

The bill and emergency passed.

**SB 563** was referred for engrossment.

**GENERAL ORDER**

**SB 964** by Brown of the Senate and Mulready of the House was called up for consideration.

Senator Brown moved that **SB 964** be advanced, which motion was declared adopted.

**THIRD READING**

**SB 964** was read for the third time at length.

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

Aye: Adelson, Aldridge, Allen, Anderson, Ballenger, Barrington, Bass, Bingman, Branan, Brecheen, Brinkley, Brown, Burrage, Coates, David, Eason McIntyre, Ellis, Fields, Ford, Garrison, Halligan, Holt, Ivester, Johnson (R), Jolley, Justice, Marlatt, Myers, Newberry, Nichols, Paddack, Reynolds, Rice, Russell, Schulz, Shortey, Simpson, Sparks, Sykes, Treat, Wilson and Wyrick.--42.

Excused: Crain, Johnson (C), Laster, Lerblance, Mazzei and Stanislawski.--6.

The bill passed.

**SB 964** was referred for engrossment.

### **GENERAL ORDER**

**SB 965** by Brown of the Senate and Mulready of the House was called up for consideration.

Senator Brown moved that **SB 965** be advanced, which motion was declared adopted.

### **THIRD READING**

**SB 965** was read for the third time at length.

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

Aye: Adelson, Aldridge, Allen, Anderson, Ballenger, Barrington, Bass, Bingman, Branan, Brecheen, Brinkley, Brown, Burrage, Coates, David, Eason McIntyre, Ellis, Fields, Ford, Garrison, Halligan, Holt, Ivester, Johnson (C), Johnson (R), Jolley, Justice, Marlatt, Myers, Newberry, Nichols, Paddack, Reynolds, Rice, Russell, Schulz, Shortey, Simpson, Sparks, Sykes, Treat, Wilson and Wyrick.--43.

Excused: Crain, Laster, Lerblance, Mazzei and Stanislawski.--5.

The bill and emergency passed.

**SB 965** was referred for engrossment.

### **GENERAL ORDER**

**SB 248** by David and Fields of the Senate and Rousselot of the House was called up for consideration.

Senator David moved that **SB 248** be advanced, which motion was declared adopted.

### **THIRD READING**

**SB 248** was read for the third time at length.

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

Aye: Adelson, Aldridge, Allen, Anderson, Ballenger, Barrington, Bass, Bingman, Branan, Brecheen, Brinkley, Brown, Burrage, Coates, David, Eason McIntyre, Ellis, Fields,

Ford, Garrison, Halligan, Holt, Ivester, Johnson (C), Johnson (R), Jolley, Justice, Marlatt, Mazzei, Myers, Newberry, Nichols, Paddock, Reynolds, Rice, Russell, Schulz, Shortey, Simpson, Sparks, Sykes, Treat, Wilson and Wyrick.--44.

Excused: Crain, Laster, Lerblance and Stanislawski.--4.

The bill passed.

**SB 248** was referred for engrossment.

## **GENERAL ORDER**

**SB 878** by Sykes and Anderson of the Senate and Sullivan of the House was called up for consideration.

Senator Anderson moved to amend **SB 878**, Page 45, Lines 8 through 16, by deleting all language and inserting the following:

“A. Unless an employee gives oral or written notice to the employer within thirty (30) days of the date an injury occurs, or the employee receives medical attention from a licensed physician during the thirty-day period from the date a single event injury occurred, the rebuttable presumption shall be that the injury was not work related. Such presumption must be overcome by a preponderance of the evidence.

B. Unless an employee gives oral or written notice to the employer within ninety (90) days of the employee's separation of employment, there shall be a rebuttable presumption that an occupational disease or cumulative trauma injury did not arise out of and in the course of employment. Such presumption must be overcome by a preponderance of the evidence.”, which amendment was declared adopted.

Senator Anderson moved to amend **SB 878**, Page 102, Lines 6 through 9, by deleting all language and inserting the following:

“A. No employer may discharge or, except for nonpayment of premium, terminate any group health insurance of any employee because the employee has in good faith:

1. Filed a claim;
  2. Retained a lawyer for representation regarding a claim;
  3. Instituted or caused to be instituted any proceeding under the provisions of this title;
  4. Testified or is about to testify in any proceeding under the provisions of this title;
- or

5. Elected to participate or not to participate in a certified workplace medical plan as provided in this title.

B. No employer may discharge any employee during a period of temporary total disability solely on the basis of absence from work.

C. After an employee's period of temporary total disability has ended, no employer shall be required to rehire or retain any employee who is determined to be physically unable to perform assigned duties. The failure of an employer to rehire or retain any such employee shall not be deemed a violation of this section.

D. No employer may discharge an employee for the purpose of avoiding payment of temporary total disability benefits to the injured employee.

E. An employer which violates any provision of this section shall be liable in a district court action for reasonable damages, actual and punitive if applicable, suffered by an employee as a result of the violation. An employee discharged in violation of the Workers' Compensation Act shall be entitled to be reinstated to his or her former position. Exemplary or punitive damage awards made pursuant to this section shall not exceed One Hundred Thousand Dollars (\$100,000.00). The employee shall have the burden of proof by a preponderance of the evidence.”, which amendment was declared adopted.

Senator Anderson moved that **SB 878** be advanced, which motion was declared adopted.

### **THIRD READING**

**SB 878** was read for the third time at length.

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

Aye: Adelson, Aldridge, Allen, Anderson, Ballenger, Barrington, Bass, Bingman, Branan, Brecheen, Brinkley, Brown, Burrage, Coates, David, Eason McIntyre, Ellis, Fields, Ford, Garrison, Halligan, Holt, Ivester, Johnson (C), Johnson (R), Jolley, Justice, Marlatt, Mazzei, Myers, Newberry, Nichols, Paddack, Reynolds, Rice, Russell, Schulz, Shortey, Simpson, Sparks, Sykes, Treat, Wilson and Wyrick.--44.

Excused: Crain, Laster, Lerblance and Stanislawski.--4.

The bill passed.

**SB 878** was referred for engrossment.

### **MESSAGE FROM THE HOUSE**

Advising the signing of and transmitting for signature Enrolled **HCR 1005**.

The above-numbered enrolled measure was properly signed and ordered returned to the Honorable House.

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

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The Senate reconvened with Senator Jolley presiding.

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

**Senator Marlatt Presiding.**

### **GENERAL ORDER**

**SB 172** by Ballenger of the Senate and Derby of the House was called up for consideration.

Senator Ballenger moved that **SB 172** be advanced, which motion was declared adopted.

### **THIRD READING**

**SB 172** was read for the third time at length.

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

Aye: Adelson, Ballenger, Barrington, Bass, Brinkley, Burrage, Coates, Eason McIntyre, Ellis, Garrison, Ivester, Justice, Marlatt, Paddack, Rice, Schulz, Sparks and Wyrick.--18.

Nay: Aldridge, Allen, Anderson, Bingman, Branan, Brecheen, Brown, Fields, Ford, Halligan, Holt, Johnson (R), Jolley, Mazzei, Newberry, Nichols, Reynolds, Russell, Shortey, Simpson, Sykes and Treat.--22.

Excused: Crain, David, Johnson (C), Laster, Lerblance, Myers, Stanislawski and Wilson.--8.

The bill failed.

Pursuant to Rule 12-21, Senator Ballenger served notice that the vote be reconsidered whereby **SB 172** failed.

### **GENERAL ORDER**

**SB 21** by Eason McIntyre of the Senate and Shumate of the House was called up for consideration.

Senator Eason McIntyre moved that **SB 21** be advanced, which motion was declared adopted.

**THIRD READING**

**SB 21** was read for the third time at length.

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

Aye: Adelson, Allen, Ballenger, Barrington, Bass, Bingman, Branan, Brecheen, Brinkley, Brown, Burrage, Coates, David, Eason McIntyre, Ellis, Fields, Ford, Garrison, Halligan, Johnson (R), Jolley, Justice, Marlatt, Mazzei, Newberry, Nichols, Paddack, Rice, Russell, Schulz, Sparks, Treat and Wyrick.--33.

Nay: Aldridge, Anderson, Holt, Reynolds, Shortey, Simpson and Sykes.--7.

Excused: Crain, Ivester, Johnson (C), Laster, Lerblance, Myers, Stanislawski and Wilson.--8.

The bill passed.

**SB 21** was referred for engrossment.

**GENERAL ORDER**

**SB 510** by Russell of the Senate and Nelson of the House was called up for consideration.

Senator Russell moved to amend **SB 510**, by striking the title, the enacting clause and the entire body of the bill and substituting the floor substitute, which amendment was declared adopted. (Copies were provided for all Senators.)

Senator Russell moved to amend **SB 510**, Page 1, by restoring the title, which amendment was declared adopted.

Senator Russell moved that **SB 510** be advanced, which motion was declared adopted.

**THIRD READING**

**SB 510** was read for the third time at length.

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

Aye: Adelson, Aldridge, Allen, Anderson, Ballenger, Barrington, Bass, Bingman, Branan, Brecheen, Brinkley, Brown, Burrage, Coates, David, Eason McIntyre, Ellis, Fields, Ford, Garrison, Halligan, Holt, Johnson (C), Johnson (R), Jolley, Justice, Marlatt, Mazzei,



Newberry, Nichols, Paddack, Reynolds, Russell, Schulz, Shortey, Simpson, Sparks, Sykes, Treat and Wyrick.--40.

Excused: Crain, Ivester, Laster, Lerblance, Myers, Rice, Stanislawski and Wilson.--8.

The bill passed.

**SB 510** was referred for engrossment.

### **MOTION TO RECONSIDER VOTE**

Senator Russell moved to reconsider the vote whereby **SB 606** passed.

Senator Schulz moved to table the motion to reconsider the vote whereby **SB 606** passed.

**SB 606** was referred for engrossment.

### **GENERAL ORDER**

**SB 132** by Justice et al of the Senate and Armes of the House was called up for consideration.

Senator Justice moved that **SB 132** be advanced, which motion was declared adopted.

### **THIRD READING**

**SB 132** was read for the third time at length.

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

Aye: Adelson, Aldridge, Allen, Anderson, Ballenger, Barrington, Bass, Bingman, Branan, Brecheen, Brinkley, Brown, Burrage, Coates, David, Eason McIntyre, Ellis, Fields, Ford, Garrison, Halligan, Holt, Johnson (C), Johnson (R), Jolley, Justice, Marlatt, Myers, Newberry, Nichols, Paddack, Reynolds, Russell, Schulz, Shortey, Simpson, Sparks, Sykes, Treat and Wyrick.--40.

Excused: Crain, Ivester, Laster, Lerblance, Mazzei, Rice, Stanislawski and Wilson.--8.

The bill passed.

**SB 132** was referred for engrossment.

**GENERAL ORDER**

**SB 162** by Justice of the Senate and Nelson of the House was called up for consideration.

Senator Justice moved that **SB 162** be advanced, which motion was declared adopted.

**THIRD READING**

**SB 162** was read for the third time at length.

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

Aye: Adelson, Aldridge, Allen, Anderson, Ballenger, Barrington, Bass, Bingman, Branam, Brecheen, Brinkley, Brown, Burrage, Coates, David, Eason McIntyre, Ellis, Fields, Ford, Garrison, Halligan, Holt, Johnson (R), Jolley, Justice, Marlatt, Myers, Newberry, Nichols, Paddack, Reynolds, Russell, Schulz, Shortey, Simpson, Sparks, Sykes, Treat and Wyrick.--39.

Nay: Johnson (C).--1.

Excused: Crain, Ivester, Laster, Lerblance, Mazzei, Rice, Stanislawski and Wilson.--8.

The bill passed.

**SB 162** was referred for engrossment.

**GENERAL ORDER**

**SB 285** by David of the Senate and Ritze of the House was called up for consideration.

Senator David moved that **SB 285** be advanced, which motion was declared adopted.

**THIRD READING**

**SB 285** was read for the third time at length.

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

Aye: Adelson, Aldridge, Allen, Anderson, Ballenger, Barrington, Bass, Bingman, Branam, Brecheen, Brinkley, Brown, Burrage, Coates, David, Eason McIntyre, Ellis, Fields, Ford, Garrison, Halligan, Holt, Johnson (C), Johnson (R), Jolley, Justice, Marlatt, Myers, Newberry, Nichols, Paddack, Reynolds, Russell, Schulz, Shortey, Simpson, Sparks, Sykes, Treat and Wyrick.--40.

Excused: Crain, Ivester, Laster, Lerblance, Mazzei, Rice, Stanislawski and Wilson.--8.  
The bill passed.

**SB 285** was referred for engrossment.

### **GENERAL ORDER**

**SB 653** by Allen of the Senate and Lockhart and Bennett of the House was called up for consideration.

Senator Allen moved to amend **SB 653**, by striking the title, the enacting clause and the entire body of the bill and substituting the floor substitute, which amendment was declared adopted. (Copies were provided for all Senators.)

Senator Allen moved to amend the floor substitute to **SB 653**, Page 1, by restoring the title, which amendment was withdrawn upon motion of Senator Allen.

Senator Allen moved that **SB 653** be advanced, which motion was declared adopted.

### **THIRD READING**

**SB 653** was read for the third time at length.

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

Aye: Allen, Anderson, Brecheen, Brown, Fields, Justice, Russell, Schulz, Shortey and Sykes.--10.

Nay: Adelson, Aldridge, Ballenger, Barrington, Bass, Bingman, Branan, Brinkley, Burrage, Coates, David, Eason McIntyre, Ellis, Ford, Garrison, Halligan, Holt, Johnson (C), Johnson (R), Jolley, Marlatt, Mazzei, Myers, Newberry, Nichols, Paddack, Reynolds, Simpson, Sparks, Treat and Wyrick.--31.

Excused: Crain, Ivester, Laster, Lerblance, Rice, Stanislawski and Wilson.--7.

The bill failed.

### **GENERAL ORDER**

**SB 687** by Barrington of the Senate and Armes of the House was called up for consideration.

Senator Barrington asked unanimous consent, which was granted, to suspend Senate Rule 12-4 as it pertains to **SB 687**.

Senator Barrington moved to amend **SB 687**, Page 1, by restoring the title, which amendment was declared adopted.

Senator Barrington moved that **SB 687** be advanced, which motion was declared adopted.

### **THIRD READING**

**SB 687** was read for the third time at length.

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

Aye: Adelson, Aldridge, Allen, Anderson, Ballenger, Barrington, Bass, Bingman, Branan, Brecheen, Brinkley, Brown, Burrage, Coates, David, Eason McIntyre, Ellis, Fields, Ford, Garrison, Halligan, Holt, Johnson (C), Johnson (R), Jolley, Justice, Marlatt, Mazzei, Myers, Newberry, Nichols, Paddack, Reynolds, Russell, Schulz, Shortey, Simpson, Sparks, Sykes, Treat and Wyrick.--41.

Excused: Crain, Ivester, Laster, Lerblance, Rice, Stanislawski and Wilson.--7.

The bill and emergency passed.

**SB 687** was referred for engrossment.

### **GENERAL ORDER**

**SB 826** by Holt of the Senate and Martin (Scott) of the House was called up for consideration.

Senator Holt moved to amend **SB 826**, by striking the title, the enacting clause and the entire body of the bill and substituting the floor substitute, which amendment was declared adopted. (Copies were provided for all Senators.)

Senator Sparks raised a point of order that there was objection to the unanimous consent request to adopt the floor substitute to **SB 826**.

The Chair ruled that Senator Holt move that the floor substitute to **SB 826** be adopted and upon voice vote the motion to adopt the floor substitute was declared adopted.

Senator Holt moved that **SB 826** be advanced, which motion was declared adopted upon roll call as follows:

Aye: Aldridge, Allen, Anderson, Bingman, Branan, Brecheen, Brinkley, Brown, Coates, David, Fields, Ford, Halligan, Holt, Jolley, Justice, Marlatt, Mazzei, Myers, Newberry, Nichols, Reynolds, Russell, Schulz, Shortey, Simpson, Sykes and Treat.--28.

Nay: Adelson, Ballenger, Barrington, Bass, Burrage, Eason McIntyre, Ellis, Garrison, Johnson (C), Paddack, Sparks and Wyrick.--12.

Excused: Crain, Ivester, Johnson (R), Laster, Lerblance, Rice, Stanislawski and Wilson.--8.

### **THIRD READING**

**SB 826** was read for the third time at length.

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

Aye: Aldridge, Allen, Anderson, Bingman, Branan, Brecheen, Brinkley, Brown, Coates, David, Fields, Ford, Halligan, Holt, Johnson (R), Jolley, Justice, Marlatt, Mazzei, Myers, Newberry, Nichols, Simpson, Sykes and Treat.--25.

Nay: Adelson, Ballenger, Barrington, Bass, Burrage, Eason McIntyre, Ellis, Garrison, Johnson (C), Paddack, Reynolds, Russell, Schulz, Shortey, Sparks and Wyrick.--16.

Excused: Crain, Ivester, Laster, Lerblance, Rice, Stanislawski and Wilson.--7.

The bill passed and emergency failed.

Pursuant to Rule 12-21, Senator Holt served notice that the vote be reconsidered whereby **SB 826** passed.

### **MESSAGE FROM THE HOUSE**

Advising passage of and transmitting for consideration Engrossed **HBs 1005, 1008, 1086, 1207, 1209, 1380, 1397, 1438, 1486, 1648, 1663, 1664, 1665, 1669, 1675, 1812, 1828, 1888, 2114 and 2136.**

**HB 1005** – By McDaniel (Randy) and Ortega of the House and Mazzei of the Senate.

An Act relating to public retirement systems; creating the Task Force on Pension Benefit Funding and Security; providing for membership of Task Force; requiring organizational meeting; providing for quorum; providing for chair and vice-chair; requiring study of certain issues related to cost-of-living adjustments and funded status of public retirement systems; defining scope of study; providing Task Force subject to certain statutory provisions; providing for staff assistance; requiring final report; providing for termination of Task Force; providing for codification; providing an effective date; and declaring an emergency.

**HB 1008** – By McNiel, Jackson, Pittman and Walker of the House and Mazzei of the Senate.

An Act relating to revenue and taxation; amending Sections 2, 3 and 4, Chapter 417, O.S.L. 2008, as amended by Sections 26, 27 and 28, Chapter 327, O.S.L. 2010 (68 O.S. Supp. 2010, Sections 2357.302, 2357.303 and 2357.304), which relate to income tax credits; modifying reference to certain taxable years; and modifying the time period during which certain tax credits may be claimed.

**HB 1086** – By Murphey, Cockroft, Grau, Kern and Nollan of the House and Jolley of the Senate.

An Act relating to state government; enacting the Transparency, Accountability and Innovation in Oklahoma State Government 2.0 Act of 2011; amending 62 O.S. 2001, Section 41.21, as last amended by Section 41, Chapter 441, O.S.L. 2009, and as renumbered by Section 64, Chapter 441, O.S.L. 2009 (62 O.S. Supp. 2010, Section 34.64), which relates to payment of claims and payrolls; requiring disbursement through electronic payments mechanism; amending 74 O.S. 2001, Section 20, which relates to opinions of the Attorney General; modifying distribution requirements; establishing the Oklahoma State Government Open Documents Initiative; imposing duties on the Chief Information Officer; requiring promulgation of procedures; requiring searchable electronic versions; establishing the Oklahoma State Government Forms One-Stop Initiative; imposing duties on the Chief Information Officer; requiring promulgation of procedures; amending Section 1, Chapter 327, O.S.L. 2007, as amended by Section 2, Chapter 475, O.S.L. 2010 (62 O.S. Supp. 2010, Section 46), which relates to the Taxpayer Transparency Act; requiring Office of State Finance to include certain information from the School District Transparency Act in single website; establishing the Oklahoma State Government Geographic Information One-Stop Initiative; imposing duties on the State Geographic Information Coordinator; requiring promulgation of procedures; defining term; establishing the Oklahoma State Government Payroll Processing One-Stop Initiative; imposing duties on the Chief Information Officer; requiring promulgation of procedures; amending Section 4, Chapter 475, O.S.L. 2010 (62 O.S. Supp. 2010, Section 34.11.2), which relates to the Oklahoma State Government 2.0 pilot program; modifying terminology; requiring promulgation of performance metrics and guidelines; defining terms; imposing certain duties on the Chief Information Officer related to state employee performance information; requiring certain data sets to be available on line; imposing duties on the State Governmental Technology Applications Review Board; imposing conditions related to lease, purchase, rental or use of certain proceeds for additional office space for state agencies; imposing duty upon the Oklahoma Health Care Authority; defining term; establishing the Oklahoma State Government IT Project Monitoring and Transparency Initiative; imposing duties on the Chief Information Officer; requiring certain reports; imposing duties on the Department of Central Services with respect to procurement officers; imposing duties on procurement officers; defining term; amending 74 O.S. 2001, Section 500.13, which relates to registration fees; providing for electronic receipt of expenditures; amending 74 O.S. 2001, Section 500.15, which relates to claims for travel reimbursement; authorizing receipts in electronic form; imposing limitation with respect to frequent flyer miles; providing for noncodification; providing for codification; providing an effective date; and declaring an emergency.

**HB 1207** – By Murphey and Cockroft of the House and Sykes of the Senate.

An Act relating to state government; enacting the Oklahoma Innovation, Efficiency and Accountability Act of 2011; amending Section 5, Chapter 322, O.S.L. 2009 (62 O.S. Supp. 2010, Section 41.5p-1), which relates to certain licenses and permits; authorizing electronic signatures under certain circumstances; providing exception; amending Section 1, Chapter 152, O.S.L. 2009 (74 O.S. Supp. 2010, Section 85.45 *l*), which relates to a Trip Optimizer system; modifying provisions related to mandatory use of system; defining term; imposing requirement related to lowest cost option; imposing requirement on Office of State Finance with respect to federal funds disbursed pursuant to the American Recovery and Reinvestment Act of 2009; prescribing formats for information; prescribing list of expenditures and search functionality; prescribing required information; amending 62 O.S. 2001, Section 41.29, as renumbered by Section 64, Chapter 441, O.S.L. 2009, and as last amended by Section 44, Chapter 2, O.S.L. 2010 (62 O.S. Supp. 2010, Section 34.36), which relates to certain itemized requests; modifying required content with respect to employee engaged in financial services; requiring publication of report; specifying content of report; providing exemption from certain requirements to the Oklahoma State Regents for Higher Education and to institutions within The Oklahoma State System of Higher Education; providing for codification; providing for noncodification; providing for recodification; and providing an effective date.

**HB 1209** – By Kirby, McNiel, Ritze, Nollan and Cox of the House and Marlatt of the Senate.

An Act relating to amusements and sports; providing limited malpractice protection for certain physicians; providing for codification; providing an effective date; and declaring an emergency.

**HB 1380** – By Holland, Derby, Kern, Newell, Osborn, Tibbs, Nelson and Denney of the House and Ford of the Senate.

An Act relating to schools; amending 70 O.S. 2001, Sections 6-101.3, as amended by Section 8, Chapter 434, O.S.L. 2003 and 6-101.3, as last amended by Section 8, Chapter 291, O.S.L. 2010 (70 O.S. Supp. 2010, Section 6-101.3), which relate to teacher contract definitions; modifying certain definitions; deleting certain definitions; amending 70 O.S. 2001, Sections 6-101.26, as last amended by Section 2, Chapter 112, O.S.L. 2006, 6-101.26, as last amended by Section 12, Chapter 291, O.S.L. 2010 and 6-101.29 (70 O.S. Supp. 2010, Section 6-101.26), which relate to the Teacher Due Process Act of 1990; updating statutory language; deleting obsolete language; deleting career teacher pretermination hearing procedures and requirements; deleting right to trial de novo; deleting requirement to extend suspensions until completion of a trial de novo; and repealing 70 O.S. 2001, Sections 6-101.27 and 6-101.27, as amended by Section 13, Chapter 291, O.S.L. 2010 (70 O.S. Supp. 2010, Section 6-101.27), which relate to a teacher's right to a trial de novo.

**HB 1397** – By Cox of the House and Jolley of the Senate.

An Act relating to public health and safety; amending Section 54, Chapter 197, O.S.L. 2003 (63 O.S. Supp. 2010, Section 1-105e), which relates to the duties of the State Department of Health; adding duties of Department; amending Section 1, Chapter 101,

O.S.L. 2006, as amended by Section 1, Chapter 119, O.S.L. 2008 (63 O.S. Supp. 2010, Section 1-105f), which relates to the Office of Accountability Systems; providing for the issuance of administrative subpoenas; amending 63 O.S. 2001, Section 1-214, as last amended by Section 1, Chapter 198, O.S.L. 2010 (63 O.S. Supp. 2010, Section 1-214), which relates to city-county health department; permitting city-county health department to perform health-related services; permitting city-county health department to submit insurance claims; amending 63 O.S. 2001, Section 1-301, as amended by Section 1, Chapter 187, O.S.L. 2008 (63 O.S. Supp. 2010, Section 1-301), which relates to definitions; adding definition; amending 63 O.S. 2001, Section 1-304, which relates to the duties of the State Commissioner of Health; deleting certain duty; amending 63 O.S. 2001, Section 1-311, which relates to the filing of birth certificates; providing that birth certificates shall be filed with State Registrar; providing birth certificate process when delivering mother carries legal child of another woman; amending 63 O.S. 2001, Section 1-312, which relates to an infant of unknown parentage; requiring that certain report be filed with State Registrar; amending 63 O.S. 2001, Section 1-316, which relates to new birth certificates; requiring certain certificate to be restored and may be amended; amending 63 O.S. 2001, Section 1-316a, which relates to heirloom birth certificates; providing heirloom birth certificate shall not be used as evidence of live birth nor identification purposes; amending 63 O.S. 2001, Section 1-318, which relates to fetal death certificates; removing provisions related to location of fetal death; amending 63 O.S. 2001, Section 1-319, which relates to burial permits; modifying issuer of certain permits; 63 O.S. 2001, Section 1-321, as amended by Section 61, Chapter 116, O.S.L. 2006 (63 O.S. Supp. 2010, Section 1-321), which relates to amendment of certificates; permitting Board to promulgate certain rules; amending 63 O.S. 2001, Section 1-323, as last amended by Section 8, Chapter 226, O.S.L. 2010 (63 O.S. Supp. 2010, Section 1-323), which relates to vital statistics records; deleting requirements that certain certificates be issued upon request and payment of certain fees; authorizing Commissioner to disclose certain data for public health surveillance purposes; deleting requirement that certain records containing certain information not be disclosed; amending Section 1, Chapter 384, O.S.L. 2003 (63 O.S. 2010, Section 1-324.1), which relates to the prohibition of certain acts regarding certain certificates; prohibiting certain act regarding certain certificates; modifying certain penalties; prohibiting certain acts regarding disinterment permits; providing penalties; amending 63 O.S. 2001, Section 1-325, which relates to fees for certain records; permitting fees to be paid by credit cards; amending 63 O.S. 2001, Section 1-329.1, which relates to permit for disposal of bodies; requiring certain form and certain certificate be filed with State Registrar; amending 63 O.S. 2001, Section 1-502.2, as last amended by Section 6, Chapter 393, O.S.L. 2008 (63 O.S. Supp. 2010, Section 1-502.2), which relates to the confidentiality of certain information; excluding certain information from being required under Oklahoma Open Records Act; providing for release of certain information whether within the State or United States; deleting requirement that certain releases contain certain notice; amending 63 O.S. 2001, Section 1-517, which relates to definitions; modifying certain terms; amending 63 O.S. 2001, Section 1-520, which relates to prohibiting physicians from making false discharge of certain persons; creating certain penalty; amending 63 O.S. 2001, Section 1-522, which relates to prohibiting certain treatment without a prescription; modifying references; amending 63 O.S. 2001, Section 1-524, as last amended by Section 1, Chapter 346, O.S.L. 2003 (63 O.S. Supp. 2010, Section 1-524), which relates to required testing of persons in prison;



modifying references; amending Section 2, Chapter 346, O.S.L. 2003 (63 O.S. Supp. 2010, Section 1-524.1), which relates to the required examination of certain arrested persons; modifying references; amending 63 O.S. 2001, Section 1-525, which relates to the prescriptions and records of certain persons; modifying references; amending 63 O.S. 2001, Section 1-526, which relates to certain Board rules and regulations; modifying references; amending 63 O.S. 2001, Section 1-527, which relates to reports of venereal disease; modifying references; amending 63 O.S. 2001, Section 1-528, which relates to required instruction of certain persons by physician; modifying references; amending 63 O.S. 2001, Section 1-529, which relates to certain investigations by health officers; modifying references; amending 63 O.S. 2001, Section 1-530, which relates to the protection against spread of certain disease; modifying references; amending 63 O.S. 2001, Section 1-531, which relates to the issuance of certain certificates; modifying reference; amending 63 O.S. 2001, Section 1-532, which relates to the publicity of information and reports of certain persons; modifying reference; amending 63 O.S. 2001, Section 1-532.1, which relates to the consent of a minor to be examined and treated for certain disease; modifying reference; amending 63 O.S. 2001, Section 1-534.1, which relates to the state plan for HIV services; deleting requirement that state plan be reviewed annually; amending 63 O.S. 2001, Section 1-873, which relates to minimum adult day care licensure requirements; providing certain licenses may be issued for more than twelve months; amending 63 O.S. 2001, Section 1-1412, which relates to false advertisement of drugs; modifying reference; amending 63 O.S. 2001, Section 1-1905, which relates to licenses for certain facilities; providing certain licenses may be issued for more than twelve months; amending 63 O.S. 2001, Section 946, which relates to exhuming of bodies; requiring certain court order be provided to the Department; repealing 63 O.S. 2001, Section 1-305, 1-306, 1-307, 1-308, 1-309 and 1-519, which relate to local registrars; providing for codification; and providing an effective date.

**HB 1438** – By Shannon of the House and Jolley of the Senate.

An Act relating to state government; establishing the Oklahoma State Government Asset Reduction and Cost Savings Program; requiring certain report be published; requiring report contain certain information; establishing procedure for submission of data by state agencies; requiring state agency compliance; requiring certain publication; providing for codification; and providing an effective date.

**HB 1486** – By Morrissette of the House and Justice of the Senate.

An Act relating to woody biomass; creating the Oklahoma Woody Biomass Energy Initiative Act of 2011; making legislative findings; defining certain term; creating the Woody Biomass Energy Initiative Council; establishing termination date; providing for membership; requiring appointments by a certain date; providing for meetings, a quorum, vacancies and staffing; providing for travel reimbursement; making reimbursement and staffing contingent upon funding; requiring the Council to comply with certain Acts; specifying duties; authorizing the Council to apply for and use certain funds; providing for codification; and declaring an emergency.

**HB 1648** – By Newell, Kern and Enns of the House and Russell of the Senate.

An Act relating to schools; amending 70 O.S. 2001, Section 17-116.2, as last amended by Section 122, Chapter 1, O.S.L. 2005 (70 O.S. Supp. 2010, Section 17-116.2), which

relates to teacher retirement; prohibiting certain individuals from retaining membership in Teachers' Retirement System; and providing an effective date.

**HB 1663** – By Osborn and Kern of the House and Ford of the Senate.

An Act relating to higher education; amending 70 O.S. 2001, Sections 2603, as last amended by Section 32, Chapter 2, O.S.L. 2009 and 2605, as last amended by Section 3, Chapter 437, O.S.L. 2009 (70 O.S. Supp. 2010, Sections 2603 and 2605), which relate to the Oklahoma Higher Learning Access Act; adding certain eligibility requirement; modifying parental income amount used to determine financial need at certain time; limiting parental income amount while a student is receiving any Oklahoma Higher Learning Access Program benefit award; requiring a financial qualification determination to be based on certain income information; providing an effective date; and declaring an emergency.

**HB 1664** – By Osborn of the House and Sykes of the Senate.

An Act relating to initiative and referendum; amending 34 O.S. 2001, Section 9, as last amended by Section 2, Chapter 318, O.S.L. 2009 (34 O.S. Supp. 2010, Section 9), which relates to ballot titles; removing certain requirements from ballot title; modifying notification requirements; requiring written response to certain comments; and providing an effective date.

**HB 1665** – By Osborn, Reynolds, Faight, Hall, Roberts (Sean), Roberts (Dustin), Kern and Tibbs of the House and Jolley of the Senate.

An Act relating to state government; amending Section 6, Chapter 254, O.S.L. 2004, as amended by Section 2, Chapter 400, O.S.L. 2004 (74 O.S. Supp. 2010, Section 9030.5), which relates to the Oklahoma Art in Public Places Act; and providing for suspension of assessment for certain fiscal years.

**HB 1669** – By Osborn and McDaniel (Jeannie) of the House and Justice of the Senate.

An Act relating to cities and towns; amending 11 O.S. 2001, Section 22-112, as amended by Section 1, Chapter 314, O.S.L. 2004 (11 O.S. Supp. 2010, Section 22-112), which relates to condemnation of dilapidated buildings; modifying definition; and providing an effective date.

**HB 1675** – By Billy of the House and Jolley of the Senate.

An Act relating to state government; amending 74 O.S. 2001, Section 19, as amended by Section 1, Chapter 494, O.S.L. 2004 (74 O.S. Supp. 2010, Section 19), which relates to evidence fund of the Attorney General; deleting monetary balance limitations for the Attorney General's Evidence Fund; and providing an effective date.

**HB 1812** – By Morgan of the House and Stanislawski of the Senate.

An Act relating to public buildings and public works; amending 61 O.S. 2001, Section 103.5, which relates to right-of-way projects; increasing project size competitive bidding threshold; and updating terminology.

**HB 1828** – By Trebilcock of the House and Johnson (Rob) of the Senate.

An Act relating to courts; amending 20 O.S. 2001, Section 106.9, as last amended by Section 3, Chapter 84, O.S.L. 2007 (20 O.S. Supp. 2010, Section 106.9), which relates to court reporter salaries; allowing certain courts to set salary rate for temporary court reporters; and providing an effective date.

**HB 1888** – By Peterson, Reynolds, Ritze, Trebilcock, Johnson, Derby, Hall, Billy, Farley, Kern, Nollan, Cooksey, Hamilton, Banz, Tibbs and Brumbaugh of the House and Jolley of the Senate.

An Act relating to public health and safety; creating the Pain-Capable Unborn Child Protection Act; defining terms; making legislative findings; establishing purpose; prohibiting the performance of an abortion without certain determination; prohibiting the performance of an abortion upon determination of certain age of unborn child; providing for exceptions; requiring that the manner in which physicians terminate certain pregnancies provides the best opportunity for unborn child's survival; requiring certain report by physician; including certain information; requiring State Department of Health to issue certain report; stating certain penalties for physicians; requiring Department to promulgate rules; providing penalty; permitting certain individuals to maintain action including injunctive relief; providing for attorney fees; requiring court to rule regarding anonymity; requiring written findings under certain circumstance; providing for severability; providing for certain interpretation; providing for codification; and providing an effective date.

**HB 2114** – By Hickman, Lockhart, Newell, Tibbs, Jackson, Nelson, Ortega and Holland of the House and Marlatt and Fields of the Senate.

An Act relating to higher education; directing the Oklahoma State Regents for Higher Education to submit a report on the funding formula by a certain date; requiring the State Regents to form a committee; specifying certain contents of the report; providing for noncodification; and declaring an emergency.

**HB 2136** – By Steele, Billy, Roan, Dorman, Walker, Virgin and Stiles of the House and Newberry of the Senate.

An Act relating to the Children and Juvenile Code; amending 10 O.S. 2001, Section 7003-1.1, as renumbered by Section 213, Chapter 233, O.S.L. 2009, and as last amended by Section 1, Chapter 220, O.S.L. 2010 (10A O.S. Supp. 2010, Section 1-2-102), which relates to preliminary investigation procedures; directing Department of Human Services to conduct investigations instead of assessments in certain circumstances; specifying requirements; amending 10 O.S. 2001, Section 7003-5.5a, as renumbered by Section 252, Chapter 233, O.S.L. 2009, and as last amended by Section 13, Chapter 278, O.S.L. 2010 (10A O.S. Supp. 2010, Section 1-4-806), which relates to trial home reunification procedure; requiring certain background checks prior to trial reunification; amending 10 O.S. 2001, Section 7003-5.6, as last amended by Section 40, Chapter 233, O.S.L. 2009, and as renumbered by Section 253, Chapter 233, O.S.L. 2009 (10A O.S. Supp. 2010, Section 1-4-807), which relates to review hearing requirements; specifying that certain reports shall be provided to parties; amending Section 4, Chapter 351, O.S.L. 2007, as last amended by Section 75, Chapter 233, O.S.L. 2009, and as renumbered by Section 272, Chapter 233, O.S.L. 2009 (10A O.S. Supp. 2010, Section 1-6-105), which relates to public disclosure of

information in certain child welfare cases; expanding disclosure of certain investigations; and providing an effective date.

The above-numbered measures were read the first time.

#### **MESSAGE FROM THE HOUSE**

Advising passage of and returning the following Engrossed bill:

##### **SB 553**

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 Monday, March 14, 2011, at 1:30 p.m., which motion prevailed.

#### **MOTION EXPIRED**

Time expired for consideration of the motion to reconsider whereby **SB 962** failed.

Pursuant to the Schulz motion, the Senate adjourned at 12:40 p.m. to meet Monday, March 14, 2011, at 1:30 p.m.

#### **JOURNAL CORRECTION**

February 16, 2011

Page 319, Line 9, **SB 46** insert after the word Affairs:

“, coauthored by Coody (principal House author)”

Page 319, Line 15, **SB 119** insert after the word Affairs:

“, coauthored by Ortega (principal House author)”

Page 319, Line 10, **SB 251** insert after the word Affairs:

“, coauthored by Wesselhoft (principal House author)”

Page 319, Line 16, **SB 396** insert after the word Affairs:

“, coauthored by Johnson (Constance) of the Senate and Wesselhoft (principal House author)”

Page 319, Line 11, **SB 501** insert after the word Affairs:

“, coauthored by Bennett (principal House author)”

Page 319, Line 12, **SB 633** insert after the word Affairs:  
“, coauthored by Jordan (principal House author)”

Page 319, Line 17, **SB 748** insert after the word Affairs:  
“, coauthored by Jackson (principal House author)”

February 17, 2011

Page 325, Line 11, **SB 885** insert after the word Energy:  
“, coauthored by Hickman (principal House author)”