

Senate Journal

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

Twenty-fourth Legislative Day, Tuesday, March 22, 2011

The Senate was called to order by Senator Ford.

Roll Call:

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

Excused: Adelson, Anderson, Johnson (C) and Rice.—4.

Senator Ford declared a quorum present.

The prayer was offered by Dr. Michelle K. T. Moulden, Vernon African Methodist Episcopal Church, Tulsa, the guest of Senator Eason McIntyre.

REPORT OF ENGROSSED AND ENROLLED MEASURES

SJR 45 and **SCR 9** were each correctly enrolled, properly signed and ordered transmitted to the Honorable House for signature of the Speaker.

MESSAGES FROM THE HOUSE

Advising fourth reading of and transmitting for signature Enrolled **HB 2169**.

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

Advising the signing of and transmitting for signature Enrolled **HCR 1003**.

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

Advising the signing of and returning Enrolled **SCR 9**.

The above-numbered enrolled measure was transmitted to the Secretary of State.

Advising fourth reading of and returning Enrolled **SJR 45**.

The above-numbered enrolled measure was referred to the Governor.

Advising passage of and transmitting for consideration Engrossed **HBs 1533, 1541, 1552, 1556, 1571, 1593, 1594, 1598, 1601, 1602, 1603, 1606, 1612, 1647, 1649, 1656, 1676, 1692, 1726, 1750, 1798, 1802, 1815, 1821, 1826, 1835, 1852, 1854, 1903, 1909, 1939, 1953, 1970, 1979, 1983, 1990, 1996, 1998, 2004, 2021, 2023, 2032, 2033, 2038, 2072, 2073, 2075, 2080, 2130 and 2156 and HJRs 1028**.

HB 1533 – By Blackwell of the House and Barrington of the Senate.

An Act relating to public finance; amending 62 O.S. 2001, Section 7.10, as last amended by Section 47, Chapter 441, O.S.L. 2009, and as renumbered by Section 64, Chapter 441, O.S.L. 2009 (62 O.S. Supp. 2010, Section 34.70), which relates to voluntary payroll deductions; modifying date related to certain eligible statewide associations; and declaring an emergency.

HB 1541 – By Murphey and Cockroft of the House and Sykes of the Senate.

An Act relating to executive entity consolidations; enacting the Government Reduction Act of 2011; placing the Oklahoma Center for the Advancement of Science and Technology under the authority of the Department of Commerce; providing for transfer of property and other items; providing for transfer of personnel and related benefits; providing for transfer of monies; providing for contractual rights and responsibilities; providing for rules; requiring budgetary savings; placing the Oklahoma Industrial Finance Authority under the authority of the Department of Commerce; providing for transfer of property and other items; providing for transfer of personnel and related benefits; providing for transfer of monies; providing for contractual rights and responsibilities; providing for rules; requiring budgetary savings; providing for codification; and providing for noncodification.

HB 1552 – By Kern, Reynolds, Ritze, Tibbs and Cockroft of the House and Sykes of the Senate.

An Act relating to foreign law; stating legislative findings pertaining to certain rights and privileges; defining term; declaring certain rulings and decisions to be in violation of

public policy; making certain rulings and decisions void and unenforceable; providing for codification; and providing an effective date.

HB 1556 – By Jordan of the House and Ivester of the Senate.

An Act relating to military law; amending Sections 6, 118, 123, 132 and 133, Chapter 86, O.S.L. 2007 (44 O.S. Supp. 2010, Sections 3205, 3361, 3366, 3375 and 3376), which relate to the Uniform State Code of Military Justice; specifying applicability of code provisions; establishing elements of destruction of public record offense; providing for punishment; establishing elements of reckless endangerment offense and punishment; providing for punishment of adultery offense; establishing elements of certain counterfeiting offense and punishment; and providing an effective date.

HB 1571 – By Vaughan, Blackwell, Ritze, Reynolds, Christian, Mulready, Kern, Tibbs and Cockcroft of the House and Shortey of the Senate.

An Act relating to public health and safety; defining term; providing that all persons are created free and have inalienable rights; providing for nonapplicability; providing for codification; and providing an effective date.

HB 1593 – By Martin (Steve) of the House and Aldridge of the Senate.

An Act relating to cities and towns; repealing Sections 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20 and 21, Chapter 62, O.S.L. 2004 (11 O.S. Supp. 2010, Sections 51-200, 51-201, 51-202, 51-203, 51-204, 51-205, 51-206, 51-207, 51-208, 51-209, 51-210, 51-211, 51-212, 51-213, 51-214, 51-215, 51-216, 51-217, 51-218, 51-219 and 51-220), which relate to the Oklahoma Municipal Employee Collective Bargaining Act; and providing an effective date.

HB 1594 – By Martin (Steve) and Cooksey of the House and Crain of the Senate.

An Act relating to property; defining terms; stating legislative findings; prohibiting transfer fees; providing for codification; and declaring an emergency.

HB 1598 – By Martin (Steve), Jackson and Cooksey of the House and Jolley of the Senate.

An Act relating to professions and occupations; modifying the Oklahoma Real Estate License Code; exempting licensees from certain duties; exempting licensees from liability for certain information regarding real estate; providing for codification; and providing an effective date.

HB 1601 – By Stiles of the House and Jolley of the Senate.

An Act relating to public finance; establishing the Oklahoma State Government Business Licensing One-Stop Program; imposing duties on the Chief Information Officer; requiring certain savings; requiring reduction of certain fees; providing for real-time licensing; making transfer from the Oklahoma Department of Commerce to the Office of State Finance; authorizing certain exemptions; requiring agency compliance; amending Section 2, Chapter 245, O.S.L. 2007 (74 O.S. Supp. 2010, Section 5003.15), which relates to the 2nd Century Entrepreneurship Center; modifying references; providing for codification; providing an effective date; and declaring an emergency.

HB 1602 – By Stiles of the House and Shortey of the Senate.

An Act relating to state government; amending 74 O.S. 2001, Section 840-2.20, as last amended by Section 1, Chapter 423, O.S.L. 2009 (74 O.S. Supp. 2010, Section 840-2.20), which relates to leave benefits for state employees; providing that state employees who provide direct or nursing care shall receive compensation if request to use excess leave is denied; and providing an effective date.

HB 1603 – By Stiles of the House and Anderson of the Senate.

An Act relating to marriage and family; amending 43 O.S. 2001, Section 112, as last amended by Section 10, Chapter 358, O.S.L. 2010 (43 O.S. Supp. 2010, Section 112), which relates to custody and support of minor children in divorce proceedings; modifying requirements and procedures relating to military deployments; creating the Military Custody and Visitation Act; defining terms; directing court to provide for custody of child when parent has been deployed; authorizing deploying parents to delegate visitation rights; specifying authority of delegation; specifying limitation of delegation; specifying certain deployments shall be considered temporary absence for certain purposes; providing for jurisdiction; requiring deploying parent to provide certain notice; specifying notice requirements; providing exception; authorizing motions for certain custody hearings; specifying procedure; specifying required contents of motion; authorizing expedited hearing motions; requiring parent delegating visitation to identify family member so delegated; authorizing the use of electronic means for certain hearings; authorizing certain limitations; authorizing the entry of certain orders; establishing presumption that certain existing orders are in best interest of child; specifying certain requirements of temporary order; providing for visitation of other family members; specifying limitations of visitation orders; directing court to order reasonable visitation; providing exceptions; specifying visitation order shall be temporary; limiting authority of court to modify certain existing arrangements; providing exception; providing for delegation of visitation rights; specifying visitation orders shall be temporary; establishing visitation requirements; providing exception; requiring attendance of certain family member at hearing; specifying rebuttable presumptions for deploying parents; requiring notice at the end of deployment; specifying contents of notice; authorizing motions for temporary orders after deployment; requiring liberal visitation; providing exception; providing for codification; and providing an effective date.

HB 1606 – By Stiles and Tibbs of the House and Anderson of the Senate.

An Act relating to children; amending Section 1, Chapter 358, O.S.L. 2010 (10 O.S. Supp. 2010, Section 7800), which relates to child custody presumptions; specifying the mother of a child born out of wedlock shall have custody; providing exception; and providing an effective date.

HB 1612 – By Banz and Kern of the House and Fields of the Senate.

(education – amending 3A O.S., Section 713 - Oklahoma Education Lottery Trust Fund – Common Education Lottery Revolving Fund - codification)

HB 1647 – By Bennett, Reynolds, Ritze, Shannon and Trebilcock of the House and Russell and Allen of the Senate.

An Act relating to crimes and punishments; amending 21 O.S. 2001, Section 1289.6, which relates to the Oklahoma Firearms Act of 1971; adding condition for which firearms may be carried; amending 21 O.S. 2001, Sections 1290.5, as last amended by Section 1, Chapter 225, O.S.L. 2009 and 1290.12, as last amended by Section 1, Chapter 162, O.S.L. 2010 (21 O.S. Supp. 2010, Sections 1290.5 and 1290.12), which relate to the Oklahoma Self-Defense Act; authorizing issuance of lifetime concealed handgun licenses for military personnel; authorizing promulgation of rules; defining term; modifying certain application procedure; updating language; and providing an effective date.

HB 1649 – By Quinn and Ownbey of the House and Simpson of the Senate.

An Act relating to the Oklahoma State Bureau of Investigation; amending 22 O.S. 2001, Section 1517, as last amended by Section 3, Chapter 37, O.S.L. 2010 (22 O.S. Supp. 2010, Section 1517), which relates to duties of the Oklahoma State Bureau of Investigation; deleting certain duties; amending 74 O.S. 2001, Section 840-5.5, as last amended by Section 1, Chapter 392, O.S.L. 2010 (74 O.S. Supp. 2010, Section 840-5.5), which relates to unclassified service positions; adding unclassified employee positions to the Oklahoma State Bureau of Investigation; and providing an effective date.

HB 1656 – By Enns of the House and Brown of the Senate.

An Act relating to the Oklahoma Police Pension and Retirement System; amending 11 O.S. 2001, Section 50-112, as last amended by Section 1, Chapter 434, O.S.L. 2004 (11 O.S. Supp. 2010, Section 50-112), which relates to exemption from membership; modifying exemption from membership in the retirement system; providing an effective date; and declaring an emergency.

HB 1676 – By Billy, Roan and Cooksey of the House and Nichols of the Senate.

An Act relating to public safety; amending 27A O.S. 2001, Section 2-9-104, which relates to the Radiation Management Act; modifying exception to radiation safety rules; amending 47 O.S. 2001, Section 2-105.4, as last amended by Section 2, Chapter 83, 2nd Extraordinary Session, O.S.L. 2006, Section 1, Chapter 319, O.S.L. 2008, Sections 2-122, as amended by Section 8, Chapter 397, O.S.L. 2002, 2-143, as amended by Section 7, Chapter 461, O.S.L. 2003 and Section 14, Chapter 397, O.S.L. 2002, as amended by Section 2, Chapter 361, O.S.L. 2005 (47 O.S. Supp. 2010, Sections 2-105.4, 2-108.1, 2-122, 2-143 and 2-144.1), which relate to salaries and responsibilities of the Department of Public Safety; modifying salary schedule provisions; authorizing use of interlocal agreements with certain state educational institutions; making agreements exempt from oversight by certain agency; authorizing Department of Public Safety to receive funds from certain sources; changing name of certain training facility; modifying purpose for certain revolving fund; amending 47 O.S. 2001, Section 10-113, which relates to accident report forms; requiring Department of Public Safety to make certain forms available; amending 47 O.S. 2001, Section 11-1112, as last amended by Section 26, Chapter 228, O.S.L. 2009 (47 O.S. Supp. 2010, Section 11-1112), which relates to child passenger restraint systems; clarifying certain exception to child passenger restraint system requirements; deleting authorization to give oral warnings for certain violation; making certain persons exempt from civil liability;

amending 47 O.S. 2001, Section 40-101, which relates to accident reports; directing Department of Public Safety to prescribe standard accident report forms; amending 47 O.S. 2001, Section 156.1, as last amended by Section 1, Chapter 248, O.S.L. 2009 (47 O.S. Supp. 2010, Section 156.1), which relates to private use of state-owned motor vehicles; clarifying guidelines for using state-owned vehicles; amending 47 O.S. 2001, Section 752, as last amended by Section 1, Chapter 214, O.S.L. 2009 (47 O.S. Supp. 2010, Section 752), which relates to administration of chemical tests; requiring costs associated with collecting certain specimens be included as court costs; and declaring an emergency.

HB 1692 – By Russ of the House and Justice of the Senate.

An Act relating to waters and water rights; amending 82 O.S. 2001, Sections 1603, as last amended by Section 2, Chapter 95, O.S.L. 2004, 1604, as last amended by Section 3, Chapter 95, O.S.L. 2004, 1606, as amended by Section 6, Chapter 46, O.S.L. 2002, 1608, as amended by Section 8, Chapter 46, O.S.L. 2002, 1609, as amended by Section 9, Chapter 46, O.S.L. 2002, 1610, as amended by Section 10, Chapter 46, O.S.L. 2002, 1611, as amended by Section 11, Chapter 46, O.S.L. 2002, 1612, as amended by Section 12, Chapter 46, O.S.L. 2002, 1614, as amended by Section 14, Chapter 46, O.S.L. 2002, 1615, as amended by Section 15, Chapter 46, O.S.L. 2002, 1616, as amended by Section 16, Chapter 46, O.S.L. 2002, 1617, as amended by Section 17, Chapter 46, O.S.L. 2002 and Section 4, Chapter 95, O.S.L. 2004 (82 O.S. Supp. 2010, Sections 1603, 1604, 1606, 1608, 1609, 1610, 1611, 1612, 1614, 1615, 1616, 1617 and 1620), which relate to the Oklahoma Floodplain Management Act; stating legislative intent; modifying definitions; modifying regulations regarding county and municipal flood plain boards; directing Oklahoma Water Resources Board to promulgate certain rules; directing board to coordinate with floodplain boards and other agencies; modifying floodplain regulations and requirements; modifying cooperative agreements; modifying the procedure for promulgation of floodplain rules; providing for the amending of floodplain regulations; modifying exceptions to development in a floodplain area; modifying granting of variances; providing for notice and time of hearing on variance; modifying appeals process; modifying prohibitions and violations; authorizing injunctive relief for certain violations; providing for noncodification; and declaring an emergency.

HB 1726 – By Fourkiller of the House and Wilson of the Senate.

An Act relating to torts; amending Section 1, Chapter 294, O.S.L. 2010 (76 O.S. Supp. 2010, Section 32.1), which relates to the Volunteer Professional Services Immunity Act; extending immunity for elementary school activities; and providing an effective date.

HB 1750 – By Nelson, Brumbaugh, Reynolds, Ritze and Hickman of the House and Jolley of the Senate.

An Act relating to crimes and punishments; amending 21 O.S. 2001, Section 360, which relates to crimes against state property and revenue; prohibiting public employees from certain actions regarding legislation; prohibiting retaliation; providing exceptions; amending 21 O.S. 2001, Section 491, which relates to perjury; modifying definition; providing for legislative proceeding; expanding crime of perjury to include dissemination of certain information; providing an effective date; and declaring an emergency.

HB 1798 – By Tibbs and Roan of the House and David of the Senate.

An Act relating to public health and safety; amending 63 O.S. 2001, Section 2-509, which relates to the Uniform Controlled Dangerous Substances Act; making certain acts unlawful; and providing an effective date.

HB 1802 – By Tibbs, Shelton, Ritze, Nollan, Roan and Cooksey of the House and Barrington of the Senate.

An Act relating to corrections; amending 22 O.S. 2001, Section 991a, as last amended by Section 1, Chapter 237, O.S.L. 2010 (22 O.S. Supp. 2010, Section 991a), which relates to sentencing powers of the court; authorizing use of electronic monitoring of inmates under certain circumstances; authorizing sheriff to contract for electronic monitoring services; providing for the revocation of electronic monitoring order; defining term; providing exemption from certain liability; amending 57 O.S. 2001, Section 38, as amended by Section 8, Chapter 74, 2nd Extraordinary Session, O.S.L. 2006 (57 O.S. Supp. 2010, Section 38), which relates to reimbursement rates for incarcerated inmates; providing rate of reimbursement for inmates on electronic supervision; and providing an effective date.

HB 1815 – By Morgan of the House and Marlatt of the Senate.

An Act relating to revenue and taxation; making findings regarding administration of motor fuel taxation; stating legislative intent with respect to the provisions of Section 33 of Article V of the Oklahoma Constitution; amending 68 O.S. 2001, Sections 500.3, as amended by Section 2, Chapter 327, O.S.L. 2006, 500.4, 500.6, as last amended by Section 1, Chapter 256, O.S.L. 2010, 500.28, as amended by Section 3, Chapter 327, O.S.L. 2006, 500.33, 701 and 723 (68 O.S. Supp. 2010, Sections 500.3, 500.6 and 500.28), which relate to motor fuel taxation; modifying definitions; defining compressed natural gas; providing for levy of tax on compressed natural gas; providing for modification of levy based on expiration of certain tax credit; providing for apportionment of revenue; modifying statutory references; providing for collection of tax on compressed natural gas; modifying definition of special fuel; excluding compressed natural gas from definition of special fuel; eliminating references to compressed natural gas for purposes of tax decal; requiring fuel vendor license; providing for presumption regarding delivery of compressed natural gas until specified date; providing for noncodification; and providing an effective date.

HB 1821 – By Trebilcock of the House and Marlatt of the Senate.

(energy - Oil and Gas Exploration Rights Act of 2011 - solar energy agreement - exploration rights - eminent domain – codification)

HB 1826 – By Trebilcock, Ritze and Shelton of the House and Brinkley of the Senate.

An Act relating to public health and safety; providing that certain pharmacist shall be required to visit certain center no more than once per month; requiring test for human immunodeficiency virus in certain circumstances; defining term; providing for codification; and declaring an emergency.

HB 1835 – By Sanders, Dorman, Roberts (Dustin) and Cockroft of the House and Sykes of the Senate.

An Act relating to firefighters; amending Section 2, Chapter 515, O.S.L. 2004 (74 O.S. Supp. 2010, Section 325.1), which relates to the Oklahoma Council on Firefighter Training; increasing number of Council members; changing certain membership requirements; describing additional member requirement and duties; requiring Council to set minimum standards and oversee continuing education programs; providing for vice-chairperson; providing for selection of chairperson and vice-chairperson; eliminating staffing and funding sources; permitting Council to seek federal and private grants; increasing frequency of Council's meetings; amending Section 3, Chapter 515, O.S.L. 2004 (68 O.S. Supp. 2010, Section 2358.7), which relates to volunteer firefighter tax credits; changing program requirements for claiming tax credit; allowing programs offered by the Oklahoma Department of Career and Technology Education; eliminating certain education requirements; mandating equivalency be determined by the Oklahoma Council on Firefighter Training; specifying completion of annual training to claim tax credit; granting local fire chief authority to choose and approve training; eliminating certain duty of Oklahoma State University Fire Service Training program; requiring Oklahoma Council on Firefighter Training to provide Oklahoma Tax Commission with certain documents; and providing an effective date.

HB 1852 – By Shumate, Pittman and Shelton of the House and Eason McIntyre of the Senate.

An Act relating to schools; providing for the designation of contributions to the Public School Classroom Support Revolving Fund on certain tax forms; providing for impact on the tax refund; directing the Oklahoma Tax Commission to include certain instructions on tax forms; providing for reduction of tax refunds; providing for certain report; crediting certain amount to certain fund; providing for payment of certain administration costs; creating the Public School Classroom Support Revolving Fund; making the fund a continuing fund; stating source of funds; providing for budgeting and expenditure of monies; stating purpose; requiring expenditures to be made upon warrants; directing the State Board of Education to award grants to classroom teachers; specifying use of grants; directing the Board to establish certain criteria and a grant application process; requiring grants to be statewide and competitive; requiring the Board to promulgate rules; providing for codification; providing an effective date; and declaring an emergency.

HB 1854 – By Shumate of the House and Stanislawski of the Senate.

An Act relating to higher education; directing the Oklahoma State Regents for Higher Education to adopt an equal access policy for statewide professional educators' associations; specifying content of the policy; providing for codification; and providing an effective date.

HB 1903 – By Jackson of the House and Marlatt of the Senate.

An Act relating to revenue and taxation; providing for determination of timely mailing of certain documents; providing requirements; providing exception; addressing holiday situations; providing for codification; and providing an effective date.

HB 1909 – By Jackson of the House and Branan of the Senate.

An Act relating to oil and gas; stating legislative findings; creating the 2011 Shale Reservoir Development Act; providing short title; defining terms; granting the Corporation Commission jurisdiction of the certain permitting of multiunit horizontal wells and certain horizontal well unitization process; authorizing multiunit horizontal wells under certain conditions; stating process for allocation of costs, comingling of production and distribution of proceeds; providing for calculation and adjustment of the allocation factor; providing for ownership of undivided interest; allowing process for the pooling of interests; specifying contents of the application; allowing the comingling of certain production; requiring certain findings by the Commission; providing for allocation of wellbore royalty proceeds; making multiunit horizontal wells subject to certain provision of law; requiring certain application and notice; authorizing the Corporation Commission to retain jurisdiction over certain wells; authorizing the Commission to unitize certain shale reservoir for horizontal drilling; stating prerequisites for unitization; providing for entering an order by the Commission; stating size of unit; allowing for certain expansion under certain circumstances; providing for ownership of mineral rights; providing for allocation of certain costs to each tract within the unit; requiring applicants to file certain plan of development; listing requirements for plan; specifying criteria for the Commission order creating a unit; requiring consent of certain percentage of working interest owners and owners of record; requiring additional and supplementary hearing under certain conditions; requiring certain notice of an application to create a unit; allowing certain appeal; allowing certain owners to request the Commission to pool certain units; making certain operation of a well within a unit unlawful; providing for new unit to supersede certain existing pooling units; making payment of proceeds subject to certain laws; granting certain governmental entities the power to consent to certain unitization of certain public property; granting the Commission authority to retain jurisdiction over certain units; amending 52 O.S. 2001, Section 87.1, as amended by Section 2, Chapter 331, O.S.L. 2007 (52 O.S. Supp. 2010, Section 87.1), which relates to well spacing and pooling; updating and clarifying statutory language; modifying acreage allowed in certain units; authorizing Commission to increase or modify size or shape of certain well spacing units; amending 52 O.S. 2001, Section 287.3, which relates to the unitized management of common sources of supply; adding certain non-primary production efforts to certain findings for unitized management and operation; providing for codification; providing for noncodification; and declaring an emergency.

HB 1939 – By Jackson and Billy of the House and Johnson (Rob) and Myers of the Senate.

An Act relating to environment and natural resources; amending 27A O.S. 2001, Sections 2-11-401, 2-11-402, as last amended by Section 1, Chapter 230, O.S.L. 2005, and as renumbered by Section 8, Chapter 230, O.S.L. 2005, 2-11-403, as renumbered by Section 9, Chapter 230, O.S.L. 2005, and as last amended by Section 1, Chapter 194, O.S.L. 2010, 2-11-404, as renumbered by Section 10, Chapter 230, O.S.L. 2005, 2-11-405, as renumbered by Section 11, Chapter 230, O.S.L. 2005, and as last amended by Section 2, Chapter 194, O.S.L. 2010, 2-11-405.1, as renumbered by Section 12, Chapter 230, O.S.L. 2005, 2-11-409, as renumbered by Section 13, Chapter 230, O.S.L. 2005, and as last amended by Section 10, Chapter 413, O.S.L. 2010 and 2-11-413, as renumbered by Section

14, Chapter 230, O.S.L. 2005, and as last amended by Section 4, Chapter 146, O.S.L. 2007 (27A O.S. Supp. 2010, Section 2-11-401.1, 2-11-401.2, 2-11-401.3, 2-11-401.4, 2-11-401.5, 2-11-401.6 and 2-11-401.7), which relate to the Oklahoma Waste Tire Recycling Act; changing the name of the act; changing the word waste to the word used throughout the act; changing the name of a waste tire facility to a used tire recycling facility throughout the act; modifying definitions; adding definition; changing the amount of certain used tire recycling fees; deleting certain used tire recycling fees; updating statutory references; modifying allocation of the monies in the Used Tire Recycling Indemnity Fund; providing for allocation of certain percentage to the Department of Environmental Quality Revolving Fund; specifying use of the monies; providing for allocation of the balance; deleting certain sworn affidavit requirements; requiring documentation of remittance of certain fees; modifying tire dump or landfill collection percentage requirements; authorizing the Department to determine the collection percentages; modifying basis for allocation of remaining monies in the Fund; directing the Department to promulgate certain rules by a certain date; authorizing the Department to solicit bids for remediation of tire dumps under certain conditions; modifying deposit requirements; amending 27A O.S. 2001, Section 2-2-201, as amended by Section 1, Chapter 301, O.S.L. 2010 (27A O.S. Supp. 2010, Section 2-2-201), which relates to advisory councils; amending 27A O.S. 2001, Section 2-10-802, as last amended by Section 2, Chapter 301, O.S.L. 2010 (27A O.S. Supp. 2010, Section 2-10-802), which relates to solid waste scales, fees and expenditures; changing the word waste to the word used; providing an effective date; and declaring an emergency.

HB 1953 – By McNeil and Pittman of the House and Mazzei of the Senate.

An Act relating to economic development; making legislative findings; creating the Oklahoma Quick Action Closing Fund; providing for sources of revenue; providing for expenditure of monies from fund; prescribing method for payment of expenditures; prescribing procedures; prescribing requirements for certain business establishments; requiring analysis by the Oklahoma Department of Commerce; requiring analysis of potential impact of business activity; imposing duties upon the Director of the Oklahoma Department of Commerce; prescribing certain selection criteria; requiring administrative rules; requiring evaluation to be submitted to President Pro Tempore of the Oklahoma State Senate and Speaker of the Oklahoma House of Representatives; providing for certain agreements; prescribing content of agreements; requiring certain information to be available through website; providing exemption for proprietary information; providing for imposition of lien; providing for repayment of certain amounts; providing for cessation of provisions based upon deposit, appropriation or apportionment to Quick Action Closing Fund; and providing for codification.

HB 1970 – By Grau, Trebilcock, Cockroft, Reynolds, Faught, Ownbey, Kern and Ritze of the House and Treat of the Senate.

An Act relating to public health and safety; amending Section 1, Chapter 48, O.S.L. 2010 (63 O.S. Supp. 2010, Section 1-729a), which relates to RU-486 for the purpose of inducing abortions; adding definitions; requiring that physicians prescribe certain drugs according to certain protocol; modifying duties of certain physicians; requiring physician to examine woman and document gestational age prior to administering certain drugs;

requiring follow-up appointment to be scheduled for certain patient; providing for severability; and providing an effective date.

HB 1979 – By Pittman and Shelton of the House and Eason McIntyre of the Senate.
(tourism and recreation - Oklahoma Freedom Trail Act - stating purpose - codification – noncodification - effective date)

HB 1983 – By Hoskin and Sherrer of the House and Burrage of the Senate.
An Act relating to criminal procedure; amending 22 O.S. 2001, Section 1161, as last amended by Section 1, Chapter 39, O.S.L. 2008 (22 O.S. Supp. 2010, Section 1161), which relates to acts of insane persons; defining term; and providing an effective date.

HB 1990 – By Sullivan of the House and Newberry of the Senate.
An Act relating to transportation; enacting the Oklahoma Inter-Modal Transportations Act; allowing establishment of public trusts by certain entities; requiring certain statutory provisions be followed; providing for appointment of trustees; providing eligibility requirements; providing for chair; providing for meetings; defining quorum; providing powers of trustees; providing for codification; and providing an effective date.

HB 1996 – By Sullivan of the House and Brown of the Senate.
An Act relating to insurance; amending 36 O.S. 2001, Sections 6202, as amended by Section 23, Chapter 125, O.S.L. 2007, 6203, as amended by Section 40, Chapter 176, O.S.L. 2009 and 6205, as last amended by Section 42, Chapter 176, O.S.L. 2009 (36 O.S. Supp. 2010, Sections 6202, 6203 and 6205), which relate to the Insurance Adjusters Licensing Act; adding definition; modifying exceptions to licensing requirements; prohibiting licensing of certain applicants unless certain conditions are met; and providing an effective date.

HB 1998 – By Dorman and Pittman of the House and Shortey of the Senate.
An Act relating to revenue and taxation; providing income tax checkoff for domestic violence and sexual assault services; allowing taxpayer to designate portion of tax liability into fund; defining term; directing placement of funds; creating the Domestic Violence and Sexual Assault Services Revolving Fund; allowing Attorney General to distribute monies in fund; specifying method of payment of funds; requiring notice on website; allowing refund for certain donations; providing time limit for refund; providing income tax checkoff for volunteer fire departments; allowing taxpayer to designate portion of tax liability into fund; directing placement of funds; creating the Volunteer Fire Department Revolving Fund; allowing the Office of the State Fire Marshal to distribute monies in fund; specifying method of payment of funds; allowing refund for certain donations; providing time limit for refund; providing income tax checkoff for certain Lupus research; allowing taxpayer to designate portion of tax liability into fund; directing placement of funds; creating the Oklahoma Lupus Revolving Fund; allowing the State Department of Health to distribute monies in fund; specifying method of payment of funds; allowing refund for certain donations; providing time limit for refund; amending Section 1, Chapter 254, O.S.L. 2009 and Section 1, Chapter 307, O.S.L. 2010 (68 O.S. Supp. 2010, Sections 2368.17 and

2368.21), which relate to income tax refund donations; removing donation limits; providing for codification; and providing an effective date.

HB 2004 – By Dorman of the House and Shortey of the Senate.

An Act relating to public retirement systems; amending 70 O.S. 2001, Section 17-105, as last amended by Section 2, Chapter 357, O.S.L. 2010 (70 O.S. Supp. 2010, Section 17-105), which relates to certain death benefits; providing for disclaimer of benefits; providing for transfer of disclaimed benefits to certain licensed funeral directors; prescribing procedural requirements; providing an effective date; and declaring an emergency.

HB 2021 – By Sullivan of the House and Aldridge of the Senate.

An Act relating to torts; amending 76 O.S. 2001, Section 19, as last amended by Section 1, Chapter 88, O.S.L. 2005 (76 O.S. Supp. 2010, Section 19), which relates to access to medical records; including copies by facsimile in establishing maximum charge for records; modifying persons allowed to access specified records; establishing maximum cost for records provided in certain form; prohibiting mailing fee for copies provided by facsimile; and providing an effective date.

HB 2023 – By Sullivan of the House and Sykes of the Senate.

An Act relating to civil procedure; providing for admissibility of evidence of actual amounts paid for medical bills; providing amount that is admissible if lien is filed; specifying procedure when no payment is made; establishing date for applicability; requiring signed statement; providing that statement is part of the record; providing for codification; and providing an effective date.

HB 2032 – By Sullivan of the House and Newberry of the Senate.

An Act relating to counties and county officers; amending 19 O.S. 2001, Section 953, which relates to retirement systems of county employees; modifying population requirements; and providing an effective date.

HB 2033 – By Sullivan of the House and Anderson of the Senate.

(labor - amending various sections in Title 40 - Standards for Workplace Drug and Alcohol Testing Act - repealing 3 sections in Title 40 - effective date)

HB 2038 – By Sullivan and Sherrer of the House and Sykes of the Senate.

An Act relating to workers' compensation; amending 85 O.S. 2001, Section 3.7, which relates to the powers and duties of the Workers' Compensation Court Administrator; and modifying duties.

HB 2072 – By Key of the House and Brown of the Senate.

(insurance - amending various sections in Title 36 - repealing various sections in Title 36 – codification – noncodification - effective date – emergency)

HB 2073 – By Key of the House and Brown of the Senate.

An Act relating to unauthorized insurers and surplus lines insurance; creating the Unauthorized Insurers and Surplus Lines Insurance Act; providing short title; defining

terms; authorizing the Insurance Commissioner to enter into certain agreements; amending 36 O.S. 2001, Sections 1101, as amended by Section 10, Chapter 222, O.S.L. 2010, Section 22, Chapter 176, O.S.L. 2009, 1103, as amended by Section 12, Chapter 222, O.S.L. 2010, 1105, as amended by Section 14, Chapter 222, O.S.L. 2010, 1106, as last amended by Section 15, Chapter 222, O.S.L. 2010, 1107, as amended by Section 16, Chapter 222, O.S.L. 2010, 1108, as amended by Section 17, Chapter 222, O.S.L. 2010, 1109, as last amended by Section 18, Chapter 222, O.S.L. 2010, 1111, 1112, as amended by Section 10, Chapter 307, O.S.L. 2002, 1113, 1114, 1115, as last amended by Section 19, Chapter 222, O.S.L. 2010, 1116, as last amended by Section 20, Chapter 222, O.S.L. 2010 and 1118, as amended by Section 21, Chapter 222, O.S.L. 2010 (36 O.S. Supp. 2010, Sections 1101, 1101.1, 1103, 1105, 1106, 1107, 1108, 1109, 1112, 1115, 1116 and 1118), which relate to the Unauthorized Insurers and Surplus Lines Insurance Act; requiring certain transactions to be only performed by a surplus lines licensee or broker; specifying that certain surplus lines premiums shall be subject to surplus premium tax pursuant to certain agreements entered into by the Insurance Commissioner; modifying service of process; modifying circumstances for award of certain attorney fees; modifying conditions in which insurance may be procured from surplus lines insurers; providing procedures for the procurement of certain insurance for an exempt commercial purchaser; defining term; specifying information to be submitted to the surplus lines clearinghouse; providing schedule for filing and payment of certain taxes; providing penalty for failure to file certain information; allowing certain coverage to be placed with certain insurers; clarifying type of licensee; requiring surplus lines insurer to meet certain financial requirements; requiring certain information submitted to the surplus lines clearinghouse to be retained by certain licensees or brokers; modifying procedures relating to the levying, collection, payment and distribution of the surplus lines premium tax; providing for codification; and declaring an emergency.

HB 2075 – By Mulready of the House and Brown of the Senate.

(insurance - amending various sections in Title 36 - Employer Health Insurance Purchasing Group Act - membership - effective date)

HB 2080 – By Key of the House and Brown of the Senate.

An Act relating to insurance; amending 36 O.S. 2001, Section 3636, as last amended by Section 31, Chapter 176, O.S.L. 2009 (36 O.S. Supp. 2010, Section 3636), which relates to uninsured motorist insurance coverage requirements; prohibiting the stacking of certain insurance policies; and providing an effective date.

HB 2130 – By Steele and McCullough of the House and Jolley of the Senate.

An Act relating to insurance; amending Section 2, Chapter 128, O.S.L. 2009 (36 O.S. Supp. 2010, Section 4602), which relates to the duties of the Health Care for the Uninsured Board; providing that the Executive Director shall advise and aid Board; specifying the Secretary of Health and Human Services shall be the Executive Director; providing for appointment of Board; specifying backgrounds of appointees; providing for the appointment of the original Board; specifying term of Board membership; providing for appointment of vacant positions; requiring initial meeting of Board; directing State Department of Health to provide space for meetings; changing agencies that direct

implementation and duties of the Board; directing Board to apply for certain grants and funds; modifying Insurance Commissioner duties; and providing an effective date.

HB 2156 – By Murphey of the House and Jolley of the Senate.

An Act relating to statutes and reports; amending 75 O.S. 2001, Section 12a, which relates to legislative bills and resolutions; providing for electronic enrollment of bills and resolutions; providing for electronic transmittal of bills and resolutions and amendments thereto between the two houses of the Legislature; authorizing electronic transmittal of bills and resolutions to the Office of the Governor and the Office of the Secretary of State; authorizing electronic signatures; requiring certain safeguard; requiring agreement of transmitting and receiving parties; and making certain persons guardians of electronic signatures.

HJR 1028 – By Morrissette, Hamilton and Holland of the House and Rice of the Senate.

A Joint Resolution directing the Secretary of State to refer to the people for their approval or rejection a proposed amendment to Section 23 of Article V of the Constitution of the State of Oklahoma; modifying provisions related to certain activity authorized for legislators; prohibiting compensation, remuneration or reimbursement from state governmental entities for prescribed period for former legislators and statewide officials; providing exception for retirement benefits or distributions from certain retirement plans for former legislators and statewide officials; providing exception for legislators and statewide officials returning to certain employment; authorizing employment of former legislators and statewide officials by certain political subdivisions; authorizing former legislators to serve in the Governor's Executive Cabinet; authorizing former legislators to receive compensation if elected to another public office; providing ballot title; and directing filing.

The above-numbered measures were read the first time.

EXECUTIVE NOMINATIONS

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

Burger, Martha, Oklahoma City, as a member of the State Board of Health - Health and Human Services

Hayes, Martin, M.D., McAlester, as a member of the Physicain Manpower Training Commission - Health and Human Services

Reese, James Lee, Nardin, as a member of the State Board of Agriculture - Agriculture and Rural Development

Reese, James L., Nardin, as the Cabinet Secretary of Agriculture - Agriculture

Senator Schulz moved that when the clerk's desk is clear, the Senate stand adjourned to convene Wednesday March 23, 2011, at 1:30 p.m., which motion prevailed.

SECOND READING

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

- HB 1002** – Retirement and Insurance
- HB 1220** – Health and Human Services
- HB 1222** – Business and Commerce
- HB 1228** – Health and Human Services
- HB 1229** – Public Safety
- HB 1231** – Finance
- HB 1283** – General Government
- HB 1284** – Finance
- HB 1285** – Finance
- HB 1356** – Judiciary
- HB 1358** – Judiciary
- HB 1360** – Judiciary
- HB 1362** – Finance
- HB 1366** – Energy
- HB 1377** – Health and Human Services
- HB 1381** – Appropriations
- HB 1421** – Education
- HB 1461** – Public Safety
- HB 1468** – Rules
- HB 1481** – Energy
- HB 1559** – Judiciary
- HB 1634** – Finance
- HB 1642** – Health and Human Services
- HB 1917** – Education
- HB 1954** – Finance
- HB 1957** – Agriculture and Rural Development
- HB 1992** – General Government
- HB 2024** – Judiciary
- HB 2028** – Judiciary
- HB 2128** – Rules

Pursuant to the Schulz motion, the Senate adjourned at 1:45 p.m. to meet Wednesday March 23, 2011, at 1:30 p.m.