1	SENATE FLOOR VERSION								
2	April 11, 2011 As Amended								
3	ENGROSSED HOUSE								
4	BILL NO. 1086 By: Murphey, Cockroft, Grau, Kern and Nollan of the								
_	House								
5	and								
6	Jolley of the Senate								
7									
8									
9	[state government - enacting the Transparency, Accountability and Innovation in Oklahoma State Government 2.0 Act of 2011 - noncodification -								
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11	codification - effective date - emergency]								
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13	BE IT ENACTED BY THE PEOPLE OF THE STATE OF OKLAHOMA:								
14	SECTION 1. NEW LAW A new section of law not to be								
15	codified in the Oklahoma Statutes reads as follows:								
16	This act shall be known and may be cited as the "Transparency,								
17	Accountability and Innovation in Oklahoma State Government 2.0 Act								
18	of 2011".								
19	SECTION 2. AMENDATORY 62 O.S. 2001, Section 41.21, as								
20	last amended by Section 41, Chapter 441, O.S.L. 2009, and as								
21	renumbered by Section 64, Chapter 441, O.S.L. 2009 (62 O.S. Supp.								
22	2010, Section 34.64), is amended to read as follows:								
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Section 34.64 A. Except as otherwise provided in the Oklahoma
 State Finance Act, procedures for paying claims or payrolls shall
 include the following:

All miscellaneous claims and payroll claims for the payment
 of money from the State Treasury, shall be filed with the Director
 of the Office of State Finance for audit and settlement prior to
 being filed for payment with the State Treasurer;

8 2. The Director of the Office of State Finance may establish 9 alternative procedures for the settlement of claims whenever such 10 procedures are more advantageous so long as they are consistent with 11 the requirements of state law;

3. Such alternative procedures shall be at the discretion of the Director of the Office of State Finance and may include, but are not limited to:

a. a procedure to permit consolidated payment to vendors
for claims involving more than one agency of the state
when audit and settlement of such claims, as
hereinafter provided, can in all respects be
accomplished,

b. procedures based upon valid statistical sampling
models for preaudit of claims, against contracts,
purchase orders and other commitments before entering
such claims against the accounts, and

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1 с. policies, procedures and performance criteria for the 2 participation of agencies or departments, not authorized by this section, to engage in an 3 alternative system for the settlement of claims; and 4 5 4. The Director of the Office of State Finance may use a numeric or alphanumeric designation to cross-reference claims or 6 payrolls to check warrant numbers, transfer entry or optional 7 settlement mode used in the payment thereof. 8

B. After claims or payrolls or both have been properly audited
and recorded against the respective contracts, purchase orders,
other commitments and accounts, the Division of Central Accounting
and Reporting shall certify such claims or payrolls to the State
Treasurer for payment.

14 C. It shall be the responsibility of the Division of Central15 Accounting and Reporting to determine that:

All material legal requirements concerning the expenditure
 of monies involved in each claim or payroll have been complied with;

Funds have been properly and legally allotted for the
 payment of the claim or payroll; and

3. A sufficient balance exists for the payment of same.
D. The Director of the Office of State Finance or bonded
employees in the Division of Central Accounting and Reporting
authorized by the Director shall certify to the State Treasurer that
the claim or payroll has been approved for payment.

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E. 1. The Director of the Office of State Finance shall be authorized to establish necessary agency disbursing funds to efficiently accommodate the cash flow requirements of applicable federal regulations, bond indebtedness and other directives deemed appropriate by the Director.

Agencies operating such disbursing funds are authorized to
establish a preaudit and settlement system for claims or payments or
both relating to the purposes of the stated directives.

9 3. The State Treasurer shall establish procedures for the state
10 in accordance with Federal Banking and National Automated Clearing
11 House Association standards and agencies shall be required to
12 utilize automated clearing house procedures established by the State
13 Treasurer.

No individual or entity shall be required to have a bank
 account unless required by federal law or federal regulation.

16 5. Agencies shall be further required to present these
17 transactions to the Office of State Finance in a summarized format
18 and shall include any accounting information necessary as determined
19 by the Director of the Office of State Finance including, but not
20 limited to, information related to federal law.

21 6. Administrative expenditures shall not be eligible for these22 procedures.

7. The efficiency of the payment system shall be consideredwhen the interest earnings of the state are not diminished.

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F. The Director of the Office of State Finance shall be
authorized to process payments for federal tax withholding without
claim forms. The Director shall establish a separate fund for the
purpose of accumulating federal income tax withholding from payrolls
and remitting same to the United States Treasury.

G. 1. The Director of the Office of State Finance shall be
authorized to process, without claim forms, interest payments to the
U.S. Treasury as required by federal law.

9 2. Agencies are responsible for the accrual of such interest 10 liability of the state and shall provide payment to the Office of 11 State Finance in the amount and method prescribed by the Director of 12 the Office of State Finance.

3. Any liability of the U.S. Treasury as determined by federal
law shall be deposited in the State Treasury and transferred by the
Director of the Office of State Finance to the General Revenue Fund
of the state subsequent to final determination and necessary audit
resolution.

H. Notwithstanding any other provision of law, all payments
disbursed from the State Treasury shall be conveyed solely through
an electronic payment mechanism. The State Treasurer may provide an
exemption from the provision of this subsection, with cause,
provided the name of each vendor and the cause for the exemption is
published in a report which is featured prominently on the State
Treasurer's website.

1SECTION 3.AMENDATORY74 O.S. 2001, Section 20, is2amended to read as follows:

Section 20. A. The Attorney General shall annually publish all 3 of the written opinions which he promulgates in connection with the 4 5 interpretation of the laws of the State of Oklahoma. One copy of the bound volume shall be sent to each member of the Legislature, 6 each state officer, the chairman of each board or commission, and 7 the county law library in each county in the state where the same 8 9 shall be available to the public and fifty copies an electronic copy 10 shall be sent to the Publications Clearinghouse of the Oklahoma Department of Libraries for purposes of exchange as set out in Title 11 65 of the Oklahoma Statutes. A copy of each annual volume is to be 12 placed on file in the Secretary of State's Office and shall be 13 available for public inspection. 14

B. The Attorney General is hereby authorized to sell any
surplus bound volumes and requested individual copies of opinions to
help cover the cost of the publication, postal charges and other
necessary expenses and proceeds of such sales shall be deposited
into the fund herein established.

20 C. There is hereby created in the State Treasury a revolving 21 fund for the Attorney General, to be designated the Attorney 22 General's Revolving Fund. The fund shall be a continuing fund, not 23 subject to fiscal year limitations, and shall consist of all monies 24 received from the sale of copies of surplus bound volumes and

requested individual copies of opinions and such other monies as are
 provided for by law. Expenditures from said fund shall be made upon
 warrants issued by the State Treasurer against claims filed as
 prescribed by law with the Director of <u>the Office of</u> State Finance
 for approval and payment.

6 SECTION 4. NEW LAW A new section of law to be codified 7 in the Oklahoma Statutes as Section 34.11.3 of Title 62, unless 8 there is created a duplication in numbering, reads as follows:

9 A. There is hereby established the "Oklahoma State Government
10 Open Documents Initiative".

B. The Chief Information Officer shall develop and maintain an
online web presence at the web address "documents.ok.gov". The site
shall allow public access to electronic documents described in this
section. The site shall include functionality allowing site
visitors to search the documents by term.

The Chief Information Officer shall promulgate procedures by 16 С. which each state agency, board, commission, and public trust having 17 the State of Oklahoma as a beneficiary shall submit a searchable 18 electronic version of each publication to the "documents.ok.gov" 19 website. The procedures shall require submission to the site of all 20 publications otherwise required by law to be submitted to either the 21 Publications Clearinghouse of the Department of Libraries, the 2.2 Governor, the Speaker of the House of Representatives or the Speaker 23 Pro Tempore of the Senate. The procedures shall require the 24

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electronic documents to be provided in an indexed format which
 enables the document to be searched by specific term.

D. State agencies, boards, commissions, and public trusts
having the State of Oklahoma as a beneficiary shall comply with
procedures promulgated pursuant to the terms of this section.
SECTION 5. NEW LAW A new section of law to be codified
in the Oklahoma Statutes as Section 34.11.4 of Title 62, unless
there is created a duplication in numbering, reads as follows:

9 A. There is hereby established the "Oklahoma State Government10 Forms One-Stop Initiative".

B. The Chief Information Officer shall develop and maintain an
online web presence at the web address "forms.ok.gov". The site
shall allow public access to forms described in this section. The
site shall include functionality allowing site visitors to search
the forms by term.

C. The Chief Information Officer shall promulgate procedures by which each state agency, board, commission, and public trust having the State of Oklahoma as a beneficiary shall submit a searchable electronic version of each form to the "forms.ok.gov" website. The procedures shall require the forms to be provided in an indexed format which enables the form to be searched by specific term.

D. State agencies, boards, commissions, and public trusts having the State of Oklahoma as a beneficiary shall comply with procedures promulgated pursuant to the terms of this section.

1 SECTION 6. AMENDATORY Section 1, Chapter 327, O.S.L. 2 2007, as amended by Section 2, Chapter 475, O.S.L. 2010 (62 O.S. Supp. 2010, Section 46), is amended to read as follows: 3 Section 46. A. This act shall be known and may be cited as the 4 5 "Taxpayer Transparency Act". 6 в. As used in the Taxpayer Transparency Act: "Single website" means a website that allows the public to 7 1. access information identified in subsection C of this section 8 9 without any fee or charge to the public for such access; 10 2. "Expenditure of state funds" means the disbursement of state funds, whether appropriated or nonappropriated, excluding: 11 12 a. the transfer of funds between two state agencies, b. payments of state or federal assistance to an 13 individual, 14 child support payments, and 15 c. refunds issued by the Oklahoma Tax Commission 16 d. resulting from the overpayment of tax; 17 "Incentive payments" means payments made under the Oklahoma 18 3. Quality Jobs Program Act, Saving Quality Jobs Act, Oklahoma Quality 19 Jobs Incentive Leverage Act, Small Employer Quality Jobs Incentive 20 Act, Oklahoma Specialized Quality Investment Act and Oklahoma 21 Quality Investment Act; 2.2 "Tax credit" means a credit pursuant to the Oklahoma Income 4. 23 Tax Act against tax liability which is taken by a taxpayer, 24

1 excluding credits authorized under paragraphs 1 and 2 of subsection 2 B of Section 2357 and Sections 2357.29 and 2357.43 of Title 68 of 3 the Oklahoma Statutes; and

5. "Stimulus funds expenditure" means the disbursement by state agencies of federal funds received pursuant to the federal American Recovery and Reinvestment Act of 2009.

C. No later than January 1, 2008, the Office of State Finance 7 shall develop and operate a single website accessible by the public. 8 9 The website shall include aggregate information on state revenue, 10 expenditures and incentive payments and information on state tax preferences as contained in the tax expenditure report published by 11 the Oklahoma Tax Commission pursuant to subsection E of Section 205 12 of Title 68 of the Oklahoma Statutes. No later than January 1, 13 2009, the website shall include search capabilities. 14

D. As soon as practicable after January 1, 2008, such websiteshall also include, but not be limited to:

1. For the expenditure of state funds or incentive payments: 17 the name and principal location of the entity and/or a. 18 recipients of the funds, excluding release of 19 information relating to an individual's place of 20 residence, release of information prohibited by 21 subsection D of Section 24A.7 of Title 51 of the 2.2 Oklahoma Statutes or by federal law relating to 23 24 privacy rights,

1	b. the amount of state funds expended,
2	c. the type of transaction,
3	d. the funding or expending agency, and
4	e. a descriptive purpose of the funding action or
5	expenditure;
6	2. For stimulus fund expenditures:
7	a. a link to the name and principal location of the
8	entity and/or recipients of the funds regardless of
9	amount,
10	b. the amount of stimulus funds expended,
11	c. the funding or expending agency, and
12	d. a descriptive purpose of the funding action or
13	expenditure; and
14	3. For each tax credit, information, including but not limited
15	to:
16	a. the name of each taxpayer to which a credit has been
17	granted,
18	b. the amount of such credit, and
19	c. the specific provision under which a credit has been
20	granted.
21	E. The single website provided for in subsection C of this
22	section shall include data on state revenue, expenditures and
23	incentive payments for the fiscal year 2007 and each fiscal year
24	thereafter, on state tax credits for tax year 2007 and each tax year

thereafter, and on stimulus fund expenditures for the fiscal year 2009 and each fiscal year thereafter. Such data shall be available on the single website no later than one hundred twenty (120) days after the last day of the preceding fiscal year; provided, data on stimulus fund expenditures for the fiscal year 2009 shall be available on the single website within one hundred twenty (120) days after the effective date of this act.

8 F. The Oklahoma Tax Commission, the Office of the State 9 Treasurer, all institutions of The Oklahoma State System of Higher 10 Education and any other state agency shall provide to the Office of 11 State Finance such information as is necessary to accomplish the 12 purposes of the Taxpayer Transparency Act.

G. <u>No later than January 1, 2012, the Office of State Finance</u>
<u>shall include as part of the single website all spending data</u>
<u>subject to publication by the "School District Transparency Act" in</u>
Title 70 of the Oklahoma Statutes.

<u>H.</u> So that the Tax Commission may fulfill its obligations as required by this section, all recipients of tax credits, as that term is defined herein, shall file their reports or returns claiming the tax credits in an electronic format, as may be required by the Tax Commission. The Tax Commission may disallow any claim of a person for a tax credit due to its failure to file a report or return as required under the authority of this subsection.

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H. I. Nothing in the Taxpayer Transparency Act shall require
 the disclosure of information which is required to be kept
 confidential by state or federal law.

4 I. J. The disclosure of information required by this section
5 shall create no liability whatsoever, civil or criminal, to the
6 State of Oklahoma or any member of the Office of State Finance or
7 any employee thereof for disclosure of the information or for any
8 error or omission in the disclosure.

9 J. K. The State Auditor and Inspector shall maintain a website providing public access to the documentation of stimulus funding 10 pursuant to the requirements of this section. The website shall 11 12 provide a list of all stimulus fund expenditures regardless of amount. The entire list of stimulus fund expenditures and each of 13 the related content requirements as detailed in subsection D of this 14 section shall be available for export in standardized formats 15 including but not limited to eXtensible Markup Language (XML) and 16 Comma Separated Value (CSV) formats. The list of expenditures shall 17 include searchable functionality including but not limited to the 18 ability to search the expenditures by the name of the entity 19 receiving funding, name of entity processing funding and name of 20 entity benefiting from funding. 21

22 K. L. Information about tax credits subject to disclosure
23 pursuant to this section shall include the identity of all taxpayers

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or organizations having any part in the chain of custody or claim to
 the credit or credits at any time during the credit's existence.

3 SECTION 7. NEW LAW A new section of law to be codified 4 in the Oklahoma Statutes as Section 34.11.5 of Title 62, unless 5 there is created a duplication in numbering, reads as follows:

A. There is hereby established the "Oklahoma State Government7 Geographic Information One-Stop Initiative".

B. The State Geographic Information Coordinator shall develop
and maintain an online web presence at the web address
"maps.ok.gov". The site shall allow public access to geodata
described in this section.

12 C. The State Geographic Information Coordinator shall 13 promulgate procedures by which each state agency, board, commission 14 and public trust having the State of Oklahoma as a beneficiary shall 15 submit geodata to the Office of Geographic Information to be 16 published on the "maps.ok.gov" website.

D. For the purposes of this section the term "geodata" shall mean information which can be presented as a component of a geographic or spatial presentation.

E. State agencies, boards, commissions and public trusts having the State of Oklahoma as a beneficiary shall comply with procedures promulgated pursuant to the terms of this section.

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SECTION 8. NEW LAW A new section of law to be codified
 in the Oklahoma Statutes as Section 34.11.6 of Title 62, unless
 there is created a duplication in numbering, reads as follows:

A. There is hereby established the "Oklahoma State Government
5 Payroll Processing One-Stop Initiative".

B. The Director of the Office of State Finance shall promulgate
procedures by which state agencies shall enter into a sharedservices arrangement with the Office of State Finance for the
provision of payroll processing services.

C. State agencies shall comply with procedures promulgated
 pursuant to the terms of this section.

12 SECTION 9. AMENDATORY Section 4, Chapter 475, O.S.L. 13 2010 (62 O.S. Supp. 2010, Section 34.11.2), is amended to read as 14 follows:

15 Section 34.11.2 A. There is hereby established the Oklahoma
16 State Government 2.0 pilot program initiative.

B. The State Governmental Technology Applications Review Board
shall consider and may approve a standardized social media policy
for use by state agencies, boards, commissions and public trusts
having the State of Oklahoma as a beneficiary.

C. The board shall establish open technology standards and a
schedule by which state agencies, boards, commissions and public
trusts having the State of Oklahoma as a beneficiary shall utilize
these standards to provide citizens with web-based interactivity to

state government services. Whenever possible these standards shall
 match commonly used standards by other government entities.

The board shall set a schedule by which state agencies, D. 3 boards, commissions and public trusts having the State of Oklahoma 4 5 as a beneficiary shall publish and update convenience information sets which shall be accessible through standardized application 6 programming interfaces and published in standardized formats 7 including but not limited to eXtensible Markup Language (XML) and 8 9 Comma Separated Value (CSV) formats. The board shall establish 10 application programming interface standards which enable access to convenience information sets. The schedule shall place an emphasis 11 12 on first making accessible convenience information sets most commonly requested in open records requests. A directory and link 13 to all available convenience information sets shall be prominently 14 featured on the portal system referenced in Section 34.24 of Title 15 62 of the Oklahoma Statutes this title and if possible linked to the 16 "data.ok.gov" web portal. 17

E. The board may conduct events and contests to provide recognition of software application development provided that the application being recognized utilizes standards established in this section to the benefit of the citizens of Oklahoma.

F. The board shall establish an application process through
which applicants can request the scheduled implementation of
application programming interfaces, creation of open technology

standards and publication of convenience information sets pursuant to the provisions of this section. Instructions regarding the application process shall be prominently featured on the portal system referenced in Section 34.24 of Title 62 of the Oklahoma Statutes this title.

G. State agencies, boards, commissions and public trusts having
the State of Oklahoma as a beneficiary shall comply with the
policies, schedules and standards established by this section.

9 Η. The board shall implement standardized policies by which 10 state agencies may accept terms of service related to liability issues for the usage of social media services, contracts for 11 12 technology products and technology service contracts provided the 13 liability clause in the terms of service or contract contains standard language including a liability agreement which is 14 considered customary or largely similar to terms of service agreed 15 to or contracts entered into by other government entities and 16 private sector enterprises. 17

I. <u>The board shall promulgate performance metrics and</u> guidelines which shall be used to establish criteria which govern participation in the "State Government Employee Performance Transparency Pilot Program". The board shall set a schedule for the publication of performance information metrics through the "data.ok.gov" website.

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1 J. For the purposes of this section, "open technology 2 standards" are widely accepted standards and mechanisms for the webbased connectivity and asynchronous communication between software 3 "Application programming interface" is a standardized 4 programs. 5 interface enabling a standard form of connectivity between convenience information sets and software programs, "performance 6 information metrics" are sets of information which reflect the 7 performance of state employees and state agencies, and "convenience 8 9 information sets" are sets of information which are subject to 10 public access under the Oklahoma Open Records Act and which do not contain personally identifiable information. 11

12 SECTION 10. NEW LAW A new section of law to be codified 13 in the Oklahoma Statutes as Section 34.11.1.1 of Title 62, unless 14 there is created a duplication in numbering, reads as follows:

A. The Chief Information Officer shall source and submit to the
State Governmental Technology Applications Review Board proposed
state employee performance information metrics, convenience
information sets and other data streams for possible publication on
the "data.ok.gov" website in accordance with guidelines established
by Section 34.11.2 of Title 62 of the Oklahoma Statutes.

B. The Chief Information Officer shall assist the State
Governmental Technology Applications Review Board with developing
performance metrics pursuant to the requirements of Section 34.27 of
Title 62 of the Oklahoma Statutes.

C. The following data sets shall be placed online at the
 "data.ok.gov" website:

All state expenditures which shall include but not be
 limited to the name and address of the recipient of the expenditure,
 amount of expenditure, entire description of item or service
 purchased, date of expenditure, agency making expenditure and
 account from which the expenditure is made;

8 2. A detailed listing of all state revolving funds and the
9 amount contained in each fund to be updated on a monthly basis; and
10 3. All spending data subject to publication by the School
11 District Transparency Act.

12 SECTION 11. NEW LAW A new section of law to be codified 13 in the Oklahoma Statutes as Section 34.11.7 of Title 62, unless 14 there is created a duplication in numbering, reads as follows:

A. The State Governmental Technology Applications Review Board
shall establish performance reporting metrics for each state
employee who begins participating in telework following the
effective date of this act. These reports shall be published
through the "data.ok.gov" website.

B. Prior to the lease, purchase, rental or issuance of bonds
for the use of additional office space, state agencies shall receive
certification from the State Governmental Technology Applications
Review Board that no state employee jobs in that agency can be
performed through telework.

C. The Oklahoma Healthcare Authority shall authorize one
 division of employees to participate in a telework pilot program
 pursuant to the terms of this section.

D. For the purposes of this section, "performance reporting
metrics" shall mean a set of criteria which demonstrates the
quantity and quality of work. "Telework" shall mean work which is
performed outside of the traditional on-site work environment.

8 SECTION 12. NEW LAW A new section of law to be codified 9 in the Oklahoma Statutes as Section 34.11.8 of Title 62, unless 10 there is created a duplication in numbering, reads as follows:

A. There is hereby established the "Oklahoma State Government
IT Project Monitoring and Transparency Initiative".

B. The Chief Information Officer shall develop and maintain an
online web presence at the web address "projects.ok.gov". The site
shall allow the public to monitor the status of every information
technology project resulting in expenditure in excess of One Hundred
Thousand Dollars (\$100,000.00).

C. A report of each project subject to the terms of this initiative shall be updated regularly and provide the public with updates as to the status of the project's estimated completion time, deliverables and cost. Projects shall be judged against clear metrics which shall be articulated on the website prior to the commencement of each project.

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SECTION 13. NEW LAW A new section of law to be codified
 in the Oklahoma Statutes as Section 85.7e of Title 74, unless there
 is created a duplication in numbering, reads as follows:

A. The Department of Central Services or its successor agency
shall utilize a wiki venue to provide for the public two-way
communication between procurement officers and potential vendors who
have questions regarding a request for proposal or invitation to
bid. The Department shall provide editing access to all interested
potential bidders and viewing access to all members of the public.

10 Β. The Department of Central Services or its successor agency shall provide agency-level procurement officers with a wiki platform 11 for reporting the availability of items for purchase at a cost which 12 is less than comparable products on a mandatory statewide purchase 13 The Department shall provide wiki editing access to all 14 contract. state agency procurement officers and viewing access to all members 15 of the public. 16

17 C. State agency procurement officers shall utilize the wiki 18 described in subsection B of this section to report all findings of 19 products which can be purchased for less than comparable products 20 which are on a mandatory statewide purchasing schedule.

D. For the purposes of this section, the term "wiki" shall mean a collaborative website which can be directly edited by anyone with editing access and viewed by all members of the public.

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E. Access to the wikis described in this section shall be
 featured prominently on the Department's website.

3 SECTION 14. AMENDATORY 74 O.S. 2001, Section 500.13, is 4 amended to read as follows:

Section 500.13 No reimbursement for registration fees for
attendance at meetings, workshops or conferences shall be made,
except upon written <u>or electronic</u> receipt for such expenditures.

8 SECTION 15. AMENDATORY 74 O.S. 2001, Section 500.15, is 9 amended to read as follows:

10 Section 500.15 All claims for reimbursement of travel expenses shall be submitted on the regular authorized form of travel expense 11 12 claim, and shall be signed by the official or employee performing the travel, and approved by the official or employee designated in 13 62 O.S. 1971, Section 41.26, for the agency in which the employee 14 works. Receipts may be provided to the Office of State Finance in 15 electronic form. No travel claim shall be awarded if the filer of 16 the claim has benefited from the personal receipt of frequent travel 17 miles unless those miles are used to offset future claims against 18 the state. 19

SECTION 16. This act shall become effective July 1, 2011.
SECTION 17. It being immediately necessary for the preservation
of the public peace, health and safety, an emergency is hereby
declared to exist, by reason whereof this act shall take effect and
be in full force from and after its passage and approval.

1	COMMITTEE PASS, As A	REPORT B	Y: COMM	ITTEE C	ON APPRO	PRIATIONS,	dated	4-6-11 -	- DO
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