

ENROLLED HOUSE  
BILL NO. 2237

BY: MAXEY, MITCHELL and  
HILLIARD of the HOUSE

and

LONG (Ed) of the SENATE

AN ACT RELATING TO THE J.D. McCARTY CENTER FOR HANDICAPPED CHILDREN, THE ENID STATE SCHOOL AND THE PAULS VALLEY STATE SCHOOL; AMENDING 10 O.S. 1991, SECTIONS 620.3, 1406, 1409, 1412 AND 1414.1, 47 O.S. 1991, SECTION 156, 56 O.S. 1991, SECTION 205, 62 O.S. 1991, SECTIONS 57.62, 57.122, 161, 165, 166d AND 195, AS AMENDED BY SECTION 5 OF ENROLLED SENATE BILL NO. 976 OF THE 2ND SESSION OF THE 43RD OKLAHOMA LEGISLATURE, 63 O.S. 1991, SECTIONS 1-502.1, 485.1, 485.3, 485.9, 485.10 AND 485.11, AND 74 O.S. 1991, SECTIONS 129.5, 129.6 AND 129.7, WHICH RELATE TO THE J.D. McCARTY CENTER FOR HANDICAPPED CHILDREN, THE ENID STATE SCHOOL AND THE PAULS VALLEY STATE SCHOOL; CHANGING THE NAMES OF THE J.D. McCARTY CENTER FOR HANDICAPPED CHILDREN, THE ENID STATE SCHOOL AND THE PAULS VALLEY STATE SCHOOL; CHANGING ADMISSION CRITERIA OF THE GREER CENTER FACILITY; MODIFYING EVALUATION OF PERSONS ADMITTED; MODIFYING ADMISSION COMMITTEE RECOMMENDATION; DECLARING LEGISLATIVE INTENT; PROVIDING FOR UTILIZATION OF EXPENDABLE SUPPLIES; DEFINING CERTAIN TERM; PROVIDING FOR NONCODIFICATION; PROVIDING AN EFFECTIVE DATE; AND DECLARING AN EMERGENCY.

BE IT ENACTED BY THE PEOPLE OF THE STATE OF OKLAHOMA:

SECTION 1. AMENDATORY 10 O.S. 1991, Section 620.3, is amended to read as follows:

Section 620.3 A. Prior to April 1, 1991, the following agencies shall promulgate uniform rules and adopt uniform procedures and forms for the maintenance, transfer and release of confidential information:

1. Department of Human Services;
2. Department of Mental Health and Substance Abuse Services;
3. State Department of Health;
4. State Department of Education;
5. State Department of Vocational and Technical Education;
6. Oklahoma Commission on Children and Youth;
7. J. D. McCarty Center for ~~Handicapped~~ Children with Developmental Disabilities; and
8. Department of Corrections.

B. Private agencies receiving public funds pursuant to a grant or contract with a state agency listed in subsection A of this section and providing institutional, community residential or community-based services, as defined by Section 1101 of Title 10 of the Oklahoma Statutes, to children and families, shall comply with

the rules regarding the maintenance, transfer and release of confidential information adopted by the governing board of the state agency or agencies from which they receive funds.

C. The provisions of this act shall not apply to court records of juvenile cases maintained by the district courts. The supervising judge of a statutorily-constituted juvenile bureau may establish court rules for the transfer and release of other confidential information maintained by the juvenile bureau which substantially conform with the rules, forms and procedures promulgated and adopted by state agencies pursuant to the provisions of this act.

SECTION 2. AMENDATORY 10 O.S. 1991, Section 1406, is amended to read as follows:

Section 1406. A. The Northern Oklahoma Resource Center of Enid State School, located at Enid, Oklahoma, the Southern Oklahoma Resource Center of Pauls Valley State School, located at Pauls Valley, Oklahoma, and the Hissom Memorial Center, located at Sand Springs, Oklahoma, are hereby transferred from the Board of Mental Health and Substance Abuse Services and the Department of Mental Health and Substance Abuse Services to the Oklahoma Public Welfare Commission. The Department of Mental Health and Mental Retardation shall hereafter be known as the Department of Mental Health and Substance Abuse Services.

B. Whenever the term "Enid State School" appears in the Constitution of Oklahoma or the Oklahoma Statutes, it shall mean the Northern Oklahoma Resource Center of Enid.

C. Whenever the term "Pauls Valley State School" appears in the Constitution of Oklahoma or the Oklahoma Statutes, it shall mean the Southern Oklahoma Resource Center of Pauls Valley.

SECTION 3. AMENDATORY 10 O.S. 1991, Section 1409, is amended to read as follows:

Section 1409. All powers and duties relating to the Northern Oklahoma Resource Center of Enid State School, the Southern Oklahoma Resource Center of Pauls Valley State School, and the Hissom Memorial Center formerly vested in the Mental Health Board, the Director of Mental Health, or in the Department of Mental Health and Substance Abuse Services are hereby transferred to the Commission for Human Services and the Oklahoma Department of Human Services.

SECTION 4. AMENDATORY 10 O.S. 1991, Section 1412, is amended to read as follows:

Section 1412. The Director, who should not be removed from office, except for cause, subject to the approval of the Commission, shall appoint an advisory committee to advise the Commission and Director on matters relating to the care and treatment of the mentally retarded. Such advisory committee shall include among its members representatives of state agencies and persons representative of professional, civic, or other public or nonprofit private agencies, organizations, or groups concerned with problems of the mentally retarded, including the Oklahoma Association for Mentally Retarded Children and the parent-guardian association of the Northern Oklahoma Resource Center of Enid State School, the Southern Oklahoma Resource Center of Pauls Valley State School, and the Hissom Memorial Center.

SECTION 5. AMENDATORY 10 O.S. 1991, Section 1414.1, is amended to read as follows:

Section 1414.1 A. In addition to the admissions requirements of Section 1414 of this title, the Greer Center Facility located on the grounds of the Northern Oklahoma Resource Center of Enid State School in Enid, Oklahoma, shall be established as a separate entity from the Northern Oklahoma Resource Center of Enid State School and

further shall provide for the admission of persons who have been dually diagnosed as follows:

1. Primary diagnosis of mental retardation by a psychologist, physician or psychiatrist. The diagnosis shall be in accordance with any statutory requirements and shall include intellectual evaluation, adaptive behavior evaluation, and evidence that retardation occurred within the developmental period. Preference shall be given for those individuals whose retardation level falls within the mild and moderate ranges; and

2. Secondarily, clinical evidence of behavioral or emotional problems pursuant to a formal, written evaluation by a psychologist, psychiatrist or physician describing the nature of the problem, the frequency of occurrence of the problem, any prior treatment efforts and reasons why the applicant cannot receive appropriate treatment in the applicant's current environment and a secondary diagnosis of mental illness in accordance with the Diagnostic and Statistical Manual of Mental Disorders, as revised and published by the American Psychiatric Association.

B. Persons with pending criminal charges shall not be considered for voluntary admission into the Greer Center Facility unless it can be clinically demonstrated that the behavior of the person does not pose an immediate danger to self or others. Persons considered for admission shall not be considered by a psychologist, psychiatrist, or physician as homicidal or suicidal and shall not have exhibited homicidal or suicidal tendencies for six (6) months prior to application for admission.

C. An applicant shall not be admitted to the Greer Center Facility if the applicant requires skilled nursing care. Applicants having a medical condition which is degenerative in nature that will require skilled nursing shall be considered on a case by case basis to ensure that sufficient staff is available to ensure quality of care. If an applicant has any existing medical or surgical condition that is correctable, the condition shall be remedied by the referring facility before admission to the Greer Center Facility is considered.

D. ~~The Greer Center Facility shall maintain a minimum of eight (8) beds which shall be used as a Diagnostic and Evaluation Unit.~~ Any person seeking admission to the Greer Center Facility for treatment, subject to the availability of space, shall be ~~immediately admitted to the Diagnostic and Evaluation Unit for evaluation pursuant to subsection F of this section.~~ All persons admitted to the Diagnostic and Evaluation Unit Greer Center Facility shall submit a referral packet to the director of the ~~Diagnostic and Evaluation Unit Greer Center Facility~~ which contains at a minimum, the following information or records:

1. results of a current physical exam;
2. recent physician orders and progress notes (up to one (1) year if available);
3. recent nursing notes (up to one (1) year if available);
4. fact sheet (medical records);
5. legal papers (birth certificate, marriage certificate, guardianship, etc.);
6. social history with a recent social evaluation or update (within one (1) year);
7. psychological exam administered or updated within ninety (90) days of referral;
8. dental records;
9. immunization record;
10. multi-disciplinary progress notes (up to one (1) year if available);

11. medical and medication history; and
12. Individual Habilitation Plan or Care Plan (if available).

E. The Greer Center Admissions Committee shall consist of a representative from the Department of Mental Health and Substance Abuse Services, a representative from the Greer Center Facility, and an independent psychologist or psychiatrist on contract with the Department of Human Services. The Committee shall make decisions regarding admissions to the programs of the Greer Center Facility. The Committee may request additional information concerning an applicant from the referring agency or participation by referring agency personnel as necessary.

F. Persons entering the ~~Diagnostic and Evaluation Unit of the~~ Greer Center Facility shall receive a comprehensive evaluation of their intellectual functioning, adaptive behavior skills, and mental health status, and shall receive a continuous active treatment program, which includes aggressive, consistent implementation of a program of specialized and generic training, treatment, health services and related services. ~~This~~ The evaluation and assessment shall be completed within thirty (30) days of admission to the ~~Diagnostic and Evaluation Unit~~ Greer Center Facility.

G. After the evaluation and assessment by the ~~Diagnostic and Evaluation Unit, the Diagnostic and Evaluation Unit~~ Greer Center Facility, staff shall present the individual's referral packet and their findings to the Greer Center Admissions Committee with a recommendation for continued admission or alternate treatment. The Admissions Committee shall make decisions regarding continued admission and shall notify the Department of Human Services, the Department of Mental Health and Substance Abuse Services and the referring agency in writing, stating specifically the decisions of the Committee regarding admission, including specific reasons for denial of admission. If an ~~applicant~~ applicant's admission is not ~~admitted to~~ continued at the Greer Center Facility after undergoing the ~~diagnostic and~~ evaluation process, the referring agency shall reimburse the Department of Human Services for the number of bed days used at the Medicaid rate for that unit. If an ~~applicant~~ applicant's admission is ~~admitted~~ continued, the applicant shall be certified for Medicaid reimbursement from the initial date of admission.

H. Individuals who have been admitted and served by the Greer Center Facility shall be eligible for readmission services on the same basis as an individual initially seeking services.

I. In addition to other discharge procedures and requirements provided by law, the interdisciplinary team of the Greer Center Facility shall have recommended discharge based upon a determination that the individual's mental or physical condition prevents the individual from receiving appropriate services at the Greer Center Facility and the individual shall have completed all primary goals of the individual's habilitation plan. The Developmental Disabilities Services Community Services Unit from the individual's placement area shall be consulted in the recommendations for placement and shall be responsible for coordinating the placement and follow up.

J. The Commission is authorized and hereby directed to promulgate and amend rules and regulations necessary to implement the provisions of this section.

SECTION 6. AMENDATORY 47 O.S. 1991, Section 156, is amended to read as follows:

Section 156. Unless otherwise provided for by law, no state board, commission, department, institution, official, or employee, except the Department of Public Safety, the Department of Human

Services, the Department of Wildlife Conservation, the Department of Corrections, the State Department of Education, the Oklahoma School of Science and Mathematics, the Oklahoma State Bureau of Narcotics and Dangerous Drugs Control, the Oklahoma State Bureau of Investigation, the Transportation Commission, the Department of Agriculture, the State Department of Health, the Department of Mental Health and Substance Abuse Services, the Oklahoma Tourism and Recreation Department, the Oklahoma Conservation Commission and the Department of Mines shall purchase any passenger automobile or bus with public funds. The Oklahoma School for the Deaf at Sulphur, the Oklahoma School for the Blind at Muskogee, and any state institution of higher education may purchase, own, or keep if now owned, or acquire by lease or gift, and use and maintain such station wagons, automobiles, trucks, or buses as are reasonably necessary for the implementation of the educational programs of said institutions. No bus operated, owned, or used by such educational institutions shall be permitted to carry any person other than students, faculty members, employees, or volunteers of such institutions. The provisions of this section shall not be construed to prohibit the operation of intracampus buses or buses routed directly between portions of the campus of any institution not adjacent to each other, nor to prohibit the collection of fares from such students, faculty members, or employees of such institutions, sufficient in amount to cover the reasonable cost of such transportation. The J.D. McCarty Center for ~~Handicapped~~ Children with Developmental Disabilities, the Oklahoma Department of Libraries, the Oklahoma Department of Veterans Affairs, and the Oklahoma Veterans Centers may own and maintain such passenger vehicles as those institutions have acquired prior to May 1, 1981.

The use of station wagons, automobiles, and buses, other than as provided for in this section, shall be permitted only upon written request for such use by heads of departments of the institution, approved in writing by the president of said institution or by some administrative official of said institution authorized by the president to grant said approval. Such use shall be permitted only for official institutional business or activities connected therewith. Such use shall be subject to the provisions of Sections 156.1 and 159.7 of this title forbidding personal use of such vehicles, and to the penalties therein declared.

Any person convicted of violating the provisions of this section shall be guilty of a misdemeanor and shall be punished by fine or imprisonment, or both, as provided for in Section 156.1 of this title.

For the purpose of this section and Section 156.3 of this title, a station wagon is classified as a passenger automobile and may not be purchased solely for the use of transporting property. Such vehicles shall include, but not be limited to, all vehicles which have no separate luggage compartment or trunk but which do not have open beds, whether the same are called station wagons, vans, suburbans, town and country, blazers, or any other names. All state boards, commissions, departments, and institutions may own and maintain station wagons purchased solely for the purpose of transporting property if acquired prior to July 1, 1985.

The provisions of this section and Section 156.1 of this title shall not apply to public officials who are statewide elected commissioners.

SECTION 7. AMENDATORY 56 O.S. 1991, Section 205, is amended to read as follows:

Section 205. The Department of Human Services is authorized to replace or make reimbursement for the eyeglasses or contact ~~lens~~

lenses of any employee at the Northern Oklahoma Resource Center of Enid State School, Southern Oklahoma Resource Center of Pauls Valley State School, Hissom Memorial Center, and any other juvenile institution subject to the jurisdiction of the Department of Human Services, if said eyeglasses or contact ~~lens~~ lenses are damaged by a resident of said schools, center or institutions while the employee is engaged in the performance of his duties. The Department of Mental Health and Substance Abuse Services is authorized to replace or make reimbursement for the eyeglasses or contact ~~lens~~ lenses of any employee at Central State Hospital, Eastern State Hospital, Western State Hospital, the Community Mental Health Centers and Substance Abuse Services and the Phil Smalley Children's Center if said eyeglasses or contact ~~lens~~ lenses are damaged by a resident of said facilities while the employee is engaged in the performance of his duties. The J.D. McCarty Center is authorized to replace or make reimbursement for the eyeglasses or contact ~~lens~~ lenses of any employee, if said eyeglasses or contact ~~lens~~ lenses are damaged by a resident of said facility while the employee is engaged in the performance of his duties. The eyeglasses or contact ~~lens~~ lenses shall be of comparable kind, quality and cost. The Department of Human Services, the Department of Mental Health and Substance Abuse Services and the J.D. McCarty Center are not authorized to make payment or reimbursement for eye examinations necessary for the replacement of or reimbursement for said eyeglasses or contact ~~lens~~ lenses.

SECTION 8. AMENDATORY 62 O.S. 1991, Section 57.62, is amended to read as follows:

Section 57.62 The State of Oklahoma Building Bonds Commission, created by Title 62, Oklahoma Statutes 1961, Section 57.1 acting for and on behalf of the State of Oklahoma shall be the agency by and through which the State of Oklahoma shall incur indebtedness to the extent of the sum of Fifty-four Million Seven Hundred Fifty Thousand Dollars (\$54,750,000.00) as principal, for the purpose of constructing new buildings and other capital improvements, and for equipping, remodeling, modernizing and repairing any and all existing buildings and capital improvements, and purchase of land, equipment and furnishings necessary for such new construction or remodeling, as follows:

At the constituent institutions	of The Oklahoma State
System of	Higher Education
in the sum of.....	\$38,500,000.00
At the institutions under the Department	of Mental Health and
Substance Abuse Services in the sum of.....	
	6,500,000.00

<u>The Southern Oklahoma Resource Center of Pauls Valley State School, the Northern Oklahoma Resource Center of Enid State School and The Hissom Memorial Center.....</u>	1,000,000.00
State Department of Health.....	2,275,000.00
Oklahoma State Library.....	2,150,000.00
Oklahoma State Penitentiary.....	150,000.00
Oklahoma State Reformatory.....	150,000.00
Oklahoma School for the Blind.....	550,000.00

Oklahoma School for the Deaf.....	550,000.00
Oklahoma Educational Television Authority.....	250,000.00
Oklahoma Historical Society.....	125,000.00
Western Oklahoma Tuberculosis Sanatorium.....	150,000.00
Eastern Oklahoma Tuberculosis Sanatorium.....	150,000.00
Department of Public Health for the Building of Community Social Service Centers 1,500,000.00	
Purchase of Land in and about the Capital Improvement and Zoning District and Medical Center Improvement Zoning District and for Public Parks, Veterans Memorial Area and Landscaping 750,000.00	

SECTION 9. AMENDATORY 62 O.S. 1991, Section 57.122, is amended to read as follows:

Section 57.122 The State of Oklahoma Building Bonds Commission, created by Title 62, Oklahoma Statutes 1961, Section 57.1, acting for and on behalf of the State of Oklahoma, shall be the agency by and through which the State of Oklahoma shall incur indebtedness to the extent of the sum of Ninety-nine Million Eight Hundred Eight Thousand Dollars (\$99,808,000.00) for the purpose of planning and constructing new buildings or additions to existing state buildings and other capital improvements for remodeling, modernizing and repairing existing buildings and capital improvements and purchase of land, equipment and furnishings necessary for construction or remodeling for the following departments and agencies of state government in the amounts and for the purposes set forth as follows:

1. The constituent institutions of the Oklahoma State System of Higher Education ..... \$34,250,000.00
2. Medical Center of the University of Oklahoma.... 26,870,000.00
3. A new junior college at Tulsa ..... 4,000,000.00
4. A new junior college at Midwest City and new or existing community junior colleges ..... 2,000,000.00
5. Griffin Memorial Hospital, Eastern State Hospital, Western State Hospital and Taft State Hospital, and for community mental health centers, provided not more than \$1,200,000.00 may be spent on community mental health centers ..... 8,000,000.00
6. Administrative offices and laboratories of the State Health Department ..... 4,516,000.00
7. Oklahoma General Hospital ..... 500,000.00
8. Acquisition of land and completion of streets and highways in the State Capitol Complex ..... 1,875,000.00

9.	Equipment and remodeling at Wiley Post Building and acquisition and improvement of historic sites .....	125,000.00
10.	Area vocational and technical schools and technical institutes and equipment .....	5,750,000.00
11.	Oklahoma State University School of Technical Training at Okmulgee .....	1,500,000.00
12.	<u>Southern Oklahoma Resource Center of Pauls Valley <del>State School</del>, the Northern Oklahoma Resource Center of Enid <del>State School</del>, Hissom Memorial Center, School for the Blind, School for the Deaf, Whitaker State Children's Home, Taft State Children's Home, Helena State School for Boys, Boley State School for Boys, Taft State School for Girls and Tecumseh Girls' Town .....</u>	4,375,000.00
13.	Construction of a Juvenile Diagnostic Evaluation and Receiving Center .....	1,000,000.00
14.	Construction of a Plans and Training Building and for district headquarters of the Department of Public Safety .....	497,000.00
15.	Construction of headquarters, warehouse and armory buildings of State Military Department .....	1,500,000.00
16.	State Bureau of Investigation headquarters building .....	200,000.00
17.	Construction and equipping of a reception and diagnostic center and other capital improvements at the State Penitentiary .....	1,000,000.00
18.	Constructing, renovating and equipping academic and vocational school facilities and other capital projects at the State Reformatory .....	750,000.00
19.	Eastern Oklahoma Tuberculosis Sanatorium .....	250,000.00
20.	Western Oklahoma Tuberculosis Sanatorium .....	250,000.00
21.	Constructing community social service centers at Ada, Shawnee, Lawton and other communities approved by the State Department of Health .....	500,000.00
22.	Cerebral Palsy Institute .....	100,000.00

SECTION 10. AMENDATORY 62 O.S. 1991, Section 161, is amended to read as follows:

Section 161. There is hereby created a hospital revolving fund for the Medical Department of the State University and also a revolving fund for the University of Oklahoma; also a revolving fund for the ~~State Training School at~~ Southern Oklahoma Resource Center of Pauls Valley, the Oklahoma School for the Deaf at Sulphur, the Oklahoma School for the Blind at Muskogee, the Oklahoma College for Women of Liberal Arts at Chickasha, the Oklahoma State Griffin Memorial Hospital at Norman, the Oklahoma Western State Hospital for the Insane at Fort Supply, the East Oklahoma Eastern State Hospital for the Insane at Vinita, the Northern Oklahoma Institute for the Feeble Minded Resource Center of Enid, located at Enid, Oklahoma, the Whitaker State Children's Home at Pryor, the Taft State Institute for Deaf, Blind and Colored Orphans Children's Home at Taft, the A. & M. College Oklahoma State University at Stillwater, Colored Agricultural and Normal Langston University at Langston, for the Smith Lever Fund for the cooperation of agricultural extension work by the federal government with the state, and for the Morrill Fund to be expended and applied solely for instruction in agriculture and mechanical arts, the English language and the various branches of mathematical, physical and economical science, with special reference to these applications in the industries of life, and for any purpose for which said funds are permitted to be expended by the United States government and for the Hatch and Adams Fund for certain experiments and classes of scientific work as prescribed by the federal government and state and on sales station funds and other funds as hereinafter provided for the purpose of conducting and maintaining the dairy, livestock and farm departments for said institution, the said funds coming from the federal government to be available only for the purpose and in the manner contemplated by the Congress of the United States; a revolving fund for the Oklahoma Panhandle Agricultural School State University at Goodwell and for the Commissioners of the Land Office; also a revolving fund for each of the following institutions, to wit: the Northeastern State Normal at Tahlequah, the Southeastern State Normal at Durant, the East Central State Normal at Ada, the Northeastern State Normal at Alva, the Southwestern State Normal at Weatherford, and the Central State Normal at Edmond, and the School of Mines and Metallurgy at Wilburton, the University Preparatory School at Tonkawa, the Eastern University Preparatory School at Claremore, the Home for the Aged and Infirm, the Murray Agricultural School at Tishomingo, the Connor Agricultural School at Warner, the Cameron Agricultural School at Lawton, the West Oklahoma Orphan Home at Helena, each of said revolving funds shall be available for the purposes indicated and as now and hereafter authorized by law.

SECTION 11. AMENDATORY 62 O.S. 1991, Section 165, is amended to read as follows:

Section 165. The revolving funds for the ~~State Training School at~~ Southern Oklahoma Resource Center of Pauls Valley, the Oklahoma Geological Survey, the Oklahoma School for the Deaf, located at Sulphur, Oklahoma, the Oklahoma School for the Blind, located at Muskogee, Oklahoma, the Oklahoma College for Women of Liberal Arts, located at Chickasha, the Oklahoma State, Griffin Memorial Hospital (insane), located at Norman, the Oklahoma, Western State Hospital for the Insane, located at Fort Supply, the East Oklahoma Eastern State Hospital for the Insane, located at Vinita, Oklahoma, the Oklahoma Institute for the Feeble Minded, Northern Oklahoma Resource Center of Enid, located at Enid, Oklahoma, the Whitaker State Children's Home, located at Pryor, Oklahoma, and the ~~Institute for~~

~~Deaf, Blind and Colored at Taft State Children's Home, located at Taft, Oklahoma,~~ and its auxiliaries, shall consist of all appropriations made for such purpose and as a part thereof and include all earnings or profits in the conduct and management of said institutions and carrying on the things or business by such institutions as may be authorized by law.

SECTION 12. AMENDATORY 62 O.S. 1991, Section 166d, is amended to read as follows:

Section 166d. All royalty monies received upon behalf of this state, any and all bonus monies received upon behalf of this state, and any and all delay rentals received upon behalf of this state, in connection with or pursuant to the provisions of, any oil and gas lease covering any of the lands occupied by, or assigned to the use of, the Southern Oklahoma Resource Center of Pauls Valley State School, entered into by the Office of Public Affairs, shall be deposited in the revolving fund of the Southern Oklahoma Resource Center of Pauls Valley State School and shall be expended by said institution in the same manner that other treasury funds of said institution are expended.

SECTION 13. AMENDATORY 62 O.S. 1991, Section 195, as amended by Section 5 of Enrolled Senate Bill No. 976 of the 2nd Session of the 43rd Oklahoma Legislature, is amended to read as follows:

Section 195. A. 1. There is hereby created a petty cash fund at each of the following institutions: Oklahoma School for the Blind, Muskogee, Oklahoma; Oklahoma School for the Deaf, Sulphur, Oklahoma; Griffin Memorial Hospital, Norman, Oklahoma; Eastern State Hospital, Vinita, Oklahoma; Northern Oklahoma Resource Center of Enid State School, Enid, Oklahoma; Southern Oklahoma Resource Center of Pauls Valley State School, Pauls Valley, Oklahoma; Western State Hospital, Fort Supply, Oklahoma; Central Oklahoma Juvenile Treatment Center, Tecumseh, Oklahoma; Hissom Memorial Center, Sand Springs, Oklahoma; L.E. Rader Children's Diagnostic and Evaluation Center, Sand Springs, Oklahoma; L.E. Rader Intensive Treatment Center, Sand Springs, Oklahoma; and the Oklahoma Medical Center.

2. The Director of State Finance and the head of the institution involved are hereby authorized and it shall be their duty to fix the maximum amount of the petty cash funds. The Director of State Finance shall prescribe all forms, systems, and procedures for administering the petty cash funds of the institution.

B. 1. There is hereby created a petty cash fund in the legal division of the Department of Human Services which fund shall be used solely to pay court costs, filing fees, witness fees, and expenses related to any case or proceeding within the responsibility of the legal division.

2. There is hereby created a petty cash fund in the Child Support Enforcement Division of the Department of Human Services. The fund shall be used solely to pay litigation expenses, including court costs, filing fees, witness fees, and expenses related to any case or proceeding within the responsibility of the Child Support Enforcement Division.

3. The Director of State Finance, and the Director of the Department of Human Services are hereby authorized and it shall be their duty to fix the maximum amount of the petty cash funds. The Director of State Finance shall prescribe all forms, systems, and procedures for administering the petty cash funds.

C. 1. There is hereby created a petty cash fund in the finance department of the Oklahoma Corporation Commission which shall be used solely to pay litigation expenses of the legal division,

including court costs, filing fees, witness fees, and other expenses related to any case, proceeding, or matter within the responsibility of the legal division.

2. The Director of State Finance and the Corporation Commission are hereby authorized and it shall be their duty to fix the maximum amount of the petty cash fund, not to exceed Five Hundred Dollars (\$500.00). The Director of State Finance shall prescribe all forms, systems, and procedures for administering the petty cash fund.

SECTION 14. AMENDATORY 63 O.S. 1991, Section 1-502.1, is amended to read as follows:

Section 1-502.1 A. All agencies and organizations that regularly employ emergency medical technicians, paramedics, fire fighters, peace officers, as defined in Section 648 of Title 21 of the Oklahoma Statutes, correctional officers and employees, or health care workers, all mental health or mentally retarded treatment or evaluation programs that employ persons involved with providing care for patients, the J.D. McCarty Center for ~~Handicapped~~ Children with Developmental Disabilities, and all juvenile institutions of the Department of Human Services shall implement the universal precautions for the prevention of the transmission of communicable diseases published by the Centers for Disease Control, U.S. Public Health Service, in the Morbidity and Mortality Weekly Report, Volume 36, Number 2S or as subsequently amended.

B. The State Board of Health shall promulgate rules and guidelines that will implement a system of notification of emergency medical technicians, paramedics, fire fighters, health care workers, funeral directors and peace officers relating to risk exposures during health care activities, emergency response activities or funeral preparations. Risk exposure shall be defined by the State Board of Health to be exposure that is epidemiologically demonstrated to have the potential for transmitting a communicable disease.

C. The Mental Health Board, Commission for Human Services, Oklahoma Cerebral Palsy Commission, and State Board of Corrections shall each promulgate rules, guidelines or policies to provide for such notification of risk exposures to persons employed by such agencies.

SECTION 15. AMENDATORY 63 O.S. 1991, Section 485.1, is amended to read as follows:

Section 485.1 The purpose of Sections 485.1 through 485.8 of this title shall be to provide an institution, which shall be named the J.D. McCarty Center for ~~Handicapped~~ Children with Developmental Disabilities, for the care, maintenance, training, treatment, education, and general mental and physical rehabilitation of the residents of the state who may be afflicted with cerebral palsy or other developmental diseases, provided that such institution shall be able to refuse entrance to those residents who after competent examination are determined to be unable to receive help from such training, treatment, education, and general mental and physical rehabilitation, and provided that such institution shall be able to return any child to its parent or guardian if it is determined after entrance such training, treatment, education, and general mental and physical rehabilitation, is not aiding the child. The term "cerebral palsy" as used in this title shall include all types of cerebral palsy.

SECTION 16. AMENDATORY 63 O.S. 1991, Section 485.3, is amended to read as follows:

Section 485.3 A. The Oklahoma Cerebral Palsy Commission is hereby authorized and empowered to:

1. Establish and maintain the J.D. McCarty Center for ~~Handicapped~~ Children with Developmental Disabilities, and furnish care and maintenance, training, treatment, equipment, education and rehabilitation of persons afflicted with cerebral palsy and other developmental disabilities within said institute;

2. Enter into contracts for the purchase of real estate or other property and to buy or sell real estate, personal property and equipment necessary or incidental to the carrying out of the provisions of this act;

3. Enter into contracts with the Oklahoma Public Welfare Commission and with other agencies of the state and of the counties in furtherance of the provisions of this act, provided the Oklahoma Cerebral Palsy Commission shall receive from the Oklahoma Public Welfare Commission payments aggregating a minimum of One Hundred Thousand Dollars (\$100,000.00) annually from funds set aside in the ~~Crippled Children's~~ Children with Special Health Care Needs Program, and provided further, the Commission may negotiate with the Oklahoma Public Welfare Commission or its successors for additional payments above One Hundred Thousand Dollars (\$100,000.00) from said funds.

B. The Commission shall be charged with the duties of management and control of the J.D. McCarty Center for ~~Handicapped~~ Children with Developmental Disabilities and shall:

1. Have power to sue or be sued in its own name; and

2. Obtain and pay for an annual audit of the books and records of the J.D. McCarty Center for ~~Handicapped~~ Children with Developmental Disabilities, conducted by the Office of the State Auditor and Inspector or by a qualified, independent auditor in conformance with standards and guidelines established by the State Auditor and Inspector.

SECTION 17. AMENDATORY 63 O.S. 1991, Section 485.9, is amended to read as follows:

Section 485.9 A. The names of the "Oklahoma Cerebral Palsy Center", formerly the "Oklahoma Cerebral Palsy Institute", and the "Oklahoma Spastic Paralysis Commission" are hereby changed to the "J.D. McCarty Center for ~~Handicapped~~ Children with Developmental Disabilities" and the "Cerebral Palsy Commission", respectively.

B. Wherever in the statutes of this state the name "Oklahoma Cerebral Palsy Institute" or "Oklahoma Cerebral Palsy Center" occurs, the reference shall be deemed to be to the "J.D. McCarty Center for ~~Handicapped~~ Children with Developmental Disabilities"; and wherever in said statutes the name "Oklahoma Spastic Paralysis Commission" appears, this reference shall be deemed to be to the "Cerebral Palsy Commission".

SECTION 18. AMENDATORY 63 O.S. 1991, Section 485.10, is amended to read as follows:

Section 485.10 A part of the salary, not to exceed the exclusion allowances provided in Section 403(b)(2), Internal Revenue Code, payable to any employee of the J.D. McCarty Center for ~~Handicapped~~ Children with Developmental Disabilities may, at the request of the employee, be paid by the purchase of an annuity contract from any insurance company authorized to do business in Oklahoma by the J.D. McCarty Center for ~~Handicapped~~ Children with Developmental Disabilities for the employee, and the employee shall be entitled to have such annuity contract continued in force in succeeding years by the J.D. McCarty Center for ~~Handicapped~~ Children with Developmental Disabilities. The amounts so contributed or paid by the J.D. McCarty Center for ~~Handicapped~~ Children with Developmental Disabilities for the annuity contract, or to continue it in force, shall be considered as payment of salary, for the same amounts, to the employee for State Retirement purposes, State Aid

purposes, or Social Security purposes, but not for State Income Tax purposes. Provided that the amount received under such annuity contracts shall be income subject to state income tax when actually received.

SECTION 19. AMENDATORY 63 O.S. 1991, Section 485.11, is amended to read as follows:

Section 485.11 There is hereby created in the State Treasury a revolving fund for the Oklahoma Cerebral Palsy Commission to be designated the "J.D. McCarty Center for ~~Handicapped~~ Children with Developmental Disabilities Revolving Fund". The fund shall consist of all monies received by the Commission pursuant to statutory authority, but not including appropriated funds, gifts and bequests. The revolving fund shall be a continuing fund, not subject to fiscal year limitations and shall be under the control and management of the administrative authorities of the Commission. Expenditures from the fund shall be made pursuant to the laws of the state and the statutes relating to the Commission and may include up to Twenty-five Thousand Dollars (\$25,000.00) in expenditures for capital improvements within a single fiscal year or as otherwise provided by the Legislature. Warrants for expenditures from the fund shall be drawn by the State Treasurer, based on claims signed by an authorized employee or employees of the Commission and approved for payment by the Director of State Finance.

SECTION 20. AMENDATORY 74 O.S. 1991, Section 129.5, is amended to read as follows:

Section 129.5 The Department of Human Services is hereby authorized to lease, subject to the approval of the Commission, the following land at the Southern Oklahoma Resource Center of Pauls Valley State School to the City of Pauls Valley for use by the city for providing sewage services upon such terms and conditions as determined by the Department of Human Services:

A. A tract of land located in the S 1/2 - N 1/2 and the S 1/2 of Section 28, Township 3 North, Range 1 East of the Indian Meridian, Garvin County, Oklahoma, more particularly described as follows: Beginning at the SE corner of said Section 28, thence North along the section line a distance of 3,350.76 feet to the Westerly right-of-way line of Gulf Colorado and Santa Fe Railroad; Thence in a Northwesterly direction along said right-of-way a distance of 632.25 feet to the North line of said S 1/2 - N 1/2; Thence West along North line of said S 1/2 - N 1/2 to a point that is 450 feet East of the NW corner of SE 1/4 of NE 1/4 of said Section 28; Thence South 10 degrees 10 minutes 27 seconds West along existing fence a distance of 1,548.00 feet to a point; Thence North 73 degrees 28 minutes 43 seconds West along said fence a distance of 139.67 feet; Thence South 01 degree 25 minutes 37 seconds East along said fence a distance of 2,474.45 feet to the South line of said Section 28; Thence East along the section line a distance of 1,213 feet to the point of beginning and containing one hundred three and forty-three one-hundredths (103.43) acres, more or less.

B. A tract of land located in the N 1/2 of the NE 1/4 of Section 33, Township 3 North, Range 1 East of the Indian Meridian, Garvin County, Oklahoma, and being more particularly described as follows: Beginning at the NE corner of said Section 33; Thence West along section line a distance of 1,213 feet; Thence South 24 degrees 38 minutes West along an existing fence line a distance of 83 feet; Thence South 07 degrees 42 minutes East along said fence a distance of 421.83 feet to the center line of an East-West dirt road; Thence North 88 degrees 34 minutes East along center line of road a distance of 1,191.7 feet to the East line of said Section 33;

Thence North along said East line a distance of 458 feet to the point of beginning and containing thirteen and three hundred forty-seven one-thousandths (13.347) acres, more or less.

C. The following tracts and parcels less a tract of land located in the NW 1/4 of Section 34, Township 3 North, Range 1 East of the Indian Meridian, Garvin County, Oklahoma, more particularly described as follows: Beginning at a point on the West line of said Section 34, 458 feet South of NW corner thereof; Thence South 86 degrees 33 minutes East along center line of existing dirt road a distance of 664 feet; Thence South 02 degrees 34 minutes 16 seconds East along an existing fence a distance of 443.90 feet; Thence South 22 degrees 19 minutes West along said fence a distance of 521.3 feet; Thence South 46 degrees 05 minutes West along said fence a distance of 395.75 feet; Thence South 72 degrees 08 minutes West along said fence a distance of 209 feet to the West line of said Section 34; Thence North along said West line a distance of 1,304.27 feet to the point of beginning and containing fifteen and nine-tenths (15.9) acres, more or less:

1. Certain tracts and parcels situated in Section 34, Township 3 North, Range 1 East of the Indian Meridian, Garvin County, Oklahoma, more particularly described as follows, to-wit:

All that part, parcel and tract of land being the NW 1/4 of Section 34, Township 3 North, Range 1 East of the Indian Meridian, Garvin County, Oklahoma, containing one hundred sixty (160) acres, more or less subject to the Gulf Colorado and Santa Fe Railroad right-of-way and that part, parcel and tract of land less and except the above described fifteen and nine-tenths (15.9) acres and being a part of N 1/2 of NE 1/4 of Section 34, Township 3 North, Range 1 East, being more particularly described as follows: the W 1/2 NW 1/4 NE 1/4 and NE 1/4 NW 1/4 NE 1/4 and the NW 1/4 NE 1/4 NE 1/4 and all that part or portion of the NE 1/4 NE 1/4 NE 1/4 lying North and West of and on the right bank of the Washita River and being eight and five-tenths (8.5) acres, and all that part of the SE 1/4 NW 1/4 NE 1/4 more particularly described by metes and bounds as follows, to-wit: Beginning at a point 1,320 feet West and 660 feet South of the NE corner of Section 34; Thence West parallel to the North line of Section 34, a distance of 660 feet; Thence South a distance of 660 feet to an intersection with the right bank of the Washita River; Thence upstream along the right bank of said river, North 60 degrees East a distance of 715 feet; Thence North and parallel to the East line of Section 34, a distance of 310 feet to the point of beginning and containing seven and thirty-five one-hundredths (7.35) acres of land, all of said lands being situated in Section 34, Township 3 North, Range 1 East and containing an aggregate total of fifty-five and eighty-five one-hundredths (55.85) acres, more or less in the NE 1/4 and one hundred forty-four and one-tenth (144.1) acres, more or less in the NW 1/4, all in said Section 34.

2. Certain tracts and parcels situated in Section 27, Township 3 North, Range 1 East of the Indian Meridian, Garvin County, Oklahoma, more particularly described as follows, to-wit:

All that part, parcel and tract of the NW 1/4 of the SW 1/4 of the NW 1/4 lying West of the Gulf Colorado and Santa Fe Railroad right-of-way and containing one one-hundredth (.01) acres, and all that part of the SW 1/4 of the SW 1/4 of the NW 1/4 lying West of the Gulf Colorado and Santa Fe Railroad right-of-way and containing one and sixty-one-hundredths (1.61) acres, and all that part of the NW 1/4 of the NW 1/4 of the SW 1/4 lying West of the Gulf Colorado and Santa Fe Railroad right-of-way and containing four and thirty-one one-hundredths (4.31) acres, and the SW 1/4 of the NW 1/4 of the SW 1/4 lying West of the Gulf Colorado and Santa Fe Railroad

right-of-way containing seven and one one-hundredths (7.01) acres, and all of NW 1/4 of the SW 1/4 of the SW 1/4 lying West of the Gulf Colorado and Santa Fe Railroad right-of-way containing nine and thirty-eight one-hundredths (9.38) acres, and all of NE 1/4 of the SW 1/4 of the SW 1/4 lying West of the Gulf Colorado and Santa Fe Railroad right-of-way and containing thirty-three one-hundredths (.33) acres, and the S 1/2 of the SW 1/4 of the SW 1/4 of Section 27 containing twenty (20) acres, and the S 1/2 of the SE 1/4 of the SW 1/4 of Section 27 containing twenty (20) acres, and S 1/2 of the SW 1/4 of the SE 1/4 of Section 27 containing twenty (20) acres and the SW 1/4 of the SE 1/4 of the SE 1/4 containing ten (10) acres and all that part of the SE 1/4 of the SE 1/4 of the SE 1/4 lying West of Washita River more particularly described by metes and bounds as follows, to-wit: Beginning at SE corner of Section 27, Township 3 North, Range 1 East of the Indian Meridian; Thence running West 660 feet; Thence North 660 feet; Thence East 167 feet to the center line of the Washita River; Thence following the meanderings of said Washita River in a Southeasterly direction a distance of 610 feet to an intersection with the East line of Section 27; Thence South 300 feet to the point of beginning and containing seven and ninety-seven one-hundredths (7.97) acres, more or less.

All said lands being situated in Section 27, Township 3 North, Range 1 East, and containing an aggregate total of one hundred and sixty-two one-hundredths (100.62) acres, more or less.

3. Certain tracts and parcels situated in Section 26, Township 3 North, Range 1 East of the Indian Meridian, Garvin County, Oklahoma, more particularly described as follows, to-wit:

All that part of the SW 1/4 of the SW 1/4 of the SW 1/4 of Section 26, Township 3 North, Range 1 East, more particularly described by metes and bounds as follows, to-wit: Beginning at the SW corner of said Section 26; Thence North along the West line of Section 26 a distance of 300 feet to a cut bank of the Washita River; Thence N 88 degrees 45 minutes East along the right bank of said Washita River a distance of 670 feet; Thence South parallel to the West line of Section 26 a distance of 325 feet to the South line of Section 26; Thence running West along the South line of Section 26 a distance of 660 feet to the point of beginning and containing four and seven-tenths (4.7) acres, more or less. All said land being situated in Section 26, Township 3 North, Range 1 East, and containing an aggregate total of four and seven-tenths (4.7) acres, more or less.

4. All that part of the NW 1/4 NW 1/4 NW 1/4 of Section 35, Township 3 North, Range 1 East of the Indian Meridian, described by metes and bounds as follows, to-wit: Beginning at the NW corner of said Section 35; Thence running East along the North line of Section 35, a distance of 660 feet; Thence South parallel to the West line of Section 35, a distance of 354 feet to an intersection with the right bank of the Washita River; Thence along the right bank of said Washita River a distance of 690 feet to an intersection with the West line of Section 35; Thence North along the West line of Section 35 a distance of 528 feet to the point of beginning and containing six and seven-tenths (6.7) acres, more or less.

SECTION 21. AMENDATORY 74 O.S. 1991, Section 129.6, is amended to read as follows:

Section 129.6 The terms and conditions of the lease authorized by Section ~~1 of this act~~ 129.5 of Title 74 of the Oklahoma Statutes shall include, but not be limited to, the following:

1. a A provision that the lease terminates immediately with possession and use reverting to the Department of Human Services if the subject land is no longer used for sewage purposes;

2. ~~a~~ A provision granting automatic renewal of the lease for thirty annual, fiscal terms, subject to the pro forma annual processing of lease renewals required by the Office of Public Affairs, with an option to renew upon mutual agreement of the parties for another twenty annual, fiscal terms;

3. ~~a~~ A provision granting the Department permission to remove or use personal property or fixtures unrelated to sewage activities;

4. ~~a~~ A provision as to payment to the Department of Human Services by providing in-kind services, or a specified payment of money at the option of the Department to be used for the Southern Oklahoma Resource Center of Pauls Valley State School;

5. ~~a~~ A provision reserving any necessary easements or granting covenants; and

6. ~~such~~ Such other provisions as the Department of Human Services considers just and proper.

SECTION 22. AMENDATORY 74 O.S. 1991, Section 129.7, is amended to read as follows:

Section 129.7 In addition to the land described in Section ~~4 of this act~~ 129.5 of Title 74 of the Oklahoma Statutes, the Department of Human Services, with approval of the Human Services Commission, may lease other surplus land and property at the Southern Oklahoma Resource Center of Pauls Valley State School to an individual or individuals or to an entity. Revenue from such lease shall be placed in a special agency clearing account to be used for the benefit of the residents of the Southern Oklahoma Resource Center of Pauls Valley State School.

SECTION 23. It is the intent of the Oklahoma Legislature that expendable supplies, including but not limited to letterheads, which on the effective date of this section carry or are labeled with the name Enid State School, Pauls Valley State School or J.D. McCarty Center for Handicapped Children shall be utilized after the effective date of this section until such supplies are depleted. For purposes of this section, the term "supplies" shall not mean signs designating the names of the facilities.

SECTION 24. The provisions of Section 23 shall not be codified in the Oklahoma Statutes.

SECTION 25. This act shall become effective July 1, 1992.

SECTION 26. 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.

Passed the House of Representatives the 20th day of May, 1992.

Speaker of the House of  
Representatives

Passed the Senate the 22nd day of May, 1992.

President of the Senate