

STATE OF OKLAHOMA

1st Session of the 47th Legislature (1999)

CONFERENCE COMMITTEE SUBSTITUTE  
FOR ENGROSSED

HOUSE BILL NO. 1527

By: Settle and Begley of the  
House

and

Haney and Hobson of the  
Senate

CONFERENCE COMMITTEE SUBSTITUTE

An Act relating to the George Nigh Rehabilitation Institute; amending 72 O.S. 1991, Section 63.18, as amended by Section 2, Chapter 312, O.S.L. 1992 and 222.1 (72 O.S. Supp. 1998, Section 63.18), which relate to the George Nigh Rehabilitation Institute; modifying provisions related to transfer of certain asset consisting of real property; providing for transfer from the Oklahoma Department of Veterans Affairs to the Oklahoma State Regents for Higher Education; removing certain facility component and division; providing for legislative intent; modifying powers to contract; modifying provisions related to certain patients; modifying provisions related to the George Nigh Rehabilitation Institute Revolving Fund; modifying references; directing the Regents to enter into an agreement with the Oklahoma Department of Veterans Affairs; providing certain conditions; directing the Regents to make a study and determination on the transfer of the Institute; requiring certain notification to employees; providing for the transfer of the Institute to an institution of higher education; stating intent regarding employee pay and benefits; transferring the George Nigh Rehabilitation Institute Revolving Fund; providing for election to retain membership in the Oklahoma Public Employees Retirement System; authorizing election for membership in the Teachers' Retirement System of Oklahoma; imposing requirements on certain employers with respect to contributions; imposing requirement with respect to employee contributions; providing for continued membership in the Oklahoma Public Employees Retirement System for certain persons; providing for computation of participating service credit; prescribing procedures for election for certain employees to become members of the Teachers' Retirement System of Oklahoma; imposing requirements on employers with respect to contributions; imposing requirements with respect to employee contributions; providing for applicability of certain statutory provisions; requiring assistance by the Department of Veterans Affairs; providing for

1 codification; providing for recodification; providing  
2 for noncodification; providing an effective date; and  
3 declaring an emergency.  
4

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

6 SECTION 1. AMENDATORY 72 O.S. 1991, Section 63.18, as  
7 amended by Section 2, Chapter 312, O.S.L. 1992 (72 O.S. Supp. 1998,  
8 Section 63.18), is amended to read as follows:

9 Section 63.18 A. The facility known as the George Nigh  
10 Rehabilitation Institute in Okmulgee, Oklahoma, described as  
11 follows: a tract of land in Section 29, Township 14 North, Range 13  
12 East of the Indian Meridian, Okmulgee County, Oklahoma, more  
13 particularly described as "Commencing at a point of the North Line  
14 of said Section a distance of 926.00 feet east of the Northwest  
15 corner of said Section 29, T14N, R13E, thence S 00 degrees, 09' 00"  
16 W a distance of 868.06 feet, thence N 89 degrees 50' 40.5" W a  
17 distance of 376.00 feet, thence N 00 degrees, 00" E a distance of  
18 300.00 feet, thence N 89 degrees 50' 40.5" W a distance of 350.00  
19 feet to the easterly right of way of U.S. 75, thence N 00 degrees,  
20 09' 00" E a distance of 150.45 feet, thence on a curve to the right  
21 with a radius of 226.48 feet a distance of 217.73 feet, thence on a  
22 curve to the left with a radius of 264.63 feet a distance of 254.40  
23 feet, thence N 45 degrees, 00' 00" E a distance of 21.06 feet,  
24 thence S 89 degrees, 50' 40.5" E a distance of 501.11 feet to the  
25 point of beginning", said tract containing 11.0 acres is hereby  
26 transferred from the ~~Department of Human Services Oklahoma~~  
27 Department of Veterans Affairs to the Oklahoma ~~Department of~~  
28 ~~Veterans Affairs~~ State Regents for Higher Education to be  
29 administered ~~pursuant to~~ consistent with such rules and policies ~~as~~  
30 ~~prescribed by~~ of the War Veterans Commission of Oklahoma State  
31 Regents for Higher Education and which shall be subject to the  
32 provisions of Section 3 of this act. The transfer shall include all

1 real property, buildings, furniture, equipment, supplies, records,  
2 personnel, assets, current and future liabilities, fund balances,  
3 encumbrances, obligations, indebtedness, powers, duties and  
4 responsibilities associated with the George Nigh Rehabilitation  
5 Institute. ~~Additionally, there is hereby established the Oklahoma~~  
6 ~~Veterans Center, Okmulgee Division, as a component of such facility~~  
7 ~~to be operated in accordance with Title 38 CFR 17.165.~~

8 B. All monies remaining in any funds or accounts in the name of  
9 the George Nigh Rehabilitation Institute or maintained by the  
10 Department of ~~Human Services~~ Veterans Affairs for the benefit of the  
11 Institute are transferred to the ~~Oklahoma Department of Veterans~~  
12 ~~Affairs. Any remaining bond proceeds and the interest earned on the~~  
13 ~~bond proceeds associated with the construction of the George Nigh~~  
14 ~~Rehabilitation Institute which would otherwise be payable to the~~  
15 ~~Department of Human Services are transferred to the Oklahoma~~  
16 ~~Department of Veterans Affairs~~ State Regents for Higher Education  
17 and shall be subject to the provisions of Section 3 of this act.

18 C. ~~All~~ It is the intent of the Legislature that all employees  
19 of the George Nigh Rehabilitation Institute on the effective date of  
20 this act shall be transferred to the Oklahoma ~~Department of Veterans~~  
21 ~~Affairs without loss of pay,~~ State Regents for Higher Education with  
22 retention of pay and benefits, as much as possible, including  
23 longevity, dependent insurance benefits, seniority, rights, and  
24 other privileges or benefits, and without change in status, whether  
25 ~~classified or unclassified, as provided in the Oklahoma Personnel~~  
26 ~~Act~~ which may be provided through contractual arrangement with the  
27 Oklahoma Department of Veterans Affairs as provided for in Section 3  
28 of this act.

29 D. ~~The Oklahoma Department of Veterans Affairs may contract~~  
30 ~~with the Department of Human Services for the completion of~~  
31 ~~construction of the George Nigh Rehabilitation Institute by the~~  
32 ~~construction crews of the Department of Human Services. If the~~

1 ~~Oklahoma Department of Veterans Affairs contracts with the~~  
2 ~~Department of Human Services, the Department of Human Services shall~~  
3 ~~give priority to the completion of the Institute.~~

4 E. ~~In addition to war veterans, the Oklahoma Department of~~  
5 ~~Veterans Affairs may accept any other persons as patients at the~~  
6 ~~George Nigh Rehabilitation Institute.~~

7 F. ~~The Director of Public Affairs, the Director of State~~  
8 ~~Finance and the Administrator of the Office of Personnel Management~~  
9 ~~shall coordinate the transfers made pursuant to this section.~~

10 SECTION 2. AMENDATORY 72 O.S. 1991, Section 222.1, is  
11 amended to read as follows:

12 Section 222.1 There is hereby created in the State Treasury a  
13 revolving fund for the Oklahoma ~~Department of Veterans Affairs~~ State  
14 Regents for Higher Education to be designated the "George Nigh  
15 Rehabilitation Institute Revolving Fund". The fund shall be a  
16 continuing fund not subject to fiscal year limitations and shall  
17 consist of all monies received by the ~~Department~~ Oklahoma State  
18 Regents for Higher Education from any gifts, contributions,  
19 bequests, individual reimbursements and other sources of revenue,  
20 for the care or support of persons who have been admitted and cared  
21 for at the Institute and any other monies directed by law to be  
22 placed in the fund. Monies accruing to the fund may be expended by  
23 the Oklahoma ~~Department of Veterans Affairs~~ State Regents for Higher  
24 Education for operation, maintenance and capital improvement of the  
25 facility. Expenditures from the fund shall be made on warrants  
26 issued by the State Treasurer against claims filed with the Director  
27 of State Finance for approval and payment.

28 SECTION 3. NEW LAW A new section of law to be codified  
29 in the Oklahoma Statutes as Section 3427 of Title 70, unless there  
30 is created a duplication in numbering, reads as follows:

31 A. The Oklahoma State Regents for Higher Education shall enter  
32 into an interagency agreement with the Oklahoma Department of

1 Veterans Affairs for the operation of the George Nigh Rehabilitation  
2 Institute upon transfer of the Institute as provided for in Section  
3 1 of this act. The agreement shall be effective until the Regents  
4 have made a determination of and have transferred administration,  
5 property, monies, and employees of the George Nigh Rehabilitation  
6 Institute to the appropriate institution of higher education within  
7 The Oklahoma State System of Higher Education. During the term of  
8 the agreement the membership of the employees of the George Nigh  
9 Rehabilitation Institute in the Oklahoma Public Employees Retirement  
10 System shall not change and the Oklahoma Department of Veterans  
11 Affairs shall continue to make contributions pursuant to Section 920  
12 of Title 74 of the Oklahoma Statutes which shall be reimbursed  
13 pursuant to the agreement.

14 B. The Oklahoma State Regents for Higher Education shall study  
15 and make a determination of which institution of higher education  
16 within The Oklahoma State System of Higher Education has an  
17 educational program that best enhances the mission of the George  
18 Nigh Rehabilitation Institute. On or before October 1, 1999, the  
19 Regents, at a regular or special meeting, shall make a final  
20 determination of the appropriate institution of higher education to  
21 transfer the administration, property, monies, and employees of  
22 George Nigh Rehabilitation Institute to. The Regents shall notify  
23 the employees of the Institute of the final determination not less  
24 than thirty (30) days prior to the actual transfer.

25 C. On or before November 1, 1999, the Oklahoma State Regents  
26 for Higher Education shall transfer all rights, administration  
27 property, monies, and employees of the George Nigh Rehabilitation  
28 Institute acquired by the Regents pursuant to Sections 63.18 and  
29 222.1 of Title 72 of the Oklahoma Statutes to the appropriate  
30 institution of higher education selected pursuant to subsection B of  
31 this section.  
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1 D. It is the intent of the Legislature, that all employees of  
2 the George Nigh Rehabilitation Institute transferred to an  
3 institution of higher education pursuant to this section retain pay  
4 and benefits, as much as possible, including longevity, dependent  
5 insurance benefits, seniority, rights and other privileges and  
6 benefits.

7 E. Upon transfer of the George Nigh Rehabilitation Institute to  
8 an institution of higher education as provided for in this section,  
9 the rights and responsibilities of the George Nigh Rehabilitation  
10 Institute Revolving Fund created in Section 222.1 of Title 72 of the  
11 Oklahoma Statutes shall also be transferred to the institution of  
12 higher education.

13 SECTION 4. NEW LAW A new section of law to be codified  
14 in the Oklahoma Statutes as Section 913.7 of Title 74, unless there  
15 is created a duplication in numbering, reads as follows:

16 A. An employee transferred pursuant to the provisions of  
17 Section 3 of this act may elect to remain as a member of the  
18 Oklahoma Public Employees Retirement System and if the employee  
19 elects to do so, shall file an election on a form prescribed for  
20 that purpose with the Oklahoma Public Employees Retirement System  
21 not later than December 31, 1999, or the employee may elect to  
22 become a member of the Teachers' Retirement System of Oklahoma and  
23 if the employee elects to do so shall file an election on a form  
24 prescribed for that purpose with the Teachers' Retirement System of  
25 Oklahoma not later than December 31, 1999.

26 B. If an employee files the election provided for in subsection  
27 A of this section to continue membership in the Oklahoma Public  
28 Employees Retirement System, the employer to which the employee is  
29 transferred shall pay the required employer contributions applicable  
30 to the participating employers in the Oklahoma Public Employees  
31 Retirement System pursuant to Section 920 of Title 74 of the  
32 Oklahoma Statutes and the employee shall continue to pay employee

1 contributions as required by Section 919.1 of Title 74 of the  
2 Oklahoma Statutes.

3 C. Until an employee files an election pursuant to subsection A  
4 of this section, the employee shall continue to be a member of the  
5 Oklahoma Public Employees Retirement System and the employer to  
6 which the employee is transferred shall make required employer  
7 contributions pursuant to Section 920 of Title 74 of the Oklahoma  
8 Statutes.

9 D. If an employee transferred pursuant to Section 3 of this act  
10 elects a vested benefit to be paid from the Oklahoma Public  
11 Employees Retirement System, and if the employee has accumulated  
12 sick leave, on June 30, 1999, equal to or in excess of one hundred  
13 thirty (130) days then, notwithstanding the actual amount of  
14 accumulated sick leave the employee has accrued on the date as of  
15 which the vested benefit is elected, the provisions of Section 913  
16 of Title 74 of the Oklahoma Statutes shall be applicable to the  
17 computation of participating service credit based upon accumulated  
18 sick leave for such employee.

19 SECTION 5. NEW LAW A new section of law to be codified  
20 in the Oklahoma Statutes as Section 17-116.15 of Title 70, unless  
21 there is created a duplication in numbering, reads as follows:

22 A. An employee transferred pursuant to the provisions of  
23 Section 3 of this act may elect to become a member of the Teachers'  
24 Retirement System of Oklahoma pursuant to the election authorized by  
25 subsection A of Section 3 of this act. If the employee makes an  
26 election to become a member of the Teachers' Retirement System of  
27 Oklahoma, the employee may acquire service credit in the Teachers'  
28 Retirement System pursuant to the provisions of Section 17-116.2 of  
29 Title 70 of the Oklahoma Statutes.

30 B. On and after the date that an employee makes an election to  
31 become a member of the Teachers' Retirement System pursuant to  
32 subsection A of Section 3 of this act, the employer to which the

1 employee is transferred shall make required contributions pursuant  
2 to Section 17-108.1 of Title 70 of the Oklahoma Statutes and the  
3 employee shall make required contributions imposed pursuant to  
4 Section 17-116.2 of Title 70 of the Oklahoma Statutes.

5 C. On and after the date that an employee files the election to  
6 become a member of the Teachers' Retirement System, the employer to  
7 which the employee is transferred and the employee making the  
8 election shall be subject to all requirements of the provisions of  
9 Sections 17-101 et seq. of Title 70 of the Oklahoma Statutes  
10 governing the Teachers' Retirement System of Oklahoma.

11 SECTION 6. RECODIFICATION 72 O.S. 1991, Sections 63.18,  
12 as last amended by Section 1 of this act, and 222.1, as amended by  
13 Section 2 of this act, shall be recodified as Sections 3425 and 3426  
14 of Title 70 of the Oklahoma Statutes, unless there is created a  
15 duplication in numbering.

16 SECTION 7. NEW LAW A new section of law not to be  
17 codified in the Oklahoma Statutes reads as follows:

18 From the effective date of this act through November 1, 1999,  
19 the Department of Veterans Affairs shall enter into an agreement  
20 with the Oklahoma State Regents for Higher Education for operation  
21 of and administrative duties and other duties for the George Nigh  
22 Rehabilitation Institute.

23 SECTION 8. This act shall become effective July 1, 1999.

24 SECTION 9. It being immediately necessary for the preservation  
25 of the public peace, health and safety, an emergency is hereby  
26 declared to exist, by reason whereof this act shall take effect and  
27 be in full force from and after its passage and approval.

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29 47-1-15153 ML 6/11/15

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