

1 STATE OF OKLAHOMA

2 1st Extraordinary Session of the 47th Legislature (2000)

3 2ND CONFERENCE COMMITTEE SUBSTITUTE
4 FOR ENGROSSED
5 SENATE BILL3x

By: Taylor of the Senate

and

Benson of the House

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9 2ND CONFERENCE COMMITTEE SUBSTITUTE

10 An Act relating to public finance; authorizing
11 Department of Corrections to negotiate for lease of
12 real property; authorizing Department to enter into
13 lease upon certain conditions; authorizing Department
14 to contract for medical care of inmates; specifying
15 certain contract provisions; authorizing
16 consideration of certain contract provisions;
17 authorizing Department to operate certain on-site
18 primary medical treatment programs; authorizing
19 Department to contract with a health care
20 administrative services firm; specifying certain
21 duties to be included in contract; providing for
22 selection of firm; requiring the Department to
23 provide staffing for certain committees; specifying
24 certain duties of health care administrative services
25 firm; requiring certain reports; authorizing
26 Department to maintain certain procedures; creating
27 the Correctional Health Care Services Oversight
28 Board; providing for membership; providing for duties
29 and responsibilities of Board; providing for travel
30 expenses; requiring certain contracts with private
31 prison operators to contain certain provisions;
32 directing closure of certain medical facility;
providing certain benefits to affected employees;
making an appropriation to the Department of
Corrections; stating purpose; amending 43A O.S. 1991,
Section 3-701, as amended by Section 6, Chapter 174,
O.S.L. 1997 (43A O.S. Supp. 1999, Section 3-701),
which relates to hospital services for inmates of
correctional institutions; limiting length of time
certain requirements shall be imposed on certain
agencies; amending Section 3, Chapter 330, O.S.L.
1993, as last amended by Section 1, Chapter 174,
O.S.L. 1997 and Section 5, Chapter 263, O.S.L. 1995,
as amended by Section 7, Chapter 321, O.S.L. 1996 (63
O.S. Supp. 1999, Sections 3203 and 3226), which
relate to the purposes of the University Hospitals
Authority Act and the powers and duties of the
University Hospitals Trust and the University
Hospitals Authority; limiting time period for which
University Hospitals Authority is required to provide
certain medical care; providing exception to
requirements of certain lease; amending Section 1,
Chapter 320, O.S.L. 1995, as amended by Section 2,
Chapter 309, O.S.L. 1996, Section 2, Chapter 320,

1 O.S.L. 1995, Section 3, Chapter 320, O.S.L. 1995, as
2 amended by Section 3, Chapter 309, O.S.L. 1996 and
3 Section 1, Chapter 309, O.S.L. 1996, as amended by
4 Section 2, Chapter 106, O.S.L. 1999 (47 O.S. Supp.
5 1999, Sections 6-106.1, 6-106.2, 6-106.3 and 6-
6 106.4), which relate to the Drunk Driving Prevention
7 Act; modifying citations; expanding purpose of act;
8 requiring specified amounts of community service or
9 treatment for conviction of certain crimes by persons
10 under twenty-one years of age; defining terms;
11 amending 47 O.S. 1991, Sections 6-205, as last
12 amended by Section 1, Chapter 293, O.S.L. 1998, 6-
13 205.1, as last amended by Section 3, Chapter 106,
14 O.S.L. 1999 and 6-211, as last amended by Section 3,
15 Chapter 139, O.S.L. 1999 (47 O.S. Supp. 1999,
16 Sections 6-205, 6-205.1 and 6-211), which relate to
17 cancellation, suspension and revocation of driver
18 licenses; requiring revocation of driver license
19 under certain circumstances; prohibiting modification
20 of certain revocations; allowing for modification
21 after certain time period; amending 47 O.S. 1991,
22 Section 11-902, as last amended by Section 3 of
23 Enrolled House Bill No. 1920 of the 2nd Session of
24 the 47th Oklahoma Legislature, which relates to
25 driving under the influence; authorizing treatment
26 and aftercare for certain offenders; requiring
27 defendant to pay certain expenses; establishing crime
28 of aggravated driving under the influence; specifying
29 punishment; requiring community service or inpatient
30 rehabilitation if conviction does not result in
31 minimum amount of incarceration; requiring substance
32 abuse assessment under certain circumstances;
requiring installation of interlock device under
certain circumstances; authorizing modifications
under certain circumstances; authorizing electronic
monitoring of persons convicted of felony offenses;
amending 47 O.S. 1991, Section 756, as last amended
by Section 10, Chapter 309, O.S.L. 1996 (47 O.S.
Supp. 1999, Section 756), which relates to hearings
for driver license revocations; modifying reference;
providing monthly pension benefits for certain
beneficiaries; providing date; providing benefit
calculations; defining eligible beneficiaries;
providing exception; providing election for certain
beneficiaries; requiring payments be made
prospectively; providing commencement date for
benefits; authorizing promulgation of rules; amending
74 O.S. 1991, Section 19, as last amended by Section
1 of Enrolled House Bill No. 1002 of the 2nd Session
of the 47th Oklahoma Legislature and Section 2 of
Enrolled House Bill No. 1002 of the 2nd Session of
the 47th Oklahoma Legislature, which relate to the
Office of the Attorney General and the Tobacco
Settlement Fund; modifying provisions applicable to
deposit of certain monies; modifying monies deposited
to Tobacco Settlement Fund; transferring certain sum
to Tobacco Settlement Endowment Trust Fund; amending
Section 81 of Enrolled Senate Bill No. 965 of the 2nd
Session of the 47th Oklahoma Legislature, which
relates to an appropriation to the Department of
Transportation; modifying year for which certain
appropriation made; making appropriation to The 1921
Tulsa Race Riot Commission Revolving Fund; stating

1 purpose; amending Section 56 of Enrolled House Bill
2 No. 2260 of the 2nd Session of the 47th Oklahoma
3 Legislature, which relates to an appropriation to the
4 Legislative Service Bureau; modifying appropriation
5 amount; appropriating certain amount to Legislative
6 Service Bureau; stating purpose; amending Section 20
7 of Enrolled House Bill No. 2260 of the 2nd Session of
8 the 47th Oklahoma Legislature, as amended by Section
9 1 of Enrolled House Bill No. 2249 of the 2nd Session
10 of the 47th Oklahoma Legislature, which relates to
11 the Oklahoma State Regents for Higher Education;
12 modifying appropriation amount; amending Section 27
13 of Enrolled House Bill No. 2260 of the 2nd Session of
14 the 47th Oklahoma Legislature, which relates to the
15 Oklahoma State Regents for Higher Education;
16 modifying appropriation amount; stating legislative
17 intent regarding certain provisions relating to the
18 Oklahoma Health Care Authority; specifying certain
19 requirements for budget work program; requiring
20 certain reports; repealing 47 O.S. 1991, Section 11-
21 902, as last amended by Section 1 of Enrolled Senate
22 Bill No. 1443 of the 2nd Session of the 47th Oklahoma
23 Legislature, which relates to driving under the
24 influence of alcohol; providing for codification;
25 providing for noncodification; providing for
26 recodification; providing effective dates; providing
27 a conditional effective date; and declaring an
28 emergency.

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

30 SECTION 1. NEW LAW A new section of law to be codified
31 in the Oklahoma Statutes as Section 621 of Title 57, unless there is
32 created a duplication in numbering, reads as follows:

The Department of Corrections and the University Hospitals
Authority are hereby authorized to negotiate for a lease renewable
annually for not less than ten (10) years, subject to annual
appropriations, for the use and occupation of so much of the
O'Donoghue Rehabilitation Institute as is necessary for the
provision of health care services pursuant to a contract entered
into pursuant to Section 2 of this act. The Department is
authorized to enter into such lease subject to the ability of the
Department to complete the contractual arrangements set forth in
Section 2 of this act.

1 SECTION 2. NEW LAW A new section of law to be codified
2 in the Oklahoma Statutes as Section 622 of Title 57, unless there is
3 created a duplication in numbering, reads as follows:

4 A. The Department of Corrections is authorized to negotiate and
5 enter into contracts for the provision of specialty medical care at
6 the O'Donoghue Rehabilitation Institute for all inmates for whom the
7 Department of Corrections has statutory responsibility for medical
8 care. Such contracts shall not be subject to the provisions of the
9 Central Purchasing Act and shall incorporate the following
10 provisions:

11 1. The contracts shall apply to all inmates for whom the
12 Department of Corrections has statutory responsibility for medical
13 care, whether such inmates are housed in a facility operated by the
14 Department, in a county jail or in a facility operated by a
15 contractor, unless the Department has a contractual agreement for a
16 contractor to furnish medical care for inmates housed in a facility
17 operated by such private prison operator;

18 2. The contract will provide for specific health care services
19 to be provided at the O'Donoghue Rehabilitation Institute, with the
20 operational responsibility of the facility, other than security and
21 transportation of inmates, to be assumed by the University Hospitals
22 Authority, pursuant to the Joint Operating Agreement entered into
23 between the Authority and HCA Health Services of Oklahoma, Inc. on
24 February 5, 1998. The Department of Corrections, contractors or
25 county sheriff shall be responsible for all transportation and
26 security of inmates receiving medical treatment under the contract;

27 3. The contract will provide that all persons employed in the
28 medical-surgical unit of the Griffin Memorial Hospital in Norman,
29 Oklahoma, on the contract commencement date, be offered employment
30 at the O'Donoghue Rehabilitation Institute subject to the same
31 terms, conditions and benefits provided to former employees of the
32 University Hospitals Authority under the Joint Operating Agreement;

1 4. The contract will provide that the provision of medical care
2 shall begin not later than July 1, 2002;

3 5. The Department of Corrections shall contract with a
4 physicians medical group for the provision of specialty physician
5 services. Payment for such services may be on a capitated or other
6 basis as provided in the contract. This paragraph shall not
7 prohibit the Department from entering into other contracts for the
8 provision of specialty physician services beyond the scope of the
9 physicians medical group;

10 6. The contract will require the Authority, under the Joint
11 Operating Agreement, to provide for the operation of a medical
12 facility at the O'Donoghue Rehabilitation Institute; and

13 7. The contracts shall provide for a system of resolving
14 disputes raised by providers performing services under the
15 contracts.

16 B. The Department of Corrections and the University Hospitals
17 Authority shall consider requiring the following provisions for the
18 payment of medical care when negotiating the contract, but may make
19 other payment provisions if it is determined to be in the best
20 interests of the state to do so:

21 1. Payment of a flat facility fee for each clinic and
22 outpatient visit;

23 2. Payment for diagnostic services and ambulatory surgery to be
24 made on a fee-for-service basis at preestablished rates;

25 3. Payment for each admission to be made either on a case-rate
26 basis varying by diagnosis-related group or on a per diem basis; and

27 4. Infirmary or step-down services will be reimbursed either
28 within the case rate with provisions for additional outlier payments
29 or on a per diem basis.

30 C. The Department shall consider requiring that all nonemergent
31 specialty physician services and inpatient care will be provided by
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1 the vendor and the physicians medical group with the following
2 exceptions:

3 1. Care needed on an urgent routine basis when the vendor or
4 the physicians medical group cannot provide a timely response; and

5 2. Care provided by community providers under contract with the
6 Department of Corrections to provide care for prisoners in
7 designated facilities.

8 SECTION 3. NEW LAW A new section of law to be codified
9 in the Oklahoma Statutes as Section 623 of Title 57, unless there is
10 created a duplication in numbering, reads as follows:

11 The Department of Corrections is authorized to operate on-site
12 primary medical treatment programs using employed or contracted
13 providers at facilities operated by the Department.

14 SECTION 4. NEW LAW A new section of law to be codified
15 in the Oklahoma Statutes as Section 624 of Title 57, unless there is
16 created a duplication in numbering, reads as follows:

17 A. The Department of Corrections is authorized to enter into a
18 contract with a health care administrative services firm no later
19 than October 1, 2000, for the provision of expertise and technical
20 assistance in the following areas:

21 1. Development of the contracts required by Section 14 of this
22 act;

23 2. Review and refinement of system-wide medical and utilization
24 management programs, including review of existing policies,
25 procedures and protocols for use in providing medical care to
26 Oklahoma inmates for whom the Department of Corrections has
27 statutory responsibility to provide medical care;

28 3. Review of the process for establishing payment rates for
29 medical services other than direct care;

30 4. Review of existing formulary and managed pharmaceutical
31 programs for correctional facilities in this state;

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1 5. Review of the process for contracting for competitively
2 priced reference laboratory services, medical supplies and
3 pharmaceuticals; and

4 6. Development of the use of telemedicine as a means of
5 assisting the Department of Corrections in fulfilling its statutory
6 responsibility for the provision of medical care.

7 B. The health care administrative services firm shall be
8 selected through a Request for Proposal developed by the Department
9 of Corrections in consultation with the Correctional Health Care
10 Services Oversight Board created in Section 6 of this act. No
11 contract with such firm shall become effective until reviewed by the
12 Correctional Health Care Services Oversight Board and approved by
13 the State Board of Corrections.

14 C. The Department of Corrections shall provide staffing for any
15 committees established pursuant to Section 5 of this act, and the
16 health care administrative services firm shall assist such
17 committees in the collection, analysis and reporting of information
18 and making recommendations for changes.

19 D. The Department of Corrections shall report at least
20 quarterly to the Correctional Health Care Services Oversight Board
21 on the provision of health care services to inmates. Such reports
22 shall include all recommendations made by the health care services
23 administrative firm and shall provide information to the Oversight
24 Board on the issues encountered and results achieved by the
25 procedures authorized in Section 5 of this act.

26 SECTION 5. NEW LAW A new section of law to be codified
27 in the Oklahoma Statutes as Section 625 of Title 57, unless there is
28 created a duplication in numbering, reads as follows:

29 The Department of Corrections will maintain within its Medical
30 Services Division procedures for quality management, utilization
31 management and a grievance appeals process for inmates. The
32 Department will seek input from the health care administrative

1 services firm as to the advisability of establishing committees to
2 implement the procedures authorized in this section.

3 SECTION 6. NEW LAW A new section of law to be codified
4 in the Oklahoma Statutes as Section 626 of Title 57, unless there is
5 created a duplication in numbering, reads as follows:

6 A. There is hereby created until July 1, 2003, in accordance
7 with the provisions of the Oklahoma Sunset Law, the Correctional
8 Health Care Services Oversight Board. The members of the Board
9 shall be:

- 10 1. The Chief Medical Officer of the Department of Corrections;
- 11 2. The Director of the University Hospitals Authority;
- 12 3. The Dean of the University of Oklahoma Medical School;
- 13 4. A person appointed by the Governor;
- 14 5. A person who is not a state officer or a state employee and
15 who is a recognized expert in the provision of health care services
16 appointed by the President Pro Tempore of the Senate;
- 17 6. A person who is not a state officer or a state employee and
18 who is a recognized expert in the provision of health care services
19 appointed by the Speaker of the House of Representatives;
- 20 7. A person who is not a state officer or a state employee and
21 who is a recognized expert in the provision of health care services
22 appointed by the Governor;
- 23 8. A legislator appointed by the President Pro Tempore of the
24 Senate; and
- 25 9. A legislator appointed by the Speaker of the House of
26 Representatives.

27 B. Each member of the Correctional Health Care Services
28 Oversight Board initially appointed shall make the member's
29 appointment known to the Director of the Department of Corrections.
30 Any vacancies in the appointive membership of the Board shall be
31 filled in the same manner as the original appointment. The Chief
32 Medical Officer of the Department of Corrections shall be the chair

1 of the Board and the members shall elect a vice-chair from its
2 members.

3 C. A majority of the members of the Board shall constitute a
4 quorum and a majority present may act for the Board.

5 D. The Department of Corrections shall provide staff assistance
6 to the Board in the performance of its duties.

7 E. The Board shall have the duty and responsibility of
8 monitoring the provision of health care services to Oklahoma inmates
9 sentenced to the custody of the Department of Corrections in
10 correctional facilities in this state and providing advice and
11 recommendations to the Legislature and the Department of
12 Corrections.

13 F. The Board shall review the Department of Corrections Medical
14 Service Division's quality management process and any proposed
15 amendments to the process. The Board shall monitor implementation
16 of the process and make recommendations to the Director of the
17 Department of Corrections regarding the process and its
18 implementation.

19 G. The Board shall have the authority to review the appeals
20 process and any issues arising from the appeals process which might
21 result in litigation. Any such review shall be conducted in
22 executive session.

23 H. Members of the Board shall receive no salary; however, all
24 members of the Board shall be reimbursed for all actual and
25 necessary travel expenses as follows:

26 1. Board members employed by the state who are not members of
27 the Legislature shall be reimbursed by their respective employing
28 agency pursuant to the State Travel Reimbursement Act;

29 2. Board members who are also members of the Legislature shall
30 be reimbursed pursuant to the provisions of Section 456 of Title 74
31 of the Oklahoma Statutes; and
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1 3. Any other Board member shall receive reimbursement from the
2 member's appointing authority.

3 SECTION 7. NEW LAW A new section of law to be codified
4 in the Oklahoma Statutes as Section 561.3 of Title 57, unless there
5 is created a duplication in numbering, reads as follows:

6 A. Every contract entered into on and after the effective date
7 of this act, between the Department of Corrections and a private
8 prison operator which provides for the housing of inmates under the
9 custody or supervision of the Department of Corrections, shall
10 require that the private prison operator furnish medical care for
11 such inmates as part of the contract price. Such care shall meet
12 standards prepared and established by the Board of Corrections for
13 inmate medical care.

14 B. A private prison operator which has contracted with the
15 Department of Corrections to house inmates under the custody or
16 control of the Department and which is required by such contract to
17 furnish medical care for such inmates may contract with the
18 Department of Corrections for medical care to be provided pursuant
19 to the contract provided for in Section 2 of this act.

20 SECTION 8. NEW LAW A new section of law not to be
21 codified in the Oklahoma Statutes reads as follows:

22 The Department of Mental Health and Substance Abuse Services is
23 directed to cease all operations of the medical-surgical unit at the
24 Griffin Memorial Hospital on commencement of the O'Donoghue
25 Rehabilitation Institute services contract as provided by this act.
26 All functions of such unit shall be assumed by the contract provided
27 for in Section 2 of this act. All affected employees shall be
28 entitled to the benefits provided by paragraph 3 of subsection A of
29 Section 2 of this act in addition to all other benefits and
30 privileges provided by law.

31 SECTION 9. There is hereby appropriated to the Department of
32 Corrections from any monies not otherwise appropriated from the

1 General Revenue Fund of the State Treasury for the fiscal year
2 ending June 30, 2001, the sum of Seven Hundred Thousand Dollars
3 (\$700,000.00) or so much thereof as may be necessary to perform
4 architectural and engineering work at the O'Donoghue Rehabilitation
5 Institute and to enter into a contract with a health care
6 administrative services firm as provided in Section 4 of this act.

7 SECTION 10. AMENDATORY 43A O.S. 1991, Section 3-701, as
8 amended by Section 6, Chapter 174, O.S.L. 1997 (43A O.S. Supp. 1999,
9 Section 3-701), is amended to read as follows:

10 Section 3-701. ~~It~~ Until commencement of the O'Donoghue
11 Rehabilitation Institute services contract, it shall be the
12 responsibility of the Department of Mental Health and Substance
13 Abuse Services, within facilities and professional capabilities, to
14 provide at Griffin Memorial Hospital, Norman, Oklahoma, such medical
15 and surgical inpatient and outpatient care as may be required by
16 inmates from the several correctional institutions that are properly
17 referred to the hospital by the Department of Corrections. The
18 Department of Mental Health and Substance Abuse Services may refer
19 to the University Hospitals, and the latter shall accept those
20 correctional inmate patients who are beyond the facilities' and
21 professional capability of Griffin Memorial Hospital. The
22 Department of Corrections shall be responsible for transporting to,
23 from, and between hospitals and for providing such physical security
24 of correctional inmate patients as may be required beyond that
25 security normal to hospital operation. The Department of
26 Corrections shall immediately remove from the hospital those inmate
27 patients as they are discharged by the hospital. The hospital
28 services provided by Griffin Memorial Hospital and the University
29 Hospitals shall be without cost to the Department of Corrections.

30 SECTION 11. AMENDATORY Section 3, Chapter 330, O.S.L.
31 1993, as last amended by Section 1, Chapter 174, O.S.L. 1997 (63
32 O.S. Supp. 1999, Section 3203), is amended to read as follows:

1 Section 3203. A. The purposes of the University Hospitals
2 Authority Act are to provide for an effective and efficient
3 administration, to ensure a dependable source of funding, and to
4 effectuate the mission and purposes of the University Hospitals
5 Authority. The mission and purposes of the University Hospitals are
6 to serve as general hospitals, to serve as teaching and training
7 facilities for students enrolled at the University of Oklahoma, to
8 serve as a site for conducting medical and biomedical research by
9 faculty members of the University of Oklahoma Health Sciences Center
10 and to provide care for the medically indigent. The University
11 Hospitals shall maintain a close affiliation with the University of
12 Oklahoma Health Sciences Center and shall coordinate their
13 operations and activities in a cooperative manner. In addition, the
14 University Hospitals Authority shall provide indigent and
15 nonindigent patient care, as more fully described herein.

16 B. The Legislature finds that the needs of the citizens of this
17 state and the needs of the University of Oklahoma Health Sciences
18 Center will be best served if the University Hospitals are operated
19 by a separate Authority charged with the mission of operating or
20 leasing the operations of the teaching hospitals for the benefit of
21 the colleges of the University of Oklahoma Health Sciences Center
22 and providing care for the medically indigent.

23 C. The University Hospitals Authority, by receiving the assets
24 and operating obligations, shall ensure that the costs of delivering
25 medically indigent care continue to be subsidized in excess of the
26 state reimbursement for the medically indigent, consistent with the
27 teaching hospitals' past policy and performance and that of the
28 University of Oklahoma Health Sciences Center. The Authority shall
29 make or cause to be made every reasonable effort to continue the
30 hospitals' historic commitment to the provision of uncompensated
31 care and that the allocation and investment of resources shall be
32 made with a view to maximizing the hospitals' long-term ability to

1 provide uncompensated care, except as may be modified by changes in
2 federal or state law. The University Hospitals Authority shall
3 ensure that indigent care provided by the Oklahoma Medical Center
4 during a fiscal year shall be equal to or exceed one hundred twenty
5 percent (120%) of the annual appropriation to the University
6 Hospitals Authority for indigent care. The level of indigent care
7 provided shall be based on Medicare costs as determined by the most
8 recent report filed by any operating entity of the University
9 Hospitals with the federal Health Care Finance Administration.

10 D. As used in this section, "indigent care" means charity care,
11 Medicaid contractual allowances, all debt arising from accounts for
12 which there is no third-party coverage including services provided
13 to the Department of Corrections until commencement of the
14 O'Donoghue Rehabilitation Institute services contract pursuant to
15 Section 3-701 of Title 43A of the Oklahoma Statutes and Department
16 of Mental Health and Substance Abuse Services as otherwise required
17 by law. For purposes of this subsection, third-party coverage shall
18 not include Medicaid coverage.

19 E. The Board of Regents of the University of Oklahoma shall
20 retain full power to govern the personnel, curriculum and facilities
21 of the University of Oklahoma.

22 SECTION 12. AMENDATORY Section 5, Chapter 263, O.S.L.
23 1995, as amended by Section 7, Chapter 321, O.S.L. 1996 (63 O.S.
24 Supp. 1999, Section 3226), is amended to read as follows:

25 Section 3226. A. Contingent upon the creation of the
26 University Hospitals Trust as provided in Section ~~3~~ 3224 of this ~~act~~
27 title, the University Hospitals Authority is hereby authorized to
28 lease, for a term of not more than fifty (50) years, renewable at
29 the option of the Authority, all real property known as the
30 University Hospitals and any other sites under the control of the
31 Authority to the University Hospitals Trust. Any lease agreement
32 made pursuant to this section shall be contingent upon:

1 1. Prior review by the Attorney General of any contractual
2 agreement between the University Hospitals Trust and any entity
3 authorized to transact business in the State of Oklahoma regarding
4 the lease and operations of the University Hospitals. The Attorney
5 General shall disapprove the agreement if it is determined that
6 provisions of the agreement are not consistent with state law; and

7 2. The execution of an operating and lease agreement between
8 the University Hospitals Trust and any entity authorized to transact
9 business in the State of Oklahoma.

10 B. Concurrent with the execution of a lease of real property
11 from the University Hospitals Authority to the University Hospitals
12 Trust as provided in subsection A of this section, the Authority is
13 authorized to transfer title to and possession of all tangible and
14 intangible personal property under its control to the Trust. In any
15 contractual agreement regarding the lease and operations of the
16 University Hospitals between the University Hospitals Trust and any
17 entity authorized to transact business in the State of Oklahoma, the
18 Trust is authorized to sell or otherwise convey to such entity all
19 tangible and intangible personal property the Trust may receive from
20 the University Hospitals Authority. Any contract or other agreement
21 which purports to exercise the powers authorized by this subsection
22 is subject to review by the Contingency Review Board, as specified
23 in Section 3225 of this title.

24 C. If a contracting entity fails to take possession of the
25 leased premises or abandons or surrenders possession of the leased
26 premises, other than to a state agency, at any time during the term
27 of the lease between the University Hospitals Trust and the
28 contracting entity, the interest in the real property leased to the
29 University Hospitals Trust by the University Hospitals Authority
30 shall revert to and be the sole and exclusive property of the
31 University Hospitals Authority.
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1 D. Contingent upon the execution of an agreement between the
2 University Hospitals Trust and any entity authorized to transact
3 business in the State of Oklahoma, as specified in subsection A of
4 this section, the University Hospitals Authority is authorized to
5 enter into an agreement for such entity to provide indigent care
6 services and perform other related duties imposed upon the
7 University Hospitals Authority by law. Such an agreement between
8 the University Hospitals Authority and such entity is exempt from
9 the requirements of the Oklahoma Central Purchasing Act and any
10 rules adopted by the University Hospitals Authority pursuant to the
11 Administrative Procedures Act.

12 SECTION 13. AMENDATORY Section 1, Chapter 320, O.S.L.
13 1995, as amended by Section 2, Chapter 309, O.S.L. 1996 (47 O.S.
14 Supp. 1999, Section 6-106.1), is amended to read as follows:

15 Section 6-106.1 Sections ~~6-106.1 through 6-106.3~~ of this title
16 ~~and Section 1~~ 13 through 16 of this act shall be known and may be
17 cited as the "Drunk Driving Prevention Act".

18 SECTION 14. AMENDATORY Section 2, Chapter 320, O.S.L.
19 1995 (47 O.S. Supp. 1999, Section 6-106.2), is amended to read as
20 follows:

21 Section 6-106.2 The purpose of this act is to reduce the
22 incidence of ~~death, injury and property damage in this state by~~
23 ~~those~~ persons who drive or are in actual physical control of a motor
24 vehicle while under the influence of alcohol or other intoxicating
25 substances.

26 SECTION 15. AMENDATORY Section 3, Chapter 320, O.S.L.
27 1995, as amended by Section 3, Chapter 309, O.S.L. 1996 (47 O.S.
28 Supp. 1999, Section 6-106.3), is amended to read as follows:

29 Section 6-106.3 A. The State Department of Education shall
30 ~~within one (1) year after the effective date of this act,~~ develop
31 and administer appropriate driver education programs to be conducted
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1 in all of the schools of this state to increase awareness of the
2 dangers of drinking and driving.

3 B. 1. In order to provide education and instruction to all
4 applicants for an original Oklahoma driver license, the Oklahoma
5 Driver's Manual, published and distributed by the Department of
6 Public Safety pursuant to Section 2-114 of this title, shall contain
7 accurate information on:

8 a. the hazards of driving while under the influence of
9 alcohol or other intoxicating substances, and

10 b. the legal and financial consequences resulting from
11 violations of this state's laws prohibiting the
12 operation or actual physical control of a motor
13 vehicle while under the influence of alcohol or other
14 intoxicating substances.

15 2. In addition to the subjects set forth in Section 6-110 of
16 this title, the written examination administered by the Department
17 of Public Safety to every applicant for an original Oklahoma driver
18 license shall contain questions on the subjects listed in this
19 subsection.

20 SECTION 16. AMENDATORY Section 1, Chapter 309, O.S.L.
21 1996, as amended by Section 2, Chapter 106, O.S.L. 1999 (47 O.S.
22 Supp. 1999, Section 6-106.4), is amended to read as follows:

23 Section 6-106.4 A. It is unlawful, and punishable as provided
24 in subsection B of this section, for any person under twenty-one
25 (21) years of age to drive, operate, or be in actual physical
26 control of a motor vehicle within this state who:

27 1. Has any measurable quantity of alcohol in the person's blood
28 or breath at the time of a test administered within two (2) hours
29 after an arrest of the person;

30 2. Exhibits evidence of being under the influence of any other
31 intoxicating substance as shown by analysis of a specimen of the
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1 person's blood, breath, saliva, or urine in accordance with the
2 provisions of Sections 752 and 759 of this title; or

3 3. Exhibits evidence of the combined influence of alcohol and
4 any other intoxicating substance.

5 B. ~~4.~~ Any person under twenty-one (21) years of age who
6 violates any provision of this section shall be subject to the
7 seizure of the driver license of that person at the time of arrest
8 or detention and the person, upon conviction, shall be guilty of
9 operating or being in actual physical control of a motor vehicle
10 while under the influence while under age and shall be punished:

11 a. ~~for~~

12 1. For a first offense, by a fine of not less than One Hundred
13 Dollars (\$100.00) nor more than Five Hundred Dollars (\$500.00), or
14 by assignment to and completion of twenty (20) hours of community
15 service, or by requiring the person to attend and complete a
16 treatment program, or by any combination of fine, community service,
17 or treatment, ~~or~~;

18 b. ~~upon~~

19 2. Upon a second or subsequent conviction, ~~shall be punished~~
20 by:

21 a. assignment to and completion of not less than two
22 hundred forty (240) hours of community service, and

23 b. the requirement, after the conclusion of the mandatory
24 revocation period, to install an ignition interlock
25 device for a period of not less than thirty (30) days,
26 as ordered by the court, on every vehicle owned by the
27 person and on the vehicle regularly operated by the
28 person, if such vehicle is not owned by the person,
29 pursuant to Section 754.1 or 755 of this title. The
30 installation of an ignition interlock device, as
31 required by this subparagraph, shall not be construed
32

1 to authorize the person to drive unless the person is
2 otherwise eligible to drive.

3 In addition, a second conviction may be punished by a fine of not
4 less than One Hundred Dollars (\$100.00) nor more than One Thousand
5 Dollars (\$1,000.00), ~~or by completion of forty (40) hours of~~
6 ~~community service,~~ or by requiring the person to attend and complete
7 a treatment program, as recommended by the assessment required
8 pursuant to subparagraph c of paragraph 2 of subsection D of this
9 section, or by any combination of fine, community service, or
10 ~~treatment both;~~ or

11 3. Upon a third or subsequent conviction, by:

- 12 a. assignment to and completion of not less than four
13 hundred eighty (480) hours of community service, and
14 b. the requirement, after the conclusion of the mandatory
15 revocation period, to install an ignition interlock
16 device for a period of not less than thirty (30) days,
17 as ordered by the court, on every vehicle owned by the
18 person and on the vehicle regularly operated by the
19 person, if such vehicle is not owned by the person,
20 pursuant to Section 754.1 or 755 of this title. The
21 installation of an ignition interlock device, as
22 required by this subparagraph, shall not be construed
23 to authorize the person to drive unless the person is
24 otherwise eligible to drive.

25 In addition, a third or subsequent conviction may be punished by a
26 fine of not less than One Hundred Dollars (\$100.00) nor more than
27 Two Thousand Dollars (\$2,000.00), or by requiring the person to
28 attend and complete a treatment program, as recommended by the
29 assessment required pursuant to subparagraph c of paragraph 2 of
30 subsection D of this section, or by both.

31 2. C. The court may assess additional community service hours
32 in lieu of any fine specified in this section.

1 ~~3.~~ D. In addition to any penalty or condition imposed pursuant
2 to the provisions of this section, the person ~~may~~ shall be subject
3 to:

4 1. Upon a first conviction:

- 5 a. the cancellation or denial of driving privileges as
6 ordered by the court pursuant to Section 6-107.1 of
7 this title, and
8 b. ~~the seizure of the driver license at the time of~~
9 ~~arrest or detention, and the administrative revocation~~
10 ~~of driving privileges by the Department of Public~~
11 ~~Safety pursuant to Section 754 of this title, and~~
12 ~~e.~~ the mandatory revocation of driving privileges
13 pursuant to Section 6-205.1, 753 or 754 of this title,
14 which revocation period may be modified as provided by
15 law; and

16 2. Upon a second or subsequent conviction:

- 17 a. the cancellation or denial of driving privileges for a
18 period of two (2) years or until the person attains
19 eighteen (18) years of age, whichever is longer,
20 pursuant to subsection B of Section 6-107.2 of this
21 title,
22 b. the mandatory revocation of driving privileges
23 pursuant to Section 6-205.1, 753 or 754 of this title,
24 which period may be modified as provided by law, and
25 c. an assessment of the person's degree of alcohol abuse,
26 in the same manner as prescribed in subsection H of
27 Section 11-902 of this title, which may result in
28 treatment as deemed appropriate by the court.

29 ~~E.~~ E. Nothing in this section shall be construed to prohibit
30 the filing of charges pursuant to Section 761 or 11-902 of this
31 title when the facts warrant.

32 F. As used in this section:

1 1. The term "conviction" includes a juvenile delinquency
2 adjudication by a court; and

3 2. The term "revocation" includes the cancellation or denial of
4 driving privileges by the Department.

5 SECTION 17. AMENDATORY 47 O.S. 1991, Section 6-205, as
6 last amended by Section 1, Chapter 293, O.S.L. 1998 (47 O.S. Supp.
7 1999, Section 6-205), is amended to read as follows:

8 Section 6-205. A. The Department of Public Safety shall
9 immediately revoke the ~~driver license~~ or driving privilege of any
10 person, whether adult or juvenile, upon receiving a record of
11 conviction in any municipal, state or federal court within the
12 United States of any of the following offenses, when such conviction
13 has become final:

14 1. Manslaughter or negligent homicide resulting from the
15 operation of a motor vehicle;

16 2. Driving or being in actual physical control of a motor
17 vehicle while under the influence of alcohol, any other intoxicating
18 substance, or the combined influence of alcohol and any other
19 intoxicating substance, any violation of paragraph 1, 2, 3 or 4 of
20 subsection A of Section 11-902 of this title or any violation of
21 Section ~~6-106.4 16~~ of this title act. However, the Department shall
22 not additionally revoke ~~a license~~ the driving privileges of the
23 person pursuant to this subsection if the person's driving privilege
24 has been revoked because of a test result or test refusal pursuant
25 to Section 753 or 754 of this title arising from the same
26 circumstances which resulted in the conviction;

27 3. Any felony during the commission of which a motor vehicle is
28 used;

29 4. Failure to stop and render aid as required under the laws of
30 this state in the event of a motor vehicle accident resulting in the
31 death or personal injury of another;

1 5. Perjury or the making of a false affidavit or statement
2 under oath to the Department under the Uniform Vehicle Code, Section
3 1-101 et seq. of this title, or under any other law relating to the
4 ownership or operation of motor vehicles;

5 6. A misdemeanor or felony conviction for unlawfully
6 possessing, distributing, dispensing, manufacturing or trafficking
7 in a controlled dangerous substance as defined in the Uniform
8 Controlled Dangerous Substances Act, Section 2-101 et seq. of Title
9 63 of the Oklahoma Statutes;

10 7. Failure to pay for gasoline pumped into a vehicle pursuant
11 to Section 1740 of Title 21 of the Oklahoma Statutes; or

12 8. A conviction for a violation of paragraph 3 of subsection A
13 of Section 1151 of this title.

14 B. The first license revocation under any provision of this
15 section, except for paragraph 2, 6, 7 or 8 of subsection A of this
16 section, shall be for a period of one (1) year. Such period shall
17 not be modified.

18 C. A license revocation under any provision of this section,
19 except for paragraph 2, 6, 7 or 8 of subsection A of this section,
20 shall be for a period of three (3) years if a prior revocation under
21 this section, except under paragraph 2 of subsection A of this
22 section, commenced within the preceding five-year period as shown by
23 the Department's record. Such period shall not be modified.

24 D. The period of license revocation under paragraph 2 or 6 of
25 subsection A of this section shall be governed by the provisions of
26 Section 6-205.1 of this title.

27 E. The first license revocation under paragraph 7 or 8 of
28 subsection A of this section shall be for a period of six (6)
29 months. A second or subsequent license revocation under paragraph 7
30 or 8 of subsection A of this section shall be for a period of one
31 (1) year. Such periods shall not be modified.
32

1 SECTION 18. AMENDATORY 47 O.S. 1991, Section 6-205.1, as
2 last amended by Section 3, Chapter 106, O.S.L. 1999 (47 O.S. Supp.
3 1999, Section 6-205.1), is amended to read as follows:

4 Section 6-205.1 A. The driving privilege of a person who is
5 convicted of any offense as provided in paragraph 2 or 6 of
6 subsection A of Section 6-205 of this title, or a person who has
7 refused to submit to a test or tests as provided in Section 753 of
8 this title, or a person whose alcohol concentration is subject to
9 the provisions of Section 754 of this title, shall be revoked or
10 denied by the Department of Public Safety for the following period,
11 as applicable:

12 ~~1. The first license revocation pursuant to Section 753 of this~~
13 ~~title shall be for one hundred eighty (180) days, which may be~~
14 ~~modified;~~

15 ~~2.~~ The first license revocation pursuant to paragraph 2 of
16 subsection A of Section 6-205 of this title or ~~pursuant~~ to Section
17 753 or 754 of this title shall be for one hundred eighty (180) days,
18 which may be modified;

19 ~~3.~~ 2. A revocation pursuant to paragraph 2 of subsection A of
20 Section 6-205, or to Section 753 or 754 of this title shall be for a
21 period of one (1) year if within five (5) years preceding the date
22 of arrest relating thereto, a prior revocation commenced pursuant to
23 paragraph 2 or 6 of subsection A of Section 6-205, or to Section 753
24 or 754 of this title as shown by the Department's records. Such
25 period ~~may~~ shall not be modified; or

26 ~~4.~~ 3. A revocation pursuant to paragraph 2 of subsection A of
27 Section 6-205, or to Section 753 or 754 of this title shall be for a
28 period of three (3) years if within five (5) years preceding the
29 date of arrest relating thereto, two or more prior revocations
30 commenced pursuant to paragraph 2 or 6 of subsection A of Section 6-
31 205, or to Section 753 or 754 of this title as shown by the
32

1 Department's records. Such period may be modified after one (1)
2 year.

3 B. The driving privilege of a person who is convicted of any
4 offense as provided in paragraph 6 of subsection A of Section 6-205
5 of this title shall be revoked or denied by the Department of Public
6 Safety for the following period, as applicable:

7 1. The first license revocation shall be for one hundred eighty
8 (180) days, which may be modified; provided, for license revocations
9 for a misdemeanor charge of possessing a controlled dangerous
10 substance, the provisions of this paragraph shall apply to any such
11 revocations by the Department on or after January 1, 1993;

12 2. A revocation shall be for a period of one (1) year if within
13 five (5) years preceding the date of arrest relating thereto, a
14 prior revocation commenced pursuant to paragraph 2 or 6 of
15 subsection A of Section 6-205, or under Section 753 or 754 of this
16 title as shown by the Department's records. Such period may be
17 modified; or

18 3. A revocation shall be for a period of three (3) years if
19 within five (5) years preceding the date of arrest relating thereto,
20 two or more prior revocations commenced pursuant to paragraph 2 or 6
21 of subsection A of Section 6-205, or under Section 753 or 754 of
22 this title as shown by the Department's records. Such period may be
23 modified.

24 The revocation of the driving privilege of any person under this
25 subsection shall not run concurrently with any other withdrawal of
26 driving privilege resulting from a different incident and which
27 requires the driving privilege to be withdrawn for a prescribed
28 amount of time. A denial based on a conviction of any offense as
29 provided in paragraph 6 of subsection A of Section 6-205 of this
30 title shall become effective on the first day the convicted person
31 is otherwise eligible to apply for and be granted driving privilege
32

1 if the person was not eligible to do so at the time of the
2 conviction.

3 C. For the purposes of this subsection, ~~the~~:

4 1. The term "conviction" ~~shall include~~ includes a juvenile
5 delinquency adjudication by a court or any notification from a court
6 pursuant to Section 6-107.1 of this title; and

7 ~~C. 2.~~ The term "revocation" ~~as used in this section~~ includes a
8 denial of driving privileges by the Department.

9 D. Each period of revocation not subject to modification shall
10 be mandatory and neither the Department nor any court shall grant
11 driving privileges based upon hardship or otherwise for the duration
12 of that period. ~~The~~ Each period of revocation periods, subject to
13 modification as provided for in this section, may be modified as
14 provided for in Section 754.1 or 755 of this title.

15 E. Any appeal of a revocation or denial of driving privileges
16 shall be governed by Section 6-211 of this title.

17 SECTION 19. AMENDATORY 47 O.S. 1991, Section 6-211, as
18 last amended by Section 3, Chapter 139, O.S.L. 1999 (47 O.S. Supp.
19 1999, Section 6-211), is amended to read as follows:

20 Section 6-211. A. Any person denied driving privileges, or
21 whose driving privilege has been canceled, denied, suspended or
22 revoked by the Department, except where such cancellation, denial,
23 suspension or revocation is mandatory, under the provisions of
24 Section 6-205 of this title, shall have the right of appeal to the
25 district court as hereinafter provided. Proceedings before the
26 district court shall be exempt from the provisions of the Oklahoma
27 Pleading and Discovery codes, except that the appeal shall be by
28 petition, without responsive pleadings. The district court is
29 hereby vested with original jurisdiction to hear said petition.

30 B. A person whose driving privilege is denied, canceled,
31 revoked or suspended due to inability to meet standards prescribed
32 by law, or due to an out-of-state conviction or violation, or due to

1 an excessive point accumulation on the traffic record, or for an
2 unlawful license issued, may appeal in the county in which the
3 person resides.

4 C. Any person whose driving privilege is canceled, denied,
5 suspended or revoked may appeal to the district court in the county
6 in which the offense was committed upon which the Department based
7 its order.

8 D. A person whose driving privilege is revoked or denied or who
9 is denied a hearing pursuant to Section 753 or 754 of this title may
10 appeal to the district court in the county in which the arrest
11 occurred relating to the test refusal or test result, as shown by
12 the records of the Department.

13 E. The petition shall be filed within thirty (30) days after
14 the order has been served upon the person, except a petition
15 relating to an implied consent revocation shall be filed within
16 thirty (30) days after the Department gives notice to the person
17 that the revocation is sustained as provided in Section 754 of this
18 title. It shall be the duty of the district court to enter an order
19 setting the matter for hearing not less than fifteen (15) days and
20 not more than thirty (30) days from the date the petition is filed.
21 A certified copy of petition and order for hearing shall be served
22 forthwith by the clerk of the court upon the Commissioner of Public
23 Safety by certified mail at the Department of Public Safety,
24 Oklahoma City, Oklahoma.

25 F. At a hearing on a revocation by the Department pursuant to
26 the implied consent laws as provided in ~~Section~~ Sections 6-205.1,
27 753 and 754 of this title, the court shall not consider the merits
28 of the revocation action unless a written request for an
29 administrative hearing was timely submitted to the Department and
30 the person actually exercised the opportunity to appear as provided
31 in Section 754 of this title and the Department entered an order
32 sustaining the revocation.

1 G. Upon a hearing relating to a revocation pursuant to a
2 conviction for an offense enumerated in Section 6-205 of this title,
3 the court shall not consider the propriety or merits of the
4 revocation action, except to correct the identity of the person
5 convicted as shown by records of the Department.

6 H. In the event the Department declines to modify a revocation
7 order issued pursuant to Section 753, Section 754, paragraph 2 of
8 subsection A of Section 6-205 or Section 6-205.1 of this title,
9 which is subject to modification pursuant to Section 16 of this act
10 or Section 6-205.1 of this title, a petition for modification may be
11 included with the appeal or separately filed at any time, and the
12 district court may, in its discretion, modify the revocation as
13 provided for in Section 755 of this title.

14 I. The court shall take testimony and examine the facts and
15 circumstances, including all of the records on file in the office of
16 the Department of Public Safety relative to the offense committed
17 and the driving record of the person, and determine from the facts,
18 circumstances, and records whether or not the petitioner is entitled
19 to driving privileges or shall be subject to the order of denial,
20 cancellation, suspension or revocation issued by the Department.
21 The court may also determine whether or not, from the person's
22 previous driving record, the order was for a longer period of time
23 than such facts and circumstances warranted. In case the court
24 finds that the order was not justified, the court may sustain the
25 appeal, vacate the order of the Department and direct that driving
26 privileges be restored to the petitioner, if otherwise eligible.
27 The court may, in case it determines the order was justified, but
28 that the period of the suspension or revocation was excessive, enter
29 an order modifying the same as provided by law.

30 J. The testimony of any hearing pursuant to this section shall
31 be taken by the court stenographer and preserved for the purpose of
32 appeal and, in case the Department files notice of appeal from the

1 order of the court as provided herein, the court shall order and
2 direct the court clerk to prepare and furnish a complete transcript
3 of all pleadings and proceedings, together with a complete
4 transcript taken at said hearing at no cost to the Department,
5 except the cost of transcribing.

6 K. In order to stay or supersede any order of the Department,
7 the petitioner may execute and file a cash appeal bond in the sum of
8 Two Hundred Fifty Dollars (\$250.00) with the clerk of the court, to
9 be approved by the court clerk. A certified copy of the bond
10 endorsed with the approval of the court clerk shall be served along
11 with the notice of hearing and petition.

12 The bond shall be to the State of Oklahoma and conditioned that
13 the petitioner will prosecute the appeal with due diligence and
14 during pendency of the appeal abide by and not violate any of the
15 laws of this state or any other state in the operation of a motor
16 vehicle, and that the petitioner will abide by and perform the final
17 judgment of the court therein, and in case the appeal is finally
18 denied the appellant will pay all court costs incurred in the appeal
19 in the district court. If the petitioner is convicted of a traffic
20 offense during the pendency of the appeal or fails to prosecute the
21 appeal with due diligence, the bond may be forfeited to the court
22 fund upon application by the Department and after hearing before the
23 court in which the appeal is pending.

24 L. After filing and approval of the appeal bond and the
25 furnishing thereof to the Department as hereby provided, the
26 Department shall restore driving privileges to the person if
27 otherwise eligible, and the person shall be permitted to operate a
28 motor vehicle pending the appeal, under terms and conditions as
29 prescribed in the bond which shall include the installation of an
30 ignition interlock device on every motor vehicle operated by the
31 person, pursuant to Section 754.1 or 755 of this title, if the
32 person was denied modification pursuant to any provision of

1 paragraph 2 of subsection A of Section 6-205 or Section 6-205.1, 753
2 or 754 of this title; provided, however, if the order of the
3 Department is sustained in final judgment, the court shall, in such
4 final judgment, enter an order extending the period of suspension or
5 revocation for such time as the petitioner was permitted to operate
6 motor vehicles under the provisions of an appeal bond, and the court
7 shall also in such final judgment direct and require the immediate
8 surrender of any driver license or licenses to the Department.

9 M. An appeal may be taken by the person or by the Department
10 from the order or judgment of the district court to the Supreme
11 Court of the State of Oklahoma as otherwise provided by law.

12 SECTION 20. AMENDATORY 47 O.S. 1991, Section 11-902, as
13 last amended by Section 3 of Enrolled House Bill No. 1920 of the 2nd
14 Session of the 47th Oklahoma Legislature, is amended to read as
15 follows:

16 Section 11-902. A. It is unlawful and punishable as provided
17 in this section for any person to drive, operate, or be in actual
18 physical control of a motor vehicle within this state who:

19 1. Has a blood or breath alcohol concentration, as defined in
20 Section 756 of this title, of ten-hundredths (0.10) or more at the
21 time of a test of such person's blood or breath administered within
22 two (2) hours after the arrest of such person;

23 2. Is under the influence of alcohol;

24 3. Is under the influence of any intoxicating substance other
25 than alcohol which may render such person incapable of safely
26 driving or operating a motor vehicle; or

27 4. Is under the combined influence of alcohol and any other
28 intoxicating substance which may render such person incapable of
29 safely driving or operating a motor vehicle.

30 B. The fact that any person charged with a violation of this
31 section is or has been lawfully entitled to use alcohol or a
32 controlled dangerous substance or any other intoxicating substance

1 shall not constitute a defense against any charge of violating this
2 section.

3 C. 1. ~~Every~~ Any person who is convicted of a violation of the
4 provisions of this section shall be deemed guilty of a misdemeanor
5 for the first offense and shall be punished by imprisonment in jail
6 for not less than ten (10) days nor more than one (1) year, and a
7 fine of not less than One Hundred Fifty Dollars (\$150.00) nor more
8 than One Thousand Dollars (\$1,000.00).

9 2. Any person who, within ten (10) years after a previous
10 conviction of a violation of this section or a violation pursuant to
11 the provisions of any law of another state prohibiting the offense
12 provided in subsection A of this section, is convicted of a second
13 offense pursuant to the provisions of this section or has a prior
14 conviction in a municipal criminal court of record for the violation
15 of a municipal ordinance prohibiting the offense provided for in
16 subsection A of this section and within ten (10) years of such
17 municipal conviction is convicted pursuant to the provision of this
18 section shall be deemed guilty of a felony and shall be sentenced
19 to:

20 a. treatment for a minimum of twenty-eight (28) days
21 followed by thirty (30) days of aftercare at the
22 defendant's expense, or

23 b. the custody of the Department of Corrections for not
24 less than one (1) year and not to exceed five (5)
25 years and a fine of not less than One Hundred Fifty
26 Dollars (\$150.00) nor more than Two Thousand Five
27 Hundred Dollars (\$2,500.00).

28 However, if the treatment in subparagraph a of this paragraph
29 does not include inpatient treatment for a period of not less than
30 five (5) days, the person shall serve a term of imprisonment of at
31 least five (5) days.

32

1 3. Any person who is convicted of a second felony offense
2 pursuant to the provisions of this section shall be sentenced to:

3 a. treatment for a minimum of twenty-eight (28) days
4 followed by ninety (90) days of aftercare at the
5 defendant's expense, two hundred forty (240) hours of
6 community service following the aftercare and use of
7 an ignition interlock device, or

8 b. the custody of the Department of Corrections for not
9 less than one (1) year and not to exceed seven (7)
10 years and a fine of not less than One Hundred Fifty
11 Dollars (\$150.00) nor more than Five Thousand Dollars
12 (\$5,000.00).

13 However, if the treatment in subparagraph a of this paragraph
14 does not include inpatient treatment for a period of not less than
15 ten (10) days, the person shall serve a term of imprisonment of at
16 least ten (10) days.

17 4. Any person who is convicted of a third or subsequent felony
18 offense pursuant to the provisions of this section shall be
19 sentenced to:

20 a. inpatient treatment for a minimum of twenty-eight (28)
21 days followed by not less than one (1) year of
22 supervision, periodic testing, and aftercare at the
23 defendant's expense, four hundred eighty (480) hours
24 of community service following the period of
25 aftercare, and use of an ignition interlock device for
26 a minimum of thirty (30) days, or

27 b. the custody of the Department of Corrections for not
28 less than one (1) year and not to exceed ten (10)
29 years and a fine of not less than One Hundred Fifty
30 Dollars (\$150.00) nor more than Five Thousand Dollars
31 (\$5,000.00).

1 However, if the person does not undergo inpatient treatment
2 pursuant to subparagraph a of this paragraph the person shall serve
3 a term of imprisonment of at least ten (10) days.

4 5. Any person who, within ten (10) years after a previous
5 conviction of a violation of murder in the second degree or
6 manslaughter in the first degree in which the death was caused as a
7 result of driving under the influence of alcohol or other
8 intoxicating substance, is convicted of a violation of this section
9 shall be deemed guilty of a felony.

10 6. Provided, however, a conviction from another state shall not
11 be used to enhance punishment pursuant to the provisions of this
12 subsection if that conviction is based on a blood or breath alcohol
13 concentration of less than ten-hundredths (0.10).

14 7. In any case in which a defendant is charged with a second or
15 subsequent driving under the influence of alcohol or other
16 intoxicating substance offense within any municipality with a
17 municipal court other than a court of record, the charge shall be
18 presented to the county's district attorney and filed with the
19 district court of the county within which the municipality is
20 located.

21 8. One Hundred Fifty Dollars (\$150.00) of any fine imposed
22 under this subsection shall be remitted by the court to the State
23 Treasurer to be deposited in the Department of Public Safety Patrol
24 Vehicle Revolving Fund.

25 D. Any person who is convicted of a violation of driving under
26 the influence with a blood or breath alcohol concentration of
27 fifteen-hundredths (0.15) or more shall be deemed guilty of
28 aggravated driving under the influence. Aggravated driving under
29 the influence shall be punishable by mandatory inpatient treatment
30 for a minimum of twenty-eight (28) days followed by not less than
31 one (1) year of supervision, periodic testing, and aftercare at the
32 defendant's expense, four hundred eighty (480) hours of community

1 service following the period of aftercare, and an ignition interlock
2 device for a minimum of thirty (30) days. Nothing in this
3 subsection shall preclude the defendant from being charged or
4 punished as provided in paragraphs 1, 2, 3, 4 or 5 of subsection C
5 of this section.

6 E. When a person is sentenced to imprisonment in the custody of
7 the Department of Corrections, the person shall be processed through
8 the Lexington Assessment and Reception Center or at a place
9 determined by the Director of the Department of Corrections. The
10 Department of Corrections shall classify and assign the person to
11 one or more of the following:

12 1. The Department of Mental Health and Substance Abuse Services
13 pursuant to paragraph 1 of subsection A of Section 612 of Title 57
14 of the Oklahoma Statutes; or

15 2. A correctional facility operated by the Department of
16 Corrections with assignment to substance abuse treatment.

17 ~~E. In the event a felony conviction does not result in the~~
18 ~~person being sentenced to the custody of the Department of~~
19 ~~Corrections, the person shall be required to serve not less than ten~~
20 ~~(10) days of community service, or to undergo inpatient~~
21 ~~rehabilitation or treatment in a public or private facility with at~~
22 ~~least minimum security for a period of not less than forty-eight~~
23 ~~(48) consecutive hours, notwithstanding the provisions of Sections~~
24 ~~991a, 991a-2 and 996.3 of Title 22 of the Oklahoma Statutes.~~

25 F. The Department of Mental Health and Substance Abuse Services
26 and the Department of Corrections ~~may~~ shall certify to the
27 Department of Public Safety that a person has participated in an
28 alcohol and substance abuse evaluation and assessment program, as
29 provided in subsection H of this section, and successfully completed
30 a any drug treatment program required by the court and is
31 successfully complying with any follow-up treatment required by the
32 Department of Corrections. In such case, the person shall be given

1 credit therefor as fulfillment of all provisions of Section 3-453 of
2 Title 43A of the Oklahoma Statutes and shall be permitted to apply
3 for reinstatement of any suspension, revocation, cancellation or
4 denial order withdrawing a privilege to drive, if the person is
5 otherwise eligible.

6 G. The Department of Public Safety is hereby authorized to
7 reinstate any suspended or revoked ~~license~~ driving privilege when
8 the ~~applicant~~ person meets the statutory requirements which affect
9 the existing driving privilege.

10 H. ~~Except as provided in subsection J of this section, any~~ Any
11 person who is found guilty of a violation of the provisions of this
12 section shall be ordered to participate in, prior to sentencing, an
13 alcohol and drug substance abuse evaluation and assessment program
14 offered by a facility or qualified practitioner certified by the
15 Department of Mental Health and Substance Abuse Services for the
16 purpose of evaluating and assessing the receptivity to treatment and
17 prognosis of the person. The court shall order the person to
18 reimburse the facility or qualified practitioner for the evaluation
19 and assessment. The Department of Mental Health and Substance Abuse
20 Services shall establish a fee schedule, based upon a person's
21 ability to pay, provided the fee for an evaluation and assessment
22 shall not exceed Seventy-five Dollars (\$75.00). The evaluation and
23 assessment shall be conducted at a certified facility, the office of
24 a qualified practitioner or at another location as ordered by the
25 court. The facility or qualified practitioner shall, within
26 seventy-two (72) hours from the time the person is evaluated and
27 assessed, submit a written report to the court for the purpose of
28 assisting the court in its final sentencing determination. If such
29 report indicates that the evaluation and assessment shows that the
30 defendant would benefit from a treatment program, the court shall,
31 as a condition of any sentence imposed, including deferred and
32 suspended sentences, require the person to participate in an alcohol

1 and drug substance abuse treatment program at an approved treatment
2 facility as defined by Section 3-403 of Title 43A of the Oklahoma
3 Statutes. No person, agency or facility operating an alcohol and
4 drug substance abuse evaluation and assessment program certified by
5 the Department of Mental Health and Substance Abuse Services shall
6 solicit or refer any person evaluated and assessed pursuant to this
7 section for any treatment program or alcohol and drug substance
8 abuse service in which such person, agency or facility has a vested
9 interest; however, this provision shall not be construed to prohibit
10 the court from ordering participation in or any person from
11 voluntarily utilizing a treatment program or alcohol and drug
12 substance abuse service offered by such person, agency or facility.
13 If a person is sentenced to imprisonment in the custody of the
14 Department of Corrections and the court has received a written
15 evaluation report pursuant to the provisions of this subsection, the
16 report shall be furnished to the Department of Corrections with the
17 judgment and sentence. Any evaluation and assessment report
18 submitted to the court pursuant to the provisions of this subsection
19 shall be handled in a manner which will keep such report
20 confidential from the general public's review. Nothing contained in
21 this subsection shall be construed to prohibit the court from
22 ordering judgment and sentence in the event the defendant fails or
23 refuses to comply with an order of the court to obtain the
24 evaluation and assessment required by this subsection. If the
25 defendant fails or refuses to comply with an order of the court to
26 obtain the evaluation and assessment, the Department of Public
27 Safety shall not reinstate driving privileges until the defendant
28 has complied in full with such order. As used in this subsection,
29 "qualified practitioner" means a person with at least a bachelor's
30 degree in substance abuse treatment, mental health or a related
31 health care field and at least two (2) years' experience in
32 providing alcohol treatment, other drug abuse treatment, or both

1 alcohol and other drug abuse treatment who is certified each year by
2 the Department of Mental Health and Substance Abuse Services to
3 provide these assessments. Nothing contained in this subsection
4 shall be construed to prohibit the court from ordering judgment and
5 sentence and any other sanction authorized by law for failure or
6 refusal to comply with an order of the court.

7 I. Any person who is found guilty of a violation of the
8 provisions of this section may be required by the court to attend a
9 victims impact panel program, if such a program is offered in the
10 county where the judgment is rendered, and to pay a fee, not less
11 than Fifteen Dollars (\$15.00) nor more than Twenty-five Dollars
12 (\$25.00) as set by the governing authority of the program and
13 approved by the court, to the program to offset the cost of
14 participation by the defendant, if in the opinion of the court the
15 defendant has the ability to pay such fee.

16 J. Any person who is found guilty of a ~~felony~~ second or
17 subsequent violation of the provisions of this section, ~~who receives~~
18 ~~a suspended sentence and who does not already have an ignition~~
19 ~~interlock device installed pursuant to Section 754.1 of this title,~~
20 ~~shall as a condition of that suspended sentence be required~~ ordered
21 by the court to have installed, after the conclusion of the
22 mandatory revocation period pursuant to Section 6-205.1 of this
23 title, on every motor vehicle owned by the person and on the vehicle
24 regularly operated by the person, if such vehicle is not owned by
25 the person pursuant to Sections 754.1 and 755 of this title, an
26 ignition interlock device approved by the Department of Public
27 Safety at the person's own expense for a period of not less than six
28 (6) months nor more than three (3) years. ~~The ignition interlock~~
29 ~~device shall be placed on the motor vehicle owned by the defendant~~
30 ~~or on the vehicle most regularly operated by the defendant.~~ The
31 person shall pay the monthly maintenance fee for ~~the~~ each ignition
32 interlock device ~~as a condition of the suspended sentence~~ installed

1 pursuant to this subsection. The installation of an ignition
2 interlock device, as required by this subsection, shall not be
3 construed to authorize the person to drive unless the person is
4 otherwise eligible to drive.

5 K. Any person who is found guilty of a felony violation of the
6 provisions of this section may be required to submit to electronic
7 monitoring as authorized and defined by Section 991a of Title 22 of
8 the Oklahoma Statutes.

9 L. Any person who, within ten (10) years after a previous
10 conviction of a violation of this section or a violation pursuant to
11 the provisions of law of another state prohibiting the offense
12 provided in subsection A of this section or a violation of a
13 municipal ordinance prohibiting the offense provided in subsection A
14 of this section, pleads guilty or nolo contendere or is convicted of
15 a violation of this section shall not be required to undergo the
16 alcohol and drug substance evaluation program required by subsection
17 H of this section. The court shall, as a condition of any sentence
18 imposed, including deferred and suspended sentences, require the
19 person to participate in an alcohol and drug substance abuse
20 treatment program pursuant to Section 3-452 of Title 43A of the
21 Oklahoma Statutes.

22 M. Any person who is found guilty of a violation of the
23 provisions of this section who has been sentenced by the court to
24 perform any type of community service shall not be permitted to pay
25 a fine in lieu of performing the community service.

26 SECTION 21. AMENDATORY 47 O.S. 1991, Section 756, as
27 last amended by Section 10, Chapter 309, O.S.L. 1996 (47 O.S. Supp.
28 1999, Section 756), is amended to read as follows:

29 Section 756. A. Upon the trial of any criminal action or
30 proceeding arising out of acts alleged to have been committed by any
31 person while driving or in actual physical control of a motor
32 vehicle while under the influence of alcohol or any other

1 intoxicating substance, or the combined influence of alcohol and any
2 other intoxicating substance, evidence of the alcohol concentration
3 in the blood or breath of the person as shown by analysis of the
4 blood or breath of the person performed in accordance with the
5 provisions of Sections 752 and 759 of this title or evidence of the
6 presence and concentration of any other intoxicating substance as
7 shown by analysis of such person's blood, breath, saliva, or urine
8 specimens in accordance with the provisions of Sections 752 and 759
9 of this title is admissible. Evidence that the person has refused
10 to submit to either of said analyses is also admissible. For the
11 purpose of this title, when the person is under the age of twenty-
12 one (21) years, evidence that there was, at the time of the test,
13 any measurable quantity of alcohol is prima facie evidence that the
14 person is under the influence of alcohol in violation of Section ~~4~~
15 16 of this act. For persons twenty-one years of age or older:

16 1. Evidence that there was, at the time of the test, an alcohol
17 concentration of five-hundredths (0.05) or less is prima facie
18 evidence that the person was not under the influence of alcohol;

19 2. Evidence that there was, at the time of the test, an alcohol
20 concentration in excess of five-hundredths (0.05) but less than ten-
21 hundredths (0.10) is relevant evidence that the person's ability to
22 operate a motor vehicle was impaired by alcohol. However, no person
23 shall be convicted of the offense of operating or being in actual
24 physical control of a motor vehicle while such person's ability to
25 operate such vehicle was impaired by alcohol solely because there
26 was, at the time of the test, an alcohol concentration in excess of
27 five-hundredths (0.05) but less than ten-hundredths (0.10) in the
28 blood or breath of the person in the absence of additional evidence
29 that such person's ability to operate such vehicle was affected by
30 alcohol to the extent that the public health and safety was
31 threatened or that said person had violated a state statute or local
32 ordinance in the operation of a motor vehicle; and

1 3. Evidence that there was, at the time of the test, an alcohol
2 concentration of ten-hundredths (0.10) or more shall be admitted as
3 prima facie evidence that the person was under the influence of
4 alcohol.

5 B. For purposes of this title, "alcohol concentration" means
6 grams of alcohol per one hundred (100) milliliters of blood if the
7 blood was tested, or grams of alcohol per two hundred ten (210)
8 liters of breath if the breath was tested.

9 C. To be admissible in a proceeding, the evidence must first be
10 qualified by establishing that the test was administered to the
11 person within two (2) hours after the arrest of the person.

12 SECTION 22. NEW LAW A new section of law to be codified
13 in the Oklahoma Statutes as Section 916.3 of Title 74, unless there
14 is created a duplication in numbering, reads as follows:

15 A. Notwithstanding the provisions of Sections 901 through 932
16 of Title 74 of the Oklahoma Statutes, a monthly pension, as provided
17 in subsection B of this section, shall be paid on behalf of any
18 member who is a correctional officer or probation and parole officer
19 of the Department of Corrections and who is killed or mortally
20 wounded on or after January 1, 2000, during the performance of the
21 member's duties for the Department.

22 B. The monthly benefit shall be equal to:

23 1. Two and one-half percent (2 1/2%);

24 2. Multiplied by twenty (20) years of service, regardless of
25 the actual number of years of credited service performed by the
26 member prior to death, if the member had performed less than twenty
27 (20) years of credited service, or the actual number of years of
28 credited service of the member if greater than twenty (20) years;

29 3. Multiplied by the member's final average compensation; and

30 4. Divided by 12.

31 C. The pension provided for in subsection A of this section
32 shall be paid:

1 1. Except as provided in subsection D of this section, to the
2 surviving spouse for life; or

3 2. If there is no surviving spouse or upon the death of the
4 surviving spouse:

5 a. to the surviving child or children of said member or
6 legal guardian of such child or children for such time
7 as such child or children are under the age of
8 eighteen (18) years, or

9 b. to the surviving child or children between the age of
10 eighteen (18) and twenty-two (22) years if the child
11 is enrolled full time in and is regularly attending a
12 public or private school or any institution of higher
13 education.

14 D. No surviving spouse shall receive benefits from this
15 section, Section 49-113 of Title 11 of the Oklahoma Statutes,
16 Section 50-117 of Title 11 of the Oklahoma Statutes, or Section 2-
17 306 of Title 47 of the Oklahoma Statutes as the surviving spouse of
18 more than one member of the Oklahoma Firefighters Pension and
19 Retirement System, the Oklahoma Police Pension and Retirement
20 System, the Oklahoma Law Enforcement Retirement System, or the
21 Oklahoma Public Employees Retirement System. The surviving spouse
22 of more than one member shall elect which member's benefits he or
23 she will receive.

24 E. The pension benefit provided in this section shall be made
25 prospectively only from the effective date of this act. The
26 benefits shall be payable beginning the later of the first day of
27 the month following the date that such employee was killed or dies
28 from a mortal wound, as provided in this section, or the effective
29 date of this act.

30 F. The Board of the Oklahoma Public Employees Retirement System
31 shall promulgate such rules as are necessary to implement the
32 provisions of this section.

1 SECTION 23. AMENDATORY 74 O.S. 1991, Section 19, as last
2 amended by Section 1 of Enrolled House Bill No. 1002 of the 2nd
3 Session of the 47th Oklahoma Legislature, is amended to read as
4 follows:

5 Section 19. A. 1. Out of all money received or collected by
6 the Attorney General on behalf of the state or any department or
7 agency thereof, and ~~by him~~ paid into the State Treasury, twenty-five
8 percent (25%) thereof shall be deposited as follows: three-fourths
9 (3/4) in a special agency account fund in the State Treasury,
10 designated the Attorney General's Evidence Fund, which fund shall be
11 a continuing fund, not subject to fiscal year limitations, and one-
12 fourth (1/4) in the Attorney General's Revolving Fund created by
13 Section 20 of this title. Provided, however, the provisions for
14 deposits into the Attorney General's Revolving Fund ~~and the Attorney~~
15 ~~General's Evidence Fund~~ shall not apply to any monies paid to the
16 State of Oklahoma as a result of the settlement of the lawsuit filed
17 by the State of Oklahoma against the tobacco industry.

18 2. All money paid to the Attorney General for reimbursement of
19 court costs, fees and other expenses and appropriated monies
20 authorized to be transferred to the agency special account shall be
21 deposited in the Attorney General's Evidence Fund. Such fund shall
22 be used by the Attorney General for necessary expenses relative to
23 any pending case or other matter within the official responsibility
24 of the Attorney General. ~~Provided, that~~

25 3. Notwithstanding other provisions of this section, the
26 balance on deposit in ~~such fund~~ the Attorney General's Evidence Fund
27 shall never exceed the sum of One Million Five Hundred Thousand
28 Dollars (\$1,500,000.00).

29 B. All money received or credited by the Attorney General on
30 behalf of the Teachers' Retirement System of Oklahoma, the Oklahoma
31 Public Employees Retirement System, the Oklahoma Firefighters
32 Pension and Retirement System, the Oklahoma Police Pension and

1 Retirement System, the Oklahoma Law Enforcement Retirement System or
2 the Uniform Retirement System for Justices and Judges shall be paid
3 to the State Treasurer of the state and ~~by him~~ distributed to the
4 appropriate fund of the respective retirement system as directed by
5 the board of trustees of said respective retirement system. The
6 Attorney General shall invoice the respective retirement system and
7 the respective retirement system shall pay for reasonable attorney's
8 fee for actual legal services rendered by the Attorney General's
9 office related to the money received or credited on behalf of the
10 respective retirement system based on an hourly rate determined by
11 the Attorney General. The hourly rate charged by the Attorney
12 General to a retirement system for services related to the
13 collection of money received or credited on behalf of the respective
14 retirement system shall be based on the labor, time and problems
15 involved, the skill and expertise called for in the performance of
16 the services and the standing of the specific attorney or attorneys
17 involved. The hourly rate charged by the Attorney General to a
18 retirement system shall not be based on the value of the property at
19 issue or recovered. The Attorney General shall not separately
20 invoice a retirement system for the work performed by an attorney
21 employed by the Attorney General's office whose salary and other
22 related costs are paid in part or in whole by said retirement system
23 pursuant to an agreement entered into between the Attorney General
24 and the retirement system for legal services.

25 C. From any monies paid to the State of Oklahoma representing
26 attorney fees, paralegal fees and other costs of litigating the
27 lawsuit filed by the State of Oklahoma against the tobacco industry,
28 the Attorney General shall make such deposits as are appropriate
29 pursuant to subsection A of this section. The balance of any such
30 monies shall be deposited in the General Revenue Fund of the State
31 Treasury.

32

1 SECTION 24. AMENDATORY Section 2 of Enrolled House Bill
2 No. 1002 of the 2nd Session of the 47th Oklahoma Legislature, is
3 amended to read as follows:

4 Section 2. There is hereby created in the State Treasury a
5 revolving fund to be known and designated as the Tobacco Settlement
6 Fund, into which fund shall be deposited ~~all~~:

7 1. All monies received by the state or any official, agency or
8 department of the state in settlement of claims by the state against
9 tobacco manufacturers during the month of April, 2000;

10 2. All monies received by the state or any official, agency or
11 department of the state in settlement of claims by the state against
12 tobacco manufacturers during fiscal year 2001;

13 3. Except as provided in Section 19 of Title 74 of the Oklahoma
14 Statutes, that portion of monies received by the state or any
15 official, agency or department of the state in settlement of claims
16 by the state against tobacco manufacturers which is not otherwise
17 apportioned in the Oklahoma Constitution during fiscal year 2002 and
18 subsequent fiscal years; and

19 4. Such other monies as may be appropriated or otherwise
20 directed thereto by law.

21 The Tobacco Settlement Fund shall be a continuing fund, not
22 subject to fiscal year limitations. No monies shall be paid out of
23 such fund except pursuant to authorization by the Legislature.

24 SECTION 25. TRANSFER The Director of State Finance shall
25 transfer the sum of Fifty Million Dollars (\$50,000,000.00), from any
26 monies in the Tobacco Settlement Fund of the State Treasury for the
27 fiscal year ending June 30, 2001, not otherwise appropriated, to the
28 Tobacco Settlement Endowment Trust Fund of the State Treasury.

29 SECTION 26. AMENDATORY Section 81 of Enrolled Senate
30 Bill No. 965 of the 2nd Session of the 47th Oklahoma Legislature, is
31 amended to read as follows:

32

1 Section 81. There is hereby appropriated to the Department of
2 Transportation from any monies not otherwise appropriated from the
3 General Revenue Fund of the State Treasury for the fiscal year
4 ending ~~June 30, 2000~~ June 30, 2001, the sum of Five Hundred Thousand
5 Dollars (\$500,000.00) or so much thereof as may be necessary to
6 perform the duties imposed upon the Department of Transportation by
7 law. The appropriation set forth in this section shall be
8 transferred to the Public Transit Revolving Fund.

9 SECTION 27. There is hereby appropriated to The 1921 Tulsa
10 Race Riot Commission Revolving Fund created in Section 4 of Enrolled
11 House Bill No. 2468 of the 2nd Session of the 47th Oklahoma
12 Legislature from any monies not otherwise appropriated from the
13 General Revenue Fund of the State Treasury for the fiscal year
14 ending June 30, 2001, the sum of Two Hundred Fifty Thousand Dollars
15 (\$250,000.00) or so much thereof as may be necessary for the purpose
16 of completing the study of the 1921 Tulsa Race Riot and to perform
17 the duties imposed upon The 1921 Tulsa Race Riot Memorial of
18 Reconciliation Design Committee by law.

19 SECTION 28. AMENDATORY Section 56 of Enrolled House
20 Bill No. 2260 of the 2nd Session of the 47th Oklahoma Legislature,
21 is amended to read as follows:

22 Section 56. There is hereby appropriated to the Legislative
23 Service Bureau from any monies not otherwise appropriated from the
24 General Revenue Fund of the State Treasury for the fiscal year
25 ending June 30, 2001, the sum of ~~One Million Five Hundred Fifty-~~
26 ~~seven Thousand Eight Hundred Ninety-nine Dollars (\$1,557,899.00)~~ One
27 Million Fifty-seven Thousand Eight Hundred Ninety-nine Dollars
28 (\$1,057,899.00) or so much thereof as may be necessary to perform
29 the duties imposed upon the Legislative Service Bureau by law.

30 SECTION 29. There is hereby appropriated to the Legislative
31 Service Bureau from any monies not otherwise appropriated from the
32 Special Cash Fund of the State Treasury for the fiscal year ending

1 June 30, 2001, the sum of Five Hundred Thousand Dollars
2 (\$500,000.00) or so much thereof as may be necessary to perform the
3 duties imposed upon the Legislative Service Bureau by law.

4 SECTION 30. AMENDATORY Section 20 of Enrolled House Bill
5 No. 2260 of the 2nd Session of the 47th Oklahoma Legislature, as
6 amended by Section 1 of Enrolled House Bill No. 2249 of the 2nd
7 Session of the 47th Oklahoma Legislature, is amended to read as
8 follows:

9 Section 20. There is hereby appropriated to the Oklahoma State
10 Regents for Higher Education from any monies not otherwise
11 appropriated from the General Revenue Fund of the State Treasury for
12 the fiscal year ending June 30, 2001, the sum of ~~Six Hundred~~
13 ~~Eighteen Million Two Hundred Fifty-seven Thousand Nine Hundred~~
14 ~~Seventy-six Dollars (\$618,257,976.00)~~ Six Hundred Eighteen Million
15 Six Hundred Fifty-five Thousand Five Hundred Sixteen Dollars
16 (\$618,655,516.00) or so much thereof as may be necessary for
17 allocation by the Oklahoma State Regents for Higher Education
18 pursuant to the provisions of Article XIII-A of the Oklahoma
19 Constitution for the education and general operating budgets of the
20 institutions and for other programs, construction, renovations or
21 repairs administered by the Oklahoma State Regents for Higher
22 Education.

23 SECTION 31. AMENDATORY Section 27 of Enrolled House Bill
24 No. 2260 of the 2nd Session of the 47th Oklahoma Legislature, is
25 amended to read as follows:

26 Section 27. There is hereby appropriated to the Oklahoma State
27 Regents for Higher Education from any monies not otherwise
28 appropriated from the Special Cash Fund of the State Treasury the
29 sum of ~~Four Million Five Hundred Seventy-two Thousand Five Hundred~~
30 ~~Four Dollars (\$4,572,504.00)~~ Four Million One Hundred Seventy-four
31 Thousand Nine Hundred Sixty-four Dollars (\$4,174,964.00) or so much
32 thereof as may be necessary for allocation by the Oklahoma State

1 Regents for Higher Education pursuant to the provisions of Article
2 XIII-A of the Constitution of the State of Oklahoma for the
3 education and general operating budgets of the institutions and for
4 other programs, construction, renovations or repairs administered by
5 the Oklahoma State Regents for Higher Education.

6 SECTION 32. It is the intent of the Legislature that the
7 Oklahoma Health Care Authority submit its budget work program for
8 the fiscal year ending June 30, 2001, to reflect the full
9 implementation of the provisions of Enrolled House Bill No. 2019 of
10 the 2nd Session of the 47th Oklahoma Legislature. The budget work
11 program shall reflect the total anticipated cost of the
12 implementation of the provisions of Enrolled House Bill No. 2019 of
13 the 2nd Session of the 47th Oklahoma Legislature and continuing
14 obligations of the Medicaid program. Should the total cost of such
15 implementation exceed the appropriations made for that purpose
16 during the 47th Oklahoma Legislature, it is the intent of the
17 Legislature to make supplemental appropriations to fully fund such
18 implementation and the Medicaid program.

19 The Oklahoma Health Care Authority shall report on a monthly
20 basis the costs of implementing the provisions of Enrolled House
21 Bill No. 2019 of the 2nd Session of the 47th Oklahoma Legislature
22 and the Medicaid program and the status of funding for such
23 purposes. The reports shall be made in writing to the Governor,
24 Speaker of the House of Representatives and the President Pro
25 Tempore of the Senate or their designees.

26 SECTION 33. RECODIFICATION Section 1, Chapter 320,
27 O.S.L. 1995 (47 O.S. Supp. 1999, Section 6-106.1), as last amended
28 by Section 13 of this act, shall be recodified as Section 11-906.1
29 of Title 47 of the Oklahoma Statutes, unless there is created a
30 duplication in numbering. Section 2, Chapter 320, O.S.L. 1995 (47
31 O.S. Supp. 1999, Section 6-106.2), as amended by Section 14 of this
32 act, shall be recodified as Section 11-906.2 of Title 47 of the

1 Oklahoma Statutes, unless there is created a duplication in
2 numbering. Section 3, Chapter 320, O.S.L. 1995 (47 O.S. Supp. 1999,
3 Section 6-106.3), as last amended by Section 15 of this act, shall
4 be recodified as Section 11-906.3 of Title 47 of the Oklahoma
5 Statutes, unless there is created a duplication in numbering.
6 Section 1, Chapter 309, O.S.L. 1996 (47 O.S. Supp. 1999, Section 6-
7 106.4), as last amended by Section 16 of this act, shall be
8 recodified as Section 11-906.4 of Title 47 of the Oklahoma Statutes,
9 unless there is created a duplication in numbering.

10 SECTION 34. REPEALER 47 O.S. 1991, Section 11-902, as
11 last amended by Section 1 of Enrolled Senate Bill No. 1443 of the
12 2nd Session of the 47th Oklahoma Legislature, is hereby repealed.

13 SECTION 35. Section 23 of this act shall become effective July
14 1, 2001.

15 SECTION 36. Sections 1 through 22, 24, and 26 through 34 of
16 this act shall become effective July 1, 2000.

17 SECTION 37. Section 25 of this act shall become effective
18 January 1, 2001, contingent upon certification of election returns
19 favoring passage of the Constitutional Amendment proposed in
20 Enrolled House Bill No. 2022 of the 2nd Session of the 47th Oklahoma
21 Legislature.

22 SECTION 38. It being immediately necessary for the preservation
23 of the public peace, health and safety, an emergency is hereby
24 declared to exist, by reason whereof this act shall take effect and
25 be in full force from and after its passage and approval.

26
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