

ENROLLED HOUSE
BILL NO. 1527

By: Settle and Begley of the
House

and

Haney and Hobson of the
Senate

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

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

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

Section 63.18 A. The facility known as the George Nigh Rehabilitation Institute in Okmulgee, Oklahoma, described as follows: a tract of land in Section 29, Township 14 North, Range 13 East of the Indian Meridian, Okmulgee County, Oklahoma, more particularly described as "Commencing at a point of the North Line of said Section a distance of 926.00 feet east of the Northwest corner of said Section 29, T14N, R13E, thence S 00 degrees, 09' 00" W a distance of 868.06 feet, thence N 89 degrees 50' 40.5" W a distance of 376.00 feet, thence N 00 degrees, 00" E a distance of 300.00 feet, thence N 89 degrees 50' 40.5" W a distance of 350.00 feet to the easterly right of way of U.S. 75, thence N 00 degrees, 09' 00" E a distance of 150.45 feet, thence on a curve to the right with a radius of 226.48 feet a distance of 217.73 feet, thence on a curve to the left with a radius of 264.63 feet a distance of 254.40 feet, thence N 45 degrees, 00' 00" E a distance of 21.06 feet, thence S 89 degrees, 50' 40.5" E a distance of 501.11 feet to the point of beginning", said tract containing 11.0 acres is hereby transferred from the ~~Department of Human Services Oklahoma~~ Department of Veterans Affairs to the Oklahoma ~~Department of Veterans Affairs~~ State Regents for Higher Education to be administered ~~pursuant to consistent with~~ such rules and policies as prescribed by ~~of the War Veterans Commission of Oklahoma~~ State Regents for Higher Education and which shall be subject to the provisions of Section 3 of this act. The transfer shall include all real property, buildings, furniture, equipment, supplies, records, personnel, assets, current and future liabilities, fund balances, encumbrances, obligations, indebtedness, powers, duties and responsibilities associated with the George Nigh Rehabilitation Institute. ~~Additionally, there is hereby established the Oklahoma Veterans Center, Okmulgee Division, as a component of such facility to be operated in accordance with Title 38 CFR 17.165.~~

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

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

~~D. The Oklahoma Department of Veterans Affairs may contract with the Department of Human Services for the completion of construction of the George Nigh Rehabilitation Institute by the construction crews of the Department of Human Services. If the Oklahoma Department of Veterans Affairs contracts with the Department of Human Services, the Department of Human Services shall give priority to the completion of the Institute.~~

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

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

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

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

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

A. The Oklahoma State Regents for Higher Education shall enter into an interagency agreement with the Oklahoma Department of Veterans Affairs for the operation of the George Nigh Rehabilitation Institute upon transfer of the Institute as provided for in Section 1 of this act. The agreement shall be effective until the Regents have made a determination of and have transferred administration, property, monies, and employees of the George Nigh Rehabilitation Institute to the appropriate institution of higher education within The Oklahoma State System of Higher Education. During the term of the agreement the membership of the employees of the George Nigh Rehabilitation Institute in the Oklahoma Public Employees Retirement System shall not change and the Oklahoma Department of Veterans Affairs shall continue to make contributions pursuant to Section 920 of Title 74 of the Oklahoma Statutes which shall be reimbursed pursuant to the agreement.

B. The Oklahoma State Regents for Higher Education shall study and make a determination of which institution of higher education within The Oklahoma State System of Higher Education has an educational program that best enhances the mission of the George

Nigh Rehabilitation Institute. On or before October 1, 1999, the Regents, at a regular or special meeting, shall make a final determination of the appropriate institution of higher education to transfer the administration, property, monies, and employees of George Nigh Rehabilitation Institute to. The Regents shall notify the employees of the Institute of the final determination not less than thirty (30) days prior to the actual transfer.

C. On or before November 1, 1999, the Oklahoma State Regents for Higher Education shall transfer all rights, administration property, monies, and employees of the George Nigh Rehabilitation Institute acquired by the Regents pursuant to Sections 63.18 and 222.1 of Title 72 of the Oklahoma Statutes to the appropriate institution of higher education selected pursuant to subsection B of this section.

D. It is the intent of the Legislature, that all employees of the George Nigh Rehabilitation Institute transferred to an institution of higher education pursuant to this section retain pay and benefits, as much as possible, including longevity, dependent insurance benefits, seniority, rights and other privileges and benefits.

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

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

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

B. If an employee files the election provided for in subsection A of this section to continue membership in the Oklahoma Public Employees Retirement System, the employer to which the employee is transferred shall pay the required employer contributions applicable to the participating employers in the Oklahoma Public Employees Retirement System pursuant to Section 920 of Title 74 of the Oklahoma Statutes and the employee shall continue to pay employee contributions as required by Section 919.1 of Title 74 of the Oklahoma Statutes.

C. Until an employee files an election pursuant to subsection A of this section, the employee shall continue to be a member of the Oklahoma Public Employees Retirement System and the employer to which the employee is transferred shall make required employer

contributions pursuant to Section 920 of Title 74 of the Oklahoma Statutes.

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

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

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

B. On and after the date that an employee makes an election to become a member of the Teachers' Retirement System pursuant to subsection A of Section 3 of this act, the employer to which the employee is transferred shall make required contributions pursuant to Section 17-108.1 of Title 70 of the Oklahoma Statutes and the employee shall make required contributions imposed pursuant to Section 17-116.2 of Title 70 of the Oklahoma Statutes.

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

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

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

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

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

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

Passed the House of Representatives the 27th day of May, 1999.

Speaker of the House of
Representatives

Passed the Senate the 27th day of May, 1999.

President of the Senate