

ENGROSSED HOUSE
BILL NO. 2901

By: Roach, Adkins, Benge, Calvey,
Corn, Dunegan, Easley, Eddins,
Erwin, Ferguson, Fields, Gilbert,
Hefner, Hiett, Hutchison,
Matlock, Miller (Ray), Morgan,
Perry, Peters, Peterson, Rice,
Roan, Ross, Smaligo, Smith
(Hopper), Stites, Sweeden,
Taylor, Tibbs, Turner, Tyler,
Wells, Wilson and Wilt of the
House

and

Smith of the Senate

(fees and public health - amending 28 O.S., Section
153 - Community Hospitals authority Act - Community
Hospitals Authority - Medicaid eligibility -
codification - recodification -
effective date)

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

SECTION 1. AMENDATORY 28 O.S. 2001, Section 153, is
amended to read as follows:

Section 153. A. The clerks of the courts shall collect as
costs in every criminal case for each offense of which the defendant
is convicted, irrespective of whether or not the sentence is
deferred, the following flat charges and no more, except for
standing and parking violations and for charges otherwise provided
for by law, which fee shall cover docketing of the case, filing of
all papers, issuance of process, warrants, orders, and other
services to the date of judgment:

1. For each defendant convicted of exceeding
the speed limit by at least one (1) mile

- per hour but not more than ten (10) miles
per hour, whether charged individually or
conjointly with others\$57.00
2. For each defendant convicted of a
misdemeanor traffic violation other than
an offense provided for in paragraph 1 or
5 of this subsection, whether charged
individually or conjointly with others.....\$73.00
3. For each defendant convicted of a
misdemeanor, other than for driving under
the influence of alcohol or other
intoxicating substance or an offense
provided for in paragraph 1 or 2 of this
subsection, whether charged individually
or conjointly with others\$83.00
4. For each defendant convicted of a felony,
other than for driving under the
influence of alcohol or other
intoxicating substance, whether charged
individually or conjointly with others.....\$103.00
5. For each defendant convicted of the
misdemeanor of driving under the
influence of alcohol or other
intoxicating substance, whether charged
individually or conjointly with others.....\$183.00
6. For each defendant convicted of the felony
of driving under the influence of alcohol
or other intoxicating substance, whether
charged individually or conjointly with
others\$183.00

7. For the services of a court reporter at
each preliminary hearing and trial held
in the case.....\$20.00
8. For each time a jury is requested..... \$30.00
9. A sheriff's fee for serving or endeavoring
to serve each writ, warrant, order,
process, command, or notice or pursuing
any fugitive from justice
 - a. within the county \$30.00, or
mileage as
established by the
Oklahoma Statutes,
whichever is
greater, or
 - b. outside of the county \$30.00, or
actual, necessary
expenses, whichever
is greater

10. For the services of a language interpreter, other than an interpreter appointed pursuant to the provisions of the Oklahoma Interpreter for the Deaf Act, at each hearing held in the case, the actual cost of the interpreter.

B. In addition to the amount collected pursuant to paragraphs 2 through 5 of subsection A of this section, the sum of Six Dollars (\$6.00) shall be assessed and credited to the Law Library Fund pursuant to Section 1201 et seq. of Title 20 of the Oklahoma Statutes.

C. In addition to the amount collected pursuant to paragraphs 5 and 6 of subsection A of this section, the sum of Two Dollars (\$2.00) shall be assessed and deposited in the Trauma Care Assistance Revolving Fund.

D. Prior to conviction, parties in criminal cases shall not be required to pay, advance, or post security for the services of a language interpreter or for the issuance or service of process to obtain compulsory attendance of witnesses.

~~D.~~ E. The fees collected pursuant to this section shall be deposited into the court fund, except the following:

1. The sheriff's fee provided for in paragraph 9 of subsection A of this section which, when collected, shall be deposited in the Sheriff's Service Fee Account, created pursuant to the provisions of Section 514.1 of Title 19 of the Oklahoma Statutes, of the sheriff in the county in which service is made or attempted;

2. The sheriff's fee provided for in Section 153.2 of this title; ~~and~~

3. The witness fees paid by the district attorney pursuant to the provisions of Section 82 of this title which, if collected by the court clerk, shall be transferred to the district attorney's office in the county where witness attendance was required. Fees transferred pursuant to this paragraph shall be deposited in the district attorney's maintenance and operating expense account; and

4. The fee provided for by subsection C of this section.

~~E.~~ F. Costs required to be collected pursuant to this section shall not be dismissed or waived; provided, if the court determines that a person needing the services of a language interpreter is indigent, the court may waive all or part of the costs or require the payment of costs in installments.

~~F.~~ G. As used in this section, "convicted" means any final adjudication of guilt, whether pursuant to a plea of guilty or nolo contendere or otherwise, and any deferred judgment or suspended sentence.

~~G.~~ H. A court clerk may accept in payment for any fee, fine, or cost for violation of any traffic law a nationally recognized credit card issued to the applicant. The court clerk may add an amount

equal to the amount of the service charge incurred, not to exceed four percent (4%) of the amount of the payment as a service charge for the acceptance of the credit card. For purposes of this paragraph, "nationally recognized credit card" means any instrument or device, whether known as a credit card, credit plate, charge plate, or by any other name, issued with or without fee by an issuer for the use of the cardholder in obtaining goods, services, or anything else of value and which is accepted by over one thousand (1,000) merchants in this state. The court clerk shall determine which nationally recognized credit cards will be accepted as payment for fees; provided, the court clerk must ensure that no loss of state revenue will occur by the use of such cards.

~~H.~~ I. Upon receipt of payment of fines and costs for offenses charged prior to July 1, 1992, the court clerk shall apportion and pay Thirteen Dollars (\$13.00) per conviction to the court fund.

SECTION 2. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 3240.1 of Title 63, unless there is created a duplication in numbering, reads as follows:

This act shall be known and may be cited as the "Community Hospitals Authority Act".

SECTION 3. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 3240.2 of Title 63, unless there is created a duplication in numbering, reads as follows:

As used in the Community Hospitals Authority Act:

1. "Participating hospitals" includes all Tulsa area hospitals, under the control or management of the St. John Health System, the St. Francis Health System, the Hillcrest Health Care System, and certain other hospitals as designated by the Community Hospitals Authority from time to time; and

2. "Authority" means the Community Hospitals Authority.

SECTION 4. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 3240.3 of Title 63, unless there is created a duplication in numbering, reads as follows:

A. The purposes of the Community Hospitals Authority Act are to provide for effective and efficient administration, to ensure a dependable source of funding, and to effectuate the mission and purposes of the Community Hospitals Authority. The mission of the Authority is to contract for services with providers of indigent care and to reimburse those providers from funds received from the state and other sources.

B. The participating hospitals shall maintain a close affiliation with the Oklahoma State University, College of Osteopathic Medicine and the University of Oklahoma College of Medicine (Tulsa), and shall coordinate their operations and activities in a cooperative manner.

C. The Legislature finds that the needs of the citizens of this state and the needs of the OSU College of Osteopathic Medicine and the OU College of Medicine (Tulsa) are best served if the participating hospitals are contracted as the teaching and training facilities for students enrolled in the Tulsa area medical schools.

D. The Community Hospitals Authority shall ensure that the costs of delivering medically indigent care continue to be subsidized in excess of the state reimbursement for the medically indigent, consistent with the participating hospitals' past policy and performance and that of the Oklahoma State University College of Osteopathic Medicine and the University of Oklahoma College of Medicine (Tulsa). The Authority will ensure that the allocation of funds shall be made with a view to maximizing the participating hospitals' long-term ability to provide uncompensated care, except as may be modified by changes in federal or state law. The participating hospital members of the Authority shall develop and propose a method of allocating funds to the Authority.

SECTION 5. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 3240.4 of Title 63, unless there is created a duplication in numbering, reads as follows:

Participating hospitals:

1. Shall be licensed by the State Commissioner of Health and shall, as far as possible, meet the standards, requirements and essentials of the Joint Commission on Accreditation of Health Care Organizations, American Osteopathic Association;

2. May provide services and receive payments therefor under Titles XVIII and XIX of the federal Social Security Act, and may participate in other federal medical programs; and

3. Shall be available as teaching and training hospitals for Oklahoma State University, College of Osteopathic Medicine and the University of Oklahoma College of Medicine (Tulsa), and other health and educational facilities, and shall provide indigent patient care consistent with their past policies and performance.

SECTION 6. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 3240.5 of Title 63, unless there is created a duplication in numbering, reads as follows:

A. There is hereby created the Community Hospitals Authority, an agency of the State of Oklahoma, a body corporate and politic, with powers of government and with the authority to exercise the rights, privileges and functions as specified in the Community Hospitals Authority Act. The Community Hospitals Authority shall be an agency of the State of Oklahoma covered by the Governmental Tort Claims Act.

B. The Authority shall consist of six (6) members as follows:

1. The chief executive officer of the St. John Health System, the St. Francis Health System and the Hillcrest Health Care System;

2. One member appointed by the Governor, with the advice and consent of the Senate, shall be a citizen and resident of the Tulsa metropolitan area;

3. One member, appointed by the President Pro Tempore of the Senate, shall be a citizen and resident of the Tulsa metropolitan area; and

4. One member, appointed by the Speaker of the House of Representatives, shall be a citizen and resident of the Tulsa metropolitan area.

C. All members shall be appointed by July 1, 2002. Of the members of the Authority initially appointed, the member appointed by the Governor shall serve a term of one (1) year; the member appointed by the Speaker of the House of Representatives shall serve a term of two (2) years; and the member appointed by the President Pro Tempore of the Senate shall serve a term of three (3) years. Successors shall be appointed for terms of three (3) years.

D. Each member of the Authority, prior to appointment, shall be a resident of the state and a qualified elector.

E. Members shall be removable only for cause by the original appointing authority and any vacancy occurring on the Authority shall be filled by the original appointing authority.

F. The members of the Authority shall serve without compensation but may be reimbursed for all actual and necessary travel expenses incurred in the performance of their duties in accordance with the provisions of the State Travel Reimbursement Act.

G. All members of the Authority and administrative personnel of the Authority shall be subject to the provisions of the Oklahoma Ethics Commission Act.

H. A quorum of the Authority shall be four voting members, three of which shall be members of the Health System Hospitals. Members shall elect a chair and vice-chair for the Authority from among its members. The chair shall be an appointed member of the Authority.

I. The Authority shall be subject to the provisions of the Oklahoma Open Meeting Act and the Oklahoma Open Records Act, except as otherwise provided by this act. Any information submitted to or compiled by the Authority except for budgetary information related to appropriations or the appropriations process with respect to the marketing plans, financial statements, trade secrets, research concepts, methods or products, or any other proprietary information of the Authority, persons, firms, associations, partnerships, agencies, corporations, institutions of higher education, nonprofit research institutions or other entities shall be confidential, except to the extent that the person or entity which provided such information or which is the subject of such information consents to disclosure. Executive sessions may be held to discuss such information if deemed necessary by the Authority.

SECTION 7. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 3240.6 of Title 63, unless there is created a duplication in numbering, reads as follows:

A. On and after July 1, 2002, the Authority shall have the power and duty to:

1. Adopt bylaws and promulgate rules for the regulation of its affairs and the conduct of its business;

2. Adopt an official seal;

3. Maintain an office at the Community Hospitals Authority in the participating hospitals area;

4. Sue and be sued, subject to the provisions of The Governmental Tort Claims Act;

5. Make and enter into all contracts necessary or incidental to the performance of its duties and the execution of its powers pursuant to the Community Hospitals Authority Act;

6. Purchase or lease equipment, furniture, materials and supplies, and incur such other expenses as may be necessary to

discharge its duties and responsibilities or to make any of its powers effective;

7. Acquire by purchase, lease, gift, or by any other manner, and to maintain, use and operate or to contract for the maintenance, use and operation of or lease of any and all property of any kind, real, personal, or mixed or any interest therein unless otherwise provided by the Community Hospitals Authority Act;

8. Accept grants from the United States of America, or from any corporation or agency created or designed by the United States of America, and, in connection with any such grant, to enter into such agreements as the United States of America or such corporation or agency may require;

9. Provide for complete financial audits on all accounts of the Community Hospitals Authority and to authorize periodic audits by an independent external auditing agency. Such audits shall be performed annually in a format approved by the State Auditor and Inspector and all such audits shall be submitted to the State Auditor and Inspector for review. Such audits shall be made in accordance with generally accepted auditing standards and government auditing standards. Financial statements shall be prepared in accordance with generally accepted accounting principals. In addition to the audits, the State Auditor and Inspector, whenever the State Auditor deems it appropriate, and at least once each five (5) years, or upon receipt of a request to do so from the Governor, the Attorney General, the President Pro Tempore of the Senate, the Speaker of the House of Representatives or the Authority shall conduct a special audit of the Authority;

10. Engage in long-term planning for the operation and management of the Community Hospitals Authority;

11. Establish petty cash funds and provide for appropriate accounting procedures and controls; and

12. Do all other things necessary and proper to implement the provisions of the Community Hospitals Authority Act.

B. The Community Hospitals Authority shall be subject to the Oklahoma Budget Law of 1947, Section 41.1 et seq. of Title 62 of the Oklahoma Statutes.

C. The Authority shall prepare monthly a "budget vs. actual" report which shows by budget activity the monthly and year-to-date revenues and expenditures compared to budgeted revenues and expenditures. Such report shall be submitted to the Office of State Finance and to the directors of the Fiscal Divisions of the State Senate and the House of Representatives.

D. The Authority shall be subject to the professional risk management program provided for in Section 85.58A of Title 74 of the Oklahoma Statutes.

SECTION 8. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 3240.7 of Title 63, unless there is created a duplication in numbering, reads as follows:

The Community Hospitals Authority shall submit an annual report to the Governor, the President Pro Tempore of the Senate and the Speaker of the House of Representatives. Such report shall be submitted in accordance with the requirements for financial statement audits in Section 212A of Title 74 of the Oklahoma Statutes, and shall include an account of the operations and actions of the Authority and an accounting of all revenue received and disbursed by the Authority for the previous fiscal year. The report shall include an accounting of expenses related to the care and treatment of indigent persons for whom the Authority receives any form of state or federal reimbursement.

SECTION 9. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 3240.8 of Title 63, unless there is created a duplication in numbering, reads as follows:

There is hereby created in the State Treasury a revolving fund for the Community Hospitals Authority Trust to be designated the "Community Hospitals Authority Trust Revolving Fund". The fund shall be a continuing fund, not subject to fiscal year limitations, and shall consist of appropriated revenues. All monies accruing to the credit of the fund are hereby appropriated and may be budgeted and expended by the Community Hospitals Authority Trust.

SECTION 10. RECODIFICATION 63 O.S. 2001, Section 330.97 shall be recodified as Section 1-2522 of Title 63 of the Oklahoma Statutes, unless there is created a duplication in numbering.

SECTION 11. This act shall become effective November 1, 2002.

Passed the House of Representatives the 28th day of February, 2002.

Presiding Officer of the House of
Representatives

Passed the Senate the ____ day of _____, 2002.

Presiding Officer of the Senate