

ENROLLED HOUSE  
BILL NO. 2746

By: Taylor and Webb of the  
House

and

Dunlap and Martin of the  
Senate

An Act relating to state and local government; enacting the Jim Hallett Act; creating the Medical Expense Liability Revolving Fund; providing for deposits to and expenditures from the fund; stating purpose; providing for fee assessment for certain convictions; stating purpose; providing procedure for fee to be paid into certain fund; providing certain criteria required for medical expense award; providing maximum award amount; providing for subrogation; providing that the State and Education Employees Group Insurance Board employ the necessary personnel to administer fund; amending 19 O.S. 2001, Section 952.1, which relates to county employee retirement systems; modifying voting eligibility for election of certain members of board of trustees; amending 20 O.S. 2001, Section 1315, which relates to the Oklahoma Court Information System; making use of the System optional for court clerks and district judges; authorizing certain alternatives to use of the System; prohibiting the reduction of certain budgets; providing for certain costs; providing for noncodification; providing for codification; providing an effective date; and declaring an emergency.

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

SECTION 1. NEW LAW A new section of law not to be codified in the Oklahoma Statutes reads as follows:

This act shall be known and may be cited at the "Jim Hallett Act".

SECTION 2. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 746.1 of Title 19, unless there is created a duplication in numbering, reads as follows:

There is hereby created in the State Treasury a revolving fund for the State and Education Employees Group Insurance Board to be designated the "Medical Expense Liability Revolving Fund". The fund shall be a continuing fund, not subject to fiscal year limitations, and shall consist of all monies received from court penalty cost pursuant to Section 3 of this act. All monies accruing to the credit of the fund shall be appropriated and may be budgeted and

expended by the State and Education Employees Group Insurance Board for qualified medical expenses for inmates or persons in the custody of a county or city jail pursuant to the criteria set forth in Section 3 of this act. A portion of the Medical Expense Liability Revolving Fund shall be used for the costs the Board incurred in administering such monies.

Expenditures from the fund shall be made upon warrants issued by the State Treasurer against claims filed as prescribed by law 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 1313.7 of Title 20, unless there is created a duplication in numbering, reads as follows:

A. In addition to the penalty assessment imposed by Sections 1313.2 and 1313.3 of Title 20 of the Oklahoma Statutes, any person convicted of any offense, excluding traffic offenses and parking and standing violations, but including violations of Section 11-902 of Title 47 of the Oklahoma Statutes, punishable by a fine of Ten Dollars (\$10.00) or more or by incarceration or any person forfeiting bond when charged with such offense, shall be ordered by the court to pay a medical expense liability fee in the amount of Ten Dollars (\$10.00) for each offense for the Medical Expense Liability Revolving Fund provided for in Section 2 of this act. The fee shall be in addition to and not in substitution for any and all fines and penalties otherwise provided for by law for such offense.

B. The court clerk shall cause to be deposited the amount of Ten Dollars (\$10.00) as collected, for every conviction as described in this subsection. The court clerk shall remit the monies in the fund on a monthly basis to the Medical Expense Liability Revolving Fund.

The monies from the Medical Expense Liability Revolving Fund shall be used when the following criteria are met:

1. A county or city jail in this state is determined to be liable for the medical expense or expenses of an inmate or person in custody as provided by law. The minimum expense amount that shall qualify for consideration is Fifteen Thousand Dollars (\$15,000.00) per ailment or injury;

2. The county clerk of the county makes a written claim to the State and Education Employees Group Insurance Board regarding a county medical expense. In addition to the written claim, all of the medical records and bills shall be submitted that relate to the medical expense under consideration; and

3. It is determined that the inmate or person in custody lacks the ability and resources to cover the medical expense or expenses.

C. The Medical Expense Liability Revolving Fund shall not pay any expenses in excess of One Hundred Thousand Dollars (\$100,000.00) per inmate or person in custody.

D. If the inmate or person in custody receives any type of compensation or award from a collateral source as a result of the ailment or injury which is paid by the Medical Expense Liability Revolving Fund, the state shall be subrogated to the rights of a

claimant to receive or recover from a collateral source to the extent that medical expenses were awarded.

SECTION 4. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 1306.5 of Title 74, unless there is created a duplication in numbering, reads as follows:

The State and Education Employees Group Insurance Board, in accordance with administering the Medical Expense Liability Revolving Fund pursuant to Section 2 of this act, shall employ, appoint, or otherwise designate the necessary personnel to carry out the duties of the fund.

SECTION 5. AMENDATORY 19 O.S. 2001, Section 952.1, is amended to read as follows:

Section 952.1 A. The board of trustees shall be composed of nine (9) members as follows:

1. One member shall be the county treasurer who shall be the treasurer of the board of trustees;

2. One member shall be the county clerk who shall be the clerk of the board of trustees;

3. One member shall be the chairman of the board of county commissioners;

4. Four members to be elected by the employees of said county, provided in counties with a population in excess of five hundred thousand (500,000) according to the latest Federal Decennial Census, one of the four members shall be a retired member of the system. Retired members and beneficiaries of the system shall be allowed to vote in the election in which their representative is elected; and

5. Two members to be appointed by the ~~chairman~~ chair of the board of county commissioners subject to the approval of a majority of the board of county commissioners.

B. 1. The terms of office of the members appointed to the board of trustees by the employees of said county who are members of the board of trustees on the effective date of this act shall expire on July 1, 1990. The members appointed or elected to fill the positions that expire July 1, 1990, shall serve initial terms of office as follows:

- a. the term of office of one of the members elected by the employees of said county shall expire July 1, 1991,
- b. the term of office of one of the members elected by the employees of said county shall expire July 1, 1992,
- c. the term of office of one of the members elected by the employees of said county shall expire July 1, 1993, and

- d. the term of office of one of the members elected by the employees of said county shall expire July 1, 1994.

Thereafter, the terms of office of the members of the board of trustees appointed by the employees of said county shall be three (3) years.

2. The initial terms of office of the members appointed by the ~~chairman~~ chair of the board of county commissioners subject to the approval of a majority of the board of county commissioners shall expire as follows:

- a. the term of office of one of the members appointed by the ~~chairman~~ chair of the board of county commissioners subject to the approval of a majority of the board of county commissioners shall expire July 1, 1991, and
- b. the term of office of one of the members appointed by the ~~chairman~~ chair of the board of county commissioners subject to the approval of a majority of the board of county commissioners shall expire July 1, 1993.

Thereafter, the terms of office of the members of the board of trustees appointed by the ~~chairman~~ chair of the board of county commissioners subject to the approval of a majority of the board of county commissioners shall be four (4) years.

3. Vacancies shall be filled for the unexpired term of office in the same manner as the original appointment was made.

C. Those members appointed by the ~~chairman~~ chair of the board of county commissioners subject to the approval of a majority of the board of county commissioners shall:

1. Have demonstrated professional experience in investment or funds management, public funds management, public or private pension fund management or retirement system management; or
2. Have demonstrated experience in the banking profession and have demonstrated professional experience in investment or fund management; or
3. Be licensed to practice law in this state and have demonstrated professional experience in commercial matters; or
4. Be licensed by the Oklahoma State Board of Public Accountancy to practice in this state as a public accountant or a certified public accountant.

The appointing authorities, in making appointments that conform to the requirements of this subsection, shall give due consideration to balancing the appointments among the criteria specified in paragraphs 1 through 4 of this subsection.

D. Except for the retired member of the system, a member elected by the employees, retired members and beneficiaries of the system of said county shall cease to be a member of the board of

trustees when such member is no longer employed by the county. Upon such termination of employment, an election shall be held within ninety (90) days of such termination of board membership in order to replace such employee as a member of the board of trustees.

E. Notwithstanding any of the provisions of this section to the contrary, any person serving as an appointed member of the board of trustees on the effective date of this act shall be eligible for reappointment when the term of office of the member expires.

SECTION 6. AMENDATORY 20 O.S. 2001, Section 1315, is amended to read as follows:

Section 1315. A. 1. The Supreme Court, by and through the office of the Administrative Director of the Courts, shall establish a court information system to be designated the "Oklahoma Court Information System" for the purpose of providing data processing services to state agencies, boards, and commissions and other entities pursuant to contract. The Administrative Director of the Courts may assess a reasonable fee for such services.

2. Court clerks and judges of the district courts of this state ~~shall~~ may utilize the case tracking, accounting, legal research, and other services of the "Oklahoma Court Information System" ~~at the direction of the Chief Justice of the Supreme Court.~~ The development and implementation of the system's accounting, auditing, and financial reporting functions shall be subject to the approval of the State Auditor and Inspector.

3. Those court clerks and judges of a county who elect not to utilize the case tracking, accounting, legal research, and other services of the Oklahoma Court Information System, or any part thereof, may instead utilize accounting, auditing and financial reporting processes approved by the State Auditor and Inspector.

4. Court clerks and judges of a county who elect not to utilize the case tracking, accounting, legal research, and other services of the Oklahoma Court Information System, or any part thereof, may instead provide case tracking, reporting and other data now required by law, to the Administrative Office of the Courts in an electronic format, according to the standards of the American National Standards Institute, to be compatible in allowing the transmission of court data into and out of the Oklahoma Court Information System database.

5. Court clerks and judges of a county who elect not to utilize the case tracking, accounting, legal research, and other services of the Oklahoma Court Information System, or any part thereof, shall not be subject to any reduction in their budget for utilizing another system. The cost for any alternative system utilized pursuant to paragraphs 3 and 4 of this subsection shall be paid for from the Court Fund of the county.

B. There is hereby created in the State Treasury a revolving fund for the Supreme Court to be designated the "Oklahoma Court Information System Revolving Fund". The fund shall be a continuing fund, not subject to fiscal year limitations, and shall consist of all monies received in payment of data processing services furnished pursuant to contract. The Administrative Director of the Courts, at the end of each month, shall issue a statement of charges to each

entity for which data processing services were furnished. The cost for data processing services shall be recovered directly from the entity for which such services were furnished and shall not be prorated to or payable by those not receiving the services. All monies accruing to the credit of the fund are hereby appropriated and may be budgeted and expended by the Supreme Court for the acquisition, operation, maintenance, repair, and replacement of data processing equipment and software. Expenditures from the fund shall be made upon warrants issued by the State Treasurer against claims filed as prescribed by law with the Director of State Finance for approval and payment.

SECTION 7. This act shall become effective July 1, 2002.

SECTION 8. It being immediately necessary for the preservation of the public peace, health and safety, an emergency is hereby declared to exist, by reason whereof this act shall take effect and be in full force from and after its passage and approval.

Passed the House of Representatives the 20th day of May, 2002.

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Presiding Officer of the House of  
Representatives

Passed the Senate the 22nd day of May, 2002.

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Presiding Officer of the Senate