ENGROSSED HOUSE
BILL NO. 2556

By: Nations of the House

and

Nichols of the Senate

An Act relating to public health and safety; amending 63 O.S. 2001, Sections 485.3, 485.4 and 485.5, which relate to the J.D. McCarty Center for Children with Developmental Disabilities; exempting J.D. McCarty Center from Surplus Property Act for certain purpose; authorizing the J.D. McCarty Center for Children with Developmental Disabilities to enter into certain contracts; increasing the membership of the Oklahoma Cerebral Palsy Commission; providing an effective date; and declaring an emergency.

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

SECTION 1. AMENDATORY 63 O.S. 2001, Section 485.3, is amended to read as follows:

Section 485.3 A. The Oklahoma Cerebral Palsy Commission is hereby authorized and empowered to:

1. Establish and maintain the J.D. McCarty Center for Children with Developmental Disabilities, to provide care, maintenance, training, treatment, habilitation and rehabilitation of persons afflicted with cerebral palsy and other developmental disabilities within such institute;

2. Set fees and charges for patient services;

3. Provide care, maintenance, training, treatment and rehabilitation services to children not afflicted with cerebral palsy or developmental disabilities but who may benefit from the services available from the J.D. McCarty Center for Children with Developmental Disabilities, as determined to be practicable by the Oklahoma Cerebral Palsy Commission;

4. Provide services to any adults who may benefit from services available from the J.D. McCarty Center for Children with

Developmental Disabilities, as determined to be practicable by the Oklahoma Cerebral Palsy Commission; provided, that services to adults shall not diminish any services available to children;

5. Enter into contracts for the purchase of real estate or other property and to buy or sell real estate, personal property and equipment necessary or incidental to the carrying out of the provisions of ~~Section~~ Sections 485.1 ~~et seq.~~ through 485.11 of this title; and

6. Enter into contracts with the Commission for Human Services and with other agencies of the state and of the counties in furtherance of the provisions of ~~this act~~ Sections 485.1 through 485.11 of this title; provided, the Oklahoma Cerebral Palsy Commission shall receive from the Commission for Human Services payments aggregating a minimum of One Hundred Thousand Dollars ($100,000.00) annually from funds set aside in the Children with Special Health Care Needs Program; and provided further, the Oklahoma Cerebral Palsy Commission may negotiate with the Commission for Human Services or its successors for additional payments above One Hundred Thousand Dollars ($100,000.00) from such funds.

B. The Commission shall be charged with the duties of management and control of the J.D. McCarty Center for Children with Developmental Disabilities and shall:

1. Have power to sue or be sued in its own name; and

2. Obtain and pay for an annual audit of the books and records of the J.D. McCarty Center for Children with Developmental Disabilities, conducted by the Office of the State Auditor and Inspector or by a qualified, independent auditor in conformance with standards and guidelines established by the State Auditor and Inspector.

C. The Attorney General shall furnish the Commission with legal representation. The Commission shall not contract for private legal

counsel except for extraordinary situations other than normal day-to-day situations, and when approved by the Attorney General.

D. For the purposes of moving the J.D. McCarty Center for Children with Developmental Disabilities to its new facilities, the Oklahoma Cerebral Palsy Commission may sell surplus property and fixtures. Such sale of surplus property and fixtures shall be exempt from Sections 62.2 through 62.6 of Title 74 of the Oklahoma Statutes. The Commission shall sell such surplus property and fixtures at fair market value as determined by the members of the Commission. The process for the sale and transfer of title shall originate with the Commission. All proceeds from such sale of the property and fixtures shall be deposited into the J.D. McCarty Center for Children with Developmental Disabilities Revolving Fund.

SECTION 2. AMENDATORY 63 O.S. 2001, Section 485.4, is amended to read as follows:

Section 485.4 A. The Oklahoma ~~Spastic Paralysis~~ Cerebral Palsy Commission~~, in its discretion~~ is ~~hereby~~ authorized to accept and receive ~~any and all~~ gifts and bequests of money and property, both real and personal, which may be tendered by will or gift, conditionally or unconditionally, for the use of ~~said~~ the Commission in the exercise of its powers and duties described in this act ~~and the~~. The Commission shall administer ~~said~~ the property or funds in the manner consistent with the terms of the gift and provisions of law~~; and said~~. The Commission is hereby directed, authorized, and empowered to hold such funds in trust or invest them and use either principal or interest in keeping with the terms of the gift as stipulated by the donors for the sole benefit of ~~said~~ the Commission in the performance of its duties provided herein.

B. 1. The Commission is authorized to enter into contracts and agreements with a not-for-profit foundation whose sole beneficiary is the J.D. McCarty Center for Children with Developmental Disabilities.

2. The Commission may provide the foundation with funds and other support if the expenditure of such funds furthers the mission of the J.D. McCarty Center for Children with Developmental Disabilities to provide services to people with disabilities. The expenditure of such funds is hereby declared to be for a public purpose.

3. The financial records of the foundation, except for the names of donors, shall be available for inspection to the Commission and State Auditor and Inspector.

SECTION 3. AMENDATORY 63 O.S. 2001, Section 485.5, is amended to read as follows:

Section 485.5 The Oklahoma Cerebral Palsy Commission ~~hereinafter referred to as the Commission,~~ shall be composed of ~~three (3)~~ five (5) members who shall serve without compensation. The three members of the Commission serving on the Commission on June 30, 2004, shall serve the remainder of their respective terms. Beginning July 1, 2004, the Governor of the State of Oklahoma shall appoint to the Commission ~~three~~ two additional members who shall be chosen from a list of ten persons submitted to the Governor by the ~~Grand~~ Grande Voiture of Oklahoma of La Societe des Quarante Hommes et Huit Chevaux ~~who shall serve as members of this Commission during the time for which they have been appointed by the Governor~~. One new member shall be appointed for a ~~one-year term, one member for a~~ two-year term and one new member for a three-year term on the Commission~~, and thereafter the~~. Thereafter, any member who ~~shall take~~ takes the place of ~~the one~~ a member whose term is expiring shall be appointed to a three-year term in the same manner and from a list to be submitted as provided in this section for the original Commission ~~under this act~~ pursuant to this section. Each member of the Commission shall be entitled to be reimbursed for necessary travel expenses pursuant to the State Travel Reimbursement Act.

SECTION 4. This act shall become effective July 1, 2004.

SECTION 5. 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 9th day of March, 2004.

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Presiding Officer of the House of Representatives

Passed the Senate the ____ day of _____, 2004.

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Presiding Officer of the Senate