CS for HB 2111

THE HOUSE OF REPRESENTATIVES
Tuesday, March 6, 2007

Committee Substitute for

House Bill No. 2111

COMMITTEE SUBSTITUTE FOR HOUSE BILL NO. 2111 - By: CARGILL of the House and COFFEE of the Senate.

An Act relating to governmental entities; modifying and repealing sections related to unnecessary governmental entities; amending 63 O.S. 2001, Section 1-237, which relates to the Joint Legislative Committee for Review of Coordination of Efforts for Prevention of Adolescent Pregnancy and Sexually Transmitted Diseases; terminating joint legislative committee; amending 63 O.S. 2001, Section 3224, which relates to the University Hospitals Trust Legislative Advisory Task Force; terminating task force; repealing 2 O.S. 2001, Section 5-93, as amended by Section 1, Chapter 22, O.S.L. 2002 (2 O.S. Supp. 2006, Section 5-93), which relates to the Oklahoma International Trade Development Council; repealing 2 O.S. 2001, Section 7-1.1, which relates to the Oklahoma Dairy Committee; repealing 56 O.S. 2001, Section 1010.7A, as amended by Section 1, Chapter 121, O.S.L. 2002 (56 O.S. Supp. 2006, Section 1010.7A), which relates to the Joint Legislative Oversight Committee for the Oklahoma Health Care Authority; repealing 62 O.S. 2001, Section 41.5k, as amended by Section 7, Chapter 266, O.S.L. 2006 (62 O.S. Supp. 2006, Section 41.5k), which relates to the Joint Legislative Committee on Information Technology and Telecommunication; repealing 63 O.S. 2001, Section 1-879.1, as amended by Section 3, Chapter 410, O.S.L. 2005 (63 O.S. Supp. 2006, Section 1-879.1), which relates to the Alzheimer's Research Advisory Council; repealing Section 1, Chapter 254, O.S.L. 2002 (63 O.S. Supp. 2006, Section 1-1952), which relates to the Joint Legislative Oversight Committee for Oklahoma Long-Term Care; repealing 63 O.S. 2001, Section 683.29, which relates to Oklahoma Commission on Volunteerism; repealing 69 O.S. 2001, Section 301.1, as amended by Section 31, Chapter 397, O.S.L. 2002 (69 O.S. Supp. 2006, Section 301.1), which relates to the Oklahoma Trucking Advisory Board; repealing 70 O.S. 2001, Section 18-154, which relates to the Common School Capital Improvement Needs Assessment Committee; repealing 74 O.S. 2001, Section 452.7, which relates to the Joint Committee on Federal Funds; repealing 74 O.S. 2001, Section 840-3.8, as last amended by Section 16,

Chapter 212, O.S.L. 2003 (74 O.S. Supp. 2006, Section 840-3.8), which relates to the Mentor Selection Advisory Committee; repealing 74 O.S. 2001, Section 5060.50, which relates to the Electronic Commerce Pilot Program Steering Committee; repealing 74 O.S. 2001, Section 8103, which relates to the Oklahoma Task Force on the Status of African-American Males; repealing Section 4, Chapter 485, O.S.L. 2002 (82 O.S. Supp. 2006, Section 1C), which relates to the Joint Committee on Water Planning; repealing 82 O.S. 2001, Section 110.20, which relates to the Cache Creek Water Supply and Flood Impact Task Force; repealing 82 O.S. 2001, Section 1801.3, which relates to the Oklahoma Weather Modification Advisory Board; repealing Section 6, Chapter 395, O.S.L. 2004, which relates to the Task Force on Men's Health; and providing an effective date.

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

SECTION 1. AMENDATORY 63 O.S. 2001, Section 1-237, is amended to read as follows:

Section 1-237. ~~A. 1. There is hereby created the Joint Legislative Committee for Review of Coordination of Efforts for Prevention of Adolescent Pregnancy and Sexually Transmitted Diseases which shall:~~

~~a. meet with the Coordinating Council and with other state officials and employees responsible for providing services related to the prevention of adolescent pregnancy and sexually transmitted diseases at regular intervals as established by the Committee and whenever otherwise necessary to ensure that the purposes of the Act for Coordination of Efforts for Prevention of Adolescent Pregnancy and Sexually Transmitted Diseases are accomplished,~~

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~~b. evaluate programs throughout the nation that have been successful in substantially reducing teen pregnancy. This will include programs that are abstinence only,~~

~~c. recommend changes in proposed interagency agreements and the State Plan as deemed advisable,~~

~~d. review interagency agreements and the State Plan and subsequent revisions of the agreements and State Plan,~~

~~e. hold hearings regarding any matters related to the Act for Coordination of Efforts for Prevention of Adolescent Pregnancy and Sexually Transmitted Diseases,~~

~~f. monitor the implementation of the Act for Coordination of Efforts for Prevention of Adolescent Pregnancy and Sexually Transmitted Diseases, and~~

~~g. recommend legislation to correct statutory provisions that interfere with interagency agreements or coordination or delivery of services, or that are otherwise necessary for the implementation of the Act for Coordination of Efforts for Prevention of Adolescent Pregnancy and Sexually Transmitted Diseases.~~

~~2. The Joint Legislative Committee for Review of Coordination of Efforts for Prevention of Adolescent Pregnancy and Sexually Transmitted Diseases shall have twelve (12) members, all of whom shall be legislators, who shall serve at the pleasure of the appointing authority. Six members shall be appointed by the President Pro Tempore~~

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~~of the Senate and six members shall be appointed by the Speaker of the House of Representatives. The appointments made by the Speaker of the House of Representatives and by the President Pro Tempore of the Senate shall consist of at least one-third (1/3) membership from the two major political parties of Oklahoma. The chair shall be appointed by the President Pro Tempore for odd-numbered years and by the Speaker for even-numbered years. The vice-chair shall be appointed by the Speaker for odd-numbered years and by the President Pro Tempore for even-numbered years. Staff support services shall be provided by the State Senate and the House of Representatives.~~

~~B.~~ 1. The Governor shall appoint an Interagency Coordinating Council for Coordination of Efforts for Prevention of Adolescent Pregnancy and Sexually Transmitted Diseases which shall be composed of thirty-one (31) members as follows:

a. the chief executive officers or their designees of the:

(1) Commission on Children and Youth,

(2) State Department of Education,

(3) Oklahoma Department of Career and Technology Education,

(4) Department of Human Services,

(5) Department of Mental Health and Substance Abuse Services,

(6) Office of Volunteerism,

(7) State Department of Health, and

(8) College of Public Health,

b. the Executive Director of the Office of Juvenile Affairs or designee,

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c. two representatives from the Maternal and Infant Health Division, two representatives from the HIV/STD Division, two representatives from the Child Health and Guidance Division of the State Department of Health,

d. a superintendent of an independent school district,

e. a representative of a statewide association of medical doctors,

f. a representative of a statewide association of osteopathic physicians,

g. a representative of a statewide association of parents and teachers,

h. a representative of a statewide association of classroom teachers,

i. a representative of a statewide association of school counselors,

j. a principal of an alternative education program,

k. a representative of business or industry,

l. a representative of a statewide association formed for the purpose of developing leadership skills,

m. a representative of an ecumenical association,

n. two parents of ten- to twenty-year-old children,

o. a teenage girl,

p. a representative of a nonprofit statewide child advocacy organization,

q. the Governor or the Governor's designee, who shall chair the Coordinating Council.

Legal assistance shall be provided by the Office of the Attorney General. Staff support and assistance shall be provided by the State Department of Health as the legal agency.

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2. The Coordinating Council shall:

a. on or before December 1, 1994, complete the State Plan pursuant to the provisions of Section 1-238 of this title and present it to the Committee for approval, and

b. after approval of the State Plan, monitor implementation of the plan, evaluate the plan, meet with the Committee concerning revisions whenever requested to do so, and on or before November 1, 1995, and November 1 of each subsequent year, submit a report on the implementation and evaluation of the State Plan to the Governor, the President Pro Tempore of the Senate and the Speaker of the House of Representatives.

SECTION 2. AMENDATORY 63 O.S. 2001, Section 3224, is amended to read as follows:

Section 3224. A. The State of Oklahoma expressly approves the creation of a public trust to be denominated the "University Hospitals Trust", of which the State of Oklahoma shall be the beneficiary, provided such approval shall be contingent upon the following conditions being satisfied:

1. Finalizing of the Declaration of Trust;

2. Adoption of the Declaration of Trust by an official action of the trustees of the Trust;

3. Submission of the Trust for acceptance of the beneficial interest and approval as required by Section 177 of Title 60 of the Oklahoma Statutes; and

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4. The approved Declaration of Trust shall:

a. clearly state that the principal purpose of the University Hospitals Trust is to effectuate the purposes of the University Hospitals Authority as established in the University Hospitals Authority Act,

b. except as otherwise provided by law, provide that the fee simple title to real property held by the University Hospitals Authority shall not be transferred, conveyed, or assigned to the University Hospitals Trust without the express consent of the Legislature as the governing entity of the beneficiary pursuant to Section 176 of Title 60 of the Oklahoma Statutes,

c. provide that any indebtedness incurred by the University Hospitals Trust or the trustees of the Trust shall not be secured with or create a lien upon real property to which title is held by the University Hospitals Authority and shall not involve the bonding capacity of the University Hospitals Authority,

d. provide that the trust estate of the University Hospitals Trust shall not include fee simple title to real property owned by the University Hospitals Authority,

e. clearly state that the creation of the University Hospitals Trust shall not in any way reduce, limit or interfere with the power granted to the University Hospitals Authority in the University Hospitals Authority Act,

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f. provide that any lease or contractual agreement involving use of the real property to which title is held by the University Hospitals Authority and any improvements thereto shall contain a provision and covenants requiring the proper maintenance and upkeep of the real property and improvements,

g. provide that the trustees of the University Hospitals Trust shall be the acting members of the University Hospitals Authority as provided in the University Hospitals Authority Act, and

h. provide that the trustees of the University Hospitals Trust shall have the duty to submit an annual report to the Governor, the President Pro Tempore of the Senate, the Speaker of the House of Representatives and members of the Task Force created by subsection D of this section. The report shall be submitted by January 1 of each year and shall include an account of all operations, actions of the Trust, account of all revenue received and disbursed by the Trust for the previous fiscal year. The report shall also provide a complete accounting of how the Trust meets its primary function of effectuating the purposes of the University Hospitals Authority, as established in the University Hospitals Authority Act. The Trust shall meet with the Task Force created in subsection D of this section to review the contents of the annual report.

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B. The University Hospitals Trust shall require any agreements which it enters into with any entity pursuant to Section 3226 of this title for the operations of facilities leased by the University Hospitals Authority to the Trust to include, but not be limited to:

1. The inclusion of four of the five members of the Trust as four of the five members representing the State of Oklahoma as state appointees to the governing committee created pursuant to a proposed agreement;

2. Binding arbitration shall not be involved in such agreements for resolving issues under consideration by the governing committee; and

3. Major decisions shall be resolved by the governing committee, and approval of any major decision by the governing committee must include the approval of a majority of the state appointees and the approval of a majority of the members of the private entity appointees to the governing committee. Major decisions shall include:

a. approval of the annual operating and capital budgets,

b. sale or disposition of assets that individually have a fair market value over Two Hundred Fifty Thousand Dollars ($250,000.00),

c. the termination or transfer or material addition or material diminution of medical services at the Oklahoma Medical Center related to and part of a teaching program of the University of Oklahoma Health Sciences Center, and

d. other major decisions as may be agreed upon by the Trust and the private entity.

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C. To the extent it is determined by legislative enactment that the Trust has expended funds in contravention of its mission as set forth in this section, the Trust shall remit, upon thirty (30) days' written notice from the University Hospitals Authority, such sum or sums to the University Hospitals Authority.

~~D. There is hereby created the "University Hospitals Trust Legislative Advisory Task Force".~~

~~1. The Speaker of the House of Representatives and the President Pro Tempore of the Senate shall each appoint three legislators from their respective legislative bodies, provided that they shall each appoint one member from the minority party.~~

~~2. The chair and vice-chair position shall rotate between the House of Representatives and Senate, provided that the Speaker shall appoint the initial chair whose term shall expire on the first day of the First Regular Session of the Forty-sixth Oklahoma Legislature. The chair and vice-chair shall rotate on the first day of the first regular sessions of subsequent legislatures.~~

~~3. Members of the Task Force shall be reimbursed by their respective legislative bodies for necessary duties related to the Task Force pursuant to Section 456 of Title 74 of the Oklahoma Statutes.~~

~~4. The purpose of the Task Force is to provide a means of communication between the Legislature and the University Hospitals Trust. The Trust shall invite members to attend meetings of the Trust. Task Force members shall be able to participate in discussions of the Trust in an advisory capacity.~~

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SECTION 3. REPEALER 2 O.S. 2001, Section 5-93, as amended by Section 1, Chapter 22, O.S.L. 2002 (2 O.S. Supp. 2006, Section 5-93), is hereby repealed.

SECTION 4. REPEALER 2 O.S. 2001, Section 7-1.1, is hereby repealed.

SECTION 5. REPEALER 56 O.S. 2001, Section 1010.7A, as amended by Section 1, Chapter 121, O.S.L. 2002 (56 O.S. Supp. 2006, Section 1010.7A), is hereby repealed.

SECTION 6. REPEALER 62 O.S. 2001, Section 41.5k, as amended by Section 7, Chapter 266, O.S.L. 2006 (62 O.S. Supp. 2006, Section 41.5k), is hereby repealed.

SECTION 7. REPEALER 63 O.S. 2001, Section 1-879.1, as amended by Section 3, Chapter 410, O.S.L. 2005 (63 O.S. Supp. 2006, Section 1-879.1), is hereby repealed.

SECTION 8. REPEALER Section 1, Chapter 254, O.S.L. 2002 (63 O.S. Supp. 2006, Section 1-1952), is hereby repealed.

SECTION 9. REPEALER 63 O.S. 2001, Section 683.29, is hereby repealed.

SECTION 10. REPEALER 69 O.S. 2001, Section 301.1, as amended by Section 31, Chapter 397, O.S.L. 2002 (69 O.S. Supp. 2006, Section 301.1), is hereby repealed.

SECTION 11. REPEALER 70 O.S. 2001, Section 18-154, is hereby repealed.

SECTION 12. REPEALER 74 O.S. 2001, Section 452.7, is hereby repealed.

SECTION 13. REPEALER 74 O.S. 2001, Section 840-3.8, as last amended by Section 16, Chapter 212, O.S.L. 2003 (74 O.S. Supp. 2006, Section 840-3.8), is hereby repealed.

SECTION 14. REPEALER 74 O.S. 2001, Section 5060.50, is hereby repealed.

SECTION 15. REPEALER 74 O.S. 2001, Section 8103, is hereby repealed.

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SECTION 16. REPEALER Section 4, Chapter 485, O.S.L. 2002 (82 O.S. Supp. 2006, Section 1C), is hereby repealed.

SECTION 17. REPEALER 82 O.S. 2001, Section 110.20, is hereby repealed.

SECTION 18. REPEALER 82 O.S. 2001, Section 1801.3, is hereby repealed.

SECTION 19. REPEALER Section 6, Chapter 395, O.S.L. 2004, is hereby repealed.

SECTION 20. This act shall become effective November 1, 2007.

COMMITTEE REPORT BY: COMMITTEE ON GENERAL GOVERNMENT AND TRANSPORTATION, dated 03-05-07 - DO PASS, As Amended and Coauthored.

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