

SUBCOMMITTEE AMENDMENT
HOUSE OF REPRESENTATIVES
State of Oklahoma

SPEAKER:

CHAIR:

I move to amend HB1965 _____
Of the printed Bill
Page _____ Section _____ Lines _____
Of the Engrossed Bill

By striking the Title, the Enacting Clause, the entire bill, and by inserting in lieu thereof the following language:

AMEND TITLE TO CONFORM TO AMENDMENTS

Adopted: _____

Amendment submitted by: Chris Benge

Reading Clerk

1 STATE OF OKLAHOMA

2 1st Session of the 52nd Legislature (2009)

3 PROPOSED SUBCOMMITTEE
4 SUBSTITUTE
5 FOR
6 HOUSE BILL NO. 1965

By: Benge

7 PROPOSED SUBCOMMITTEE SUBSTITUTE

8
9 An Act relating to the Office of the Chief Medical
10 Examiner; amending 51 O.S. 2001, Section 24A.5, as
11 last amended by Section 34, Chapter 16, O.S.L. 2006
12 (51 O.S. Supp. 2008, Section 24A.5), which relates to
13 records; modifying statutory reference; amending 63
14 O.S. 2001, Sections 933, 934, 935, as last amended by
15 Section 5, Chapter 269, O.S.L. 2008, 936, 937, 941a,
16 947, 948, as amended by Section 1, Chapter 559,
17 O.S.L. 2004, Section 2, Chapter 559, O.S.L. 2004,
18 949, as amended by Section 1, Chapter 190, O.S.L.
19 2004, 950, 951 and 954 (63 O.S. Supp. 2008, Sections
20 935, 948, 948.1 and 949), which relate to the Office
21 of Chief Medical Examiner; providing for independent
22 Office; specifying duties; modifying appointing
23 authority; establishing the position of the Chief
24 Administrative Officer; stating purpose; providing
for certain qualifications; providing for duties;
modifying certain oversight authority; specifying
location of Office and laboratory; authorizing use of
certain resources; authorizing the Oklahoma Capitol
Improvement Authority to issue obligations for
certain funding; providing for title; providing for
certain payments; authorizing employment of
professionals in certain circumstances; authorizing
certain persons to contract; providing for interest
earnings; exempting obligations from taxation;
providing for investment; specifying applicability of
certain sections; repealing 63 O.S. 2001, Sections
931, as amended by Section 1, Chapter 410, O.S.L.
2005 and 932 (63 O.S. Supp. 2008, Section 931), which
relate to the Board of Medicolegal Investigations;

1 providing for codification; and providing an
2 effective date.

3
4 BE IT ENACTED BY THE PEOPLE OF THE STATE OF OKLAHOMA:

5 SECTION 1. AMENDATORY 51 O.S. 2001, Section 24A.5, as
6 last amended by Section 34, Chapter 16, O.S.L. 2006 (51 O.S. Supp.
7 2008, Section 24A.5), is amended to read as follows:

8 Section 24A.5 All records of public bodies and public officials
9 shall be open to any person for inspection, copying, or mechanical
10 reproduction during regular business hours; provided:

11 1. The Oklahoma Open Records Act, Sections 24A.1 through 24A.28
12 of this title, does not apply to records specifically required by
13 law to be kept confidential including:

- 14 a. records protected by a state evidentiary privilege
15 such as the attorney-client privilege, the work
16 product immunity from discovery and the identity of
17 informer privileges,
- 18 b. records of what transpired during meetings of a public
19 body lawfully closed to the public such as executive
20 sessions authorized under the Oklahoma Open Meeting
21 Act, Section 301 et seq. of Title 25 of the Oklahoma
22 Statutes,

- 1 c. personal information within driver records as defined
2 by the Driver's Privacy Protection Act, 18 United
3 States Code, Sections 2721 through 2725, or
4 d. information in the files of the ~~Board of Medicolegal~~
5 ~~Investigations~~ Office of the Chief Medical Examiner
6 obtained pursuant to Sections 940 and 941 of Title 63
7 of the Oklahoma Statutes that may be hearsay,
8 preliminary unsubstantiated investigation-related
9 findings, or confidential medical information.

10 2. Any reasonably segregable portion of a record containing
11 exempt material shall be provided after deletion of the exempt
12 portions; provided however, the Department of Public Safety shall
13 not be required to assemble for the requesting person specific
14 information, in any format, from driving records relating to any
15 person whose name and date of birth or whose driver license number
16 is not furnished by the requesting person. The Oklahoma State
17 Bureau of Investigation shall not be required to assemble for the
18 requesting person any criminal history records relating to persons
19 whose names, dates of birth, and other identifying information
20 required by the Oklahoma State Bureau of Investigation pursuant to
21 administrative rule are not furnished by the requesting person.

22 3. Any request for a record which contains individual records
23 of persons, and the cost of copying, reproducing or certifying each
24 individual record is otherwise prescribed by state law, the cost may

1 be assessed for each individual record, or portion thereof requested
2 as prescribed by state law. Otherwise, a public body may charge a
3 fee only for recovery of the reasonable, direct costs of record
4 copying, or mechanical reproduction. Notwithstanding any state or
5 local provision to the contrary, in no instance shall the record
6 copying fee exceed twenty-five cents (\$0.25) per page for records
7 having the dimensions of eight and one-half (8 1/2) by fourteen (14)
8 inches or smaller, or a maximum of One Dollar (\$1.00) per copied
9 page for a certified copy. However, if the request:

- 10 a. is solely for commercial purpose, or
- 11 b. would clearly cause excessive disruption of the
12 essential functions of the public body,

13 then the public body may charge a reasonable fee to recover the
14 direct cost of record search and copying; however, publication in a
15 newspaper or broadcast by news media for news purposes shall not
16 constitute a resale or use of a record for trade or commercial
17 purpose and charges for providing copies of electronic data to the
18 news media for a news purpose shall not exceed the direct cost of
19 making the copy. The fee charged by the Department of Public Safety
20 for a copy in a computerized format of a record of the Department
21 shall not exceed the direct cost of making the copy unless the fee
22 for the record is otherwise set by law.

23
24

1 Any public body establishing fees under this act shall post a
2 written schedule of the fees at its principal office and with the
3 county clerk.

4 In no case shall a search fee be charged when the release of
5 records is in the public interest, including, but not limited to,
6 release to the news media, scholars, authors and taxpayers seeking
7 to determine whether those entrusted with the affairs of the
8 government are honestly, faithfully, and competently performing
9 their duties as public servants.

10 The fees shall not be used for the purpose of discouraging
11 requests for information or as obstacles to disclosure of requested
12 information.

13 4. The land description tract index of all recorded instruments
14 concerning real property required to be kept by the county clerk of
15 any county shall be available for inspection or copying in
16 accordance with the provisions of the Oklahoma Open Records Act;
17 provided, however, the index shall not be copied or mechanically
18 reproduced for the purpose of sale of the information.

19 5. A public body must provide prompt, reasonable access to its
20 records but may establish reasonable procedures which protect the
21 integrity and organization of its records and to prevent excessive
22 disruptions of its essential functions.

23 6. A public body shall designate certain persons who are
24 authorized to release records of the public body for inspection,

1 copying, or mechanical reproduction. At least one person shall be
2 available at all times to release records during the regular
3 business hours of the public body.

4 SECTION 2. AMENDATORY 63 O.S. 2001, Section 933, is
5 amended to read as follows:

6 Section 933. A. The Office of the Chief Medical Examiner of
7 the State of Oklahoma is hereby established ~~to be operated under the~~
8 ~~control and supervision of the Board.~~ The Office shall be:

9 1. Remain independent and autonomous from all other agencies in
10 this state;

11 2. Be directed by the Chief Medical Examiner, and the Chief
12 Medical Examiner may employ such other staff members as the Board
13 shall specify necessary to effectively carry out the functions of
14 this Office, except as provided for in subsection B of Section 934
15 of this title;

16 3. Obtain approval by the Legislature before closing any
17 satellite office; and

18 4. Promulgate rules necessary to effectively implement the
19 provisions of this act.

20 SECTION 3. AMENDATORY 63 O.S. 2001, Section 934, is
21 amended to read as follows:

22 Section 934. A. 1. ~~The Board of Medicolegal Investigations~~
23 Governor shall appoint a Chief Medical Examiner who shall be a
24 physician licensed to practice in Oklahoma and a diplomate of the

1 American Board of Pathology or the American Osteopathic Board of
2 Pathology in forensic pathology.

3 2. The Chief Medical Examiner shall serve at the pleasure of
4 the ~~Board~~ Governor. In addition to the duties prescribed by law,
5 the Chief Medical Examiner may teach in any medical school in this
6 state and conduct special classes for law enforcement officers.

7 B. 1. The Chief Medical Examiner shall appoint a Chief
8 Administrative Officer to manage the administrative functions of the
9 Office of the Chief Medical Examiner.

10 2. The Chief Administrative Officer shall have the training and
11 experience necessary for the administration of the Office as
12 determined by the Chief Medical Examiner. The duties of the Chief
13 Administrative Officer shall include:

- 14 a. the establishment of written professional
15 qualification requirements for each staff position
16 related to the investigation of deaths including but
17 not limited to forensic pathologists, chemists,
18 investigators, and the position of chief investigator,
- 19 b. the formulation and recommendation of rules for
20 approval or rejection by the Chief Medical Examiner,
- 21 c. the establishment of policy and procedures for
22 background checks of all prospective employees of the
23 Office, and
- 24 d. supervision of the activities of the Office.

1 SECTION 4. AMENDATORY 63 O.S. 2001, Section 935, as last
2 amended by Section 5, Chapter 269, O.S.L. 2008 (63 O.S. Supp. 2008,
3 Section 935), is amended to read as follows:

4 Section 935. The Chief Medical Examiner shall be directly
5 responsible to the ~~Board~~ Governor for the performance of the duties
6 provided for in this act and for the administration of the office of
7 the Chief Medical Examiner. The Chief Medical Examiner may,
8 ~~however,~~ delegate specific duties to the Chief Administrative
9 Officer and to competent and qualified deputies who may act for the
10 Chief Medical Examiner within the scope of the express authority
11 granted by the Chief Medical Examiner, ~~subject, however, to such~~
12 ~~rules as the Board may prescribe.~~

13 SECTION 5. AMENDATORY 63 O.S. 2001, Section 936, is
14 amended to read as follows:

15 Section 936. ~~The Board shall provide for a central office and~~
16 ~~shall see that there is maintained~~ The Office of the Chief Medical
17 Examiner shall maintain access to a laboratory suitably equipped
18 with facilities for performance of the duties imposed by this act.
19 The Office shall be located in close proximity to the Oklahoma State
20 Bureau of Investigations Forensics Science Center and the University
21 of Central Oklahoma Forensic Science Institute. The Office is
22 authorized to contract with independent third parties for the
23 effective utilization of all available resources and programs.

1 SECTION 6. AMENDATORY 63 O.S. 2001, Section 937, is
2 amended to read as follows:

3 Section 937. The Chief Medical Examiner shall appoint medical
4 examiners for each county of the state. Each medical examiner so
5 appointed shall be a Doctor of Medicine or Osteopathy and Surgery,
6 shall hold a valid license to practice his profession in Oklahoma,
7 and shall hold office at the pleasure of the ~~Board~~ Governor. In
8 the event there is no qualified person in the county or no person
9 willing to serve as a medical examiner, or in the event the medical
10 examiner is absent from the county in which he serves, or is ill or
11 disqualified by personal interest, the Chief Medical Examiner may ~~in~~
12 ~~his discretion~~ appoint as a medical examiner for ~~such~~ the county a
13 qualified person from another county, or may direct a medical
14 examiner from another county to perform the duties of a medical
15 examiner in both counties. Nothing in this section or act shall
16 prohibit or restrict the Chief Medical Examiner from ~~appointing a~~
17 ~~medical examiner and directing him~~ a medical examiner to cross a
18 county line. A medical examiner shall not be precluded from holding
19 other public offices created by the laws of the state.

20 SECTION 7. NEW LAW A new section of law to be codified
21 in the Oklahoma Statutes as Section 937.1 of Title 63, unless there
22 is created a duplication in numbering, reads as follows:

23 The Office of the Chief Medical Examiner and any employee
24 thereof shall not receive compensation of any kind from any organ,

1 eye, or tissue recovery organization except as otherwise provided
2 for by law.

3 SECTION 8. AMENDATORY 63 O.S. 2001, Section 941a, is
4 amended to read as follows:

5 Section 941a. Within three (3) hours after the death of any
6 person who is at the time of death attended by a licensed medical or
7 osteopathic physician, the body of the deceased shall be released,
8 upon demand, to the person legally entitled to the custody thereof,
9 or his representative, unless:

10 1. A release is signed by the person legally entitled to the
11 custody of the body; or

12 2. The attending physician has notified the Chief Medical
13 Examiner of the State of Oklahoma, or his designee, of the need for
14 further investigation into the cause of death, or has notified the
15 appropriate district attorney of such need; or

16 3. The laws of this state or the regulations of the ~~Board of~~
17 ~~Medicolegal Investigations~~ Office of the Chief Medical Examiner
18 require additional information or examination that cannot be
19 obtained or completed within the above period of time.

20 SECTION 9. AMENDATORY 63 O.S. 2001, Section 947, is
21 amended to read as follows:

22 Section 947. A. The certification of death of any person whose
23 death is investigated under this act shall be made by the Chief
24 Medical Examiner, his designee, or the medical examiner who

1 conducted the investigation, upon a medical examiner death
2 certificate provided by the State Registrar of Vital Statistics.
3 Such death certificates shall be valid only when signed by a duly
4 appointed medical examiner, the Chief Medical Examiner, or his
5 designee. Copies of all ~~such~~ certificates shall be forwarded
6 immediately upon receipt by the State Registrar of Vital Statistics
7 to the Office of the Chief Medical Examiner.

8 B. Any certification of death by an attending physician may be
9 referred by the State Registrar of Vital Statistics to the Chief
10 Medical Examiner for investigation and the amending of the original
11 certificate of death by the filing of a medical examiner death
12 certificate by the medical examiner or Chief Medical Examiner when
13 the death is determined by the Chief Medical Examiner to be one
14 properly requiring investigation under Section 938 of this title.

15 C. Medical examiner death certificates will not be required in
16 cases investigated solely for the purpose of issuing a permit for
17 transport of a body out of state.

18 D. The ~~Board of Medicolegal Investigations~~ Office of the Chief
19 Medical Examiner shall not charge a fee for out-of-state shipment of
20 human remains whenever the Office of the Chief Medical Examiner has
21 not been required to conduct an investigation of the death.

22 SECTION 10. AMENDATORY 63 O.S. 2001, Section 948, as
23 amended by Section 1, Chapter 559, O.S.L. 2004 (63 O.S. Supp. 2008,
24 Section 948), is amended to read as follows:

1 Section 948. A. For each investigation or partial
2 investigation in which the medical examiner is relieved by the Chief
3 Medical Examiner or a designee, the medical examiner shall receive
4 compensation for ~~such~~ services as provided in the rules approved and
5 promulgated by the ~~Board of Medicolegal Investigations~~ Office of the
6 Chief Medical Examiner, from funds appropriated to the ~~Board of~~
7 ~~Medicolegal Investigations~~ Office of the Chief Medical Examiner.
8 Where, in the opinion of the Chief Medical Examiner, it is necessary
9 to designate a consultant pathologist to perform an autopsy, such
10 pathologist shall be entitled to a reasonable fee. Such fees shall
11 be payable from funds appropriated to the ~~Board of Medicolegal~~
12 ~~Investigations~~ Office of the Chief Medical Examiner.

13 B. The Office of the Chief Medical Examiner (OCME) shall store
14 biological specimens in the control of the OCME for the potential
15 purpose of independent analyses in matters of civil law, only upon
16 receipt of a written request for ~~such~~ storage and payment of a
17 storage fee. The fee shall be paid by the person requesting storage
18 to the Office of the Chief Medical Examiner. The ~~Board~~ Office shall
19 promulgate rules establishing a fee for storage of ~~such~~ biological
20 specimens which shall not exceed One Hundred Dollars (\$100.00) per
21 year. All fees collected pursuant to the provisions of this
22 subsection shall be deposited to the credit of the Office of the
23 Chief Medical Examiner Toxicology Laboratory Revolving Fund.

24

1 C. 1. The Office of the Chief Medical Examiner (OCME) is
2 authorized to perform drug screens on specimens in the custody of
3 the OCME, provided the request is made by an agency or party
4 authorized to receive such information. The OCME may limit drug
5 screens within the technical and physical capabilities of the OCME.

6 2. The authorization for drug screens shall apply only to
7 specimens from cases already within the jurisdiction of the OCME and
8 only when the analyses are deemed by the Chief Medical Examiner or
9 Deputy Chief Medical Examiner not to conflict with any investigation
10 of the case by the state.

11 3. The ~~Board of Medicolegal Investigations~~ Office of the Chief
12 Medical Examiner shall establish a fee for drug screen services by
13 rule. All fees collected pursuant to the provisions of this
14 subsection shall be deposited to the Chief Medical Examiner
15 Toxicology Laboratory Revolving Fund.

16 SECTION 11. AMENDATORY Section 2, Chapter 559, O.S.L.
17 2004 (63 O.S. Supp. 2008, Section 948.1), is amended to read as
18 follows:

19 Section 948.1 A. The ~~Board of Medicolegal Investigations~~
20 Office of the Chief Medical Examiner may establish a fee schedule
21 for forensic services, permits and reports rendered to members of
22 the public and other agencies.

23 1. No fee schedule may be established or amended by the ~~Board~~
24 Office except during a regular legislative session. The ~~Board~~

1 Office shall comply with the Administrative Procedures Act for
2 adoption of rules and establishing or amending any ~~such~~ fee
3 schedule.

4 2. Except as otherwise specified in this section, the ~~Board~~
5 Office shall charge fees only within the following ranges:

6 a. permit for cremations that occur within the state:
7 One Hundred Dollars (\$100.00) to Two Hundred Dollars
8 (\$200.00),

9 b. forensic science service: One Hundred Dollars
10 (\$100.00) to Three Thousand Dollars (\$3,000.00),

11 c. report copies: Ten Dollars (\$10.00) for report of
12 investigation, including toxicology, and Twenty
13 Dollars (\$20.00) for an autopsy report, including
14 toxicology,

15 d. x-rays: Fifteen Dollars (\$15.00) each,

16 e. microscopic slides, Hematoxilyn and Eosin (H&E): Ten
17 Dollars (\$10.00) each,

18 f. special stains: Fifteen Dollars (\$15.00) each, and

19 g. photographs: Twenty-five Dollars (\$25.00) per
20 computer diskette (CD).

21 B. The ~~Board~~ Office shall base the fee schedule for forensic
22 science services, permits and reports upon reasonable costs of
23 review, investigation and forensic science service delivery;
24 provided, however, the fee schedule shall be within the ranges

1 specified in subsection A of this section. The ~~Board~~ Office shall
2 continue a system of basic and continuing educational service and
3 training for all personnel who render forensic science services in
4 order to ensure uniform statewide application of the rules of the
5 ~~Board~~ Office. The ~~Board~~ Office shall consider the reasonable costs
6 associated with such training and continuing education in setting
7 the forensic science service fees.

8 C. The ~~Board~~ Office may exempt by rule any agency or class of
9 individuals from the requirements of the fee schedule if the ~~Board~~
10 Office determines that the fees would cause an unreasonable economic
11 hardship or would otherwise hinder or conflict with ~~an agency's~~ the
12 responsibilities of an agency.

13 D. All statutory fees currently in effect for permits or
14 forensic science services administered by the Chief Medical Examiner
15 ~~and the Board of Medicolegal Investigations~~ within the jurisdiction
16 of the Office of the Chief Medical Examiner shall remain in effect
17 until such time as the ~~Board~~ Office acts to implement new schedules
18 pursuant to the provisions of this act.

19 SECTION 12. AMENDATORY 63 O.S. 2001, Section 949, as
20 amended by Section 1, Chapter 190, O.S.L. 2004 (63 O.S. Supp. 2008,
21 Section 949), is amended to read as follows:

22 Section 949.

23 A. 1. a. The Office of the Chief Medical Examiner shall keep
24 full and complete records, properly indexed, giving

1 the name, if known, of every person whose death is
2 investigated, the place where the body was found, the
3 date, cause, and manner of death and all other
4 relevant information concerning the death. The full
5 report and detailed findings of the autopsy, if any,
6 shall be a part of the record in each case.

7 b. The Chief Medical Examiner shall track and forward,
8 within seventy-two (72) hours after the examination,
9 demographic information on sudden, unexpected and
10 nontraumatic infant deaths including, but not limited
11 to, Sudden Infant Death Syndrome (SIDS), to the
12 Oklahoma SIDS Coordinator at the State Department of
13 Health and the SIDS Foundation of Oklahoma. As used
14 in this subparagraph, "Sudden Infant Death Syndrome
15 (SIDS)" means the sudden, unexpected death of an
16 apparently healthy infant less than one (1) year of
17 age which remains unexplained following a complete
18 medicolegal analysis and death scene investigation.
19 The Chief Medical Examiner shall follow up with
20 further notification upon final determination of a
21 cause of death. Such notification shall be for
22 statistical reporting purposes only.

23 2. The office shall promptly deliver to each district attorney
24 having jurisdiction of the case, copies of all records relating to a

1 death for which further investigation may be advisable. Any
2 district attorney or other law enforcement official may, upon
3 request, obtain copies of ~~such~~ records or other information deemed
4 necessary ~~to~~ for the performance of ~~such district attorney's or~~
5 ~~other law enforcement official's~~ official duties.

6 B. No report, findings, testimony, or other information of a
7 medical examiner shall be admitted in evidence in any civil action
8 in any court in this state, except under the following
9 circumstances:

10 1. Certified copies of reports pertaining to the factual
11 determinations of views and examination of or autopsies upon the
12 bodies of deceased persons by the Chief Medical Examiner, a medical
13 examiner, consultant pathologist, or anyone under their supervision
14 or control may be admitted in evidence in any civil case in a court
15 of competent jurisdiction in this state by stipulation of all
16 parties in the case;

17 2. If a party refuses to stipulate to admission, the reports
18 may be requested by any party seeking to admit the records as
19 evidence. The request shall be made to the Office of the Chief
20 Medical Examiner, who shall furnish same;

21 3. The party seeking admission of the reports shall then serve
22 interrogatories concerning the facts to be answered under oath by
23 the person preparing the records. The interrogatories and answers
24 thereto shall be subject to the rules of evidence and may be

1 admissible in evidence in any civil case in a court of competent
2 jurisdiction. Objections to the interrogatories shall be made by
3 any party in accordance with law just as if the interrogatories had
4 been served on the objecting party. Cross interrogatories shall be
5 submitted and shall be answered and admitted in evidence in the same
6 manner as interrogatories;

7 4. The taking of depositions shall then be allowed pursuant to
8 the provisions of Section 3230 of Title 12 of the Oklahoma Statutes;
9 provided, however, depositions shall take place at the Office of the
10 Chief Medical Examiner, a medical examiner, consultant pathologist,
11 or anyone under their supervision or control whose testimony is
12 sought, unless all parties, including the medical examiner, agree
13 the deposition can be taken elsewhere;

14 5. No other testimony of the Chief Medical Examiner, a medical
15 examiner, consultant pathologist, or anyone under their supervision
16 and control shall be admitted in evidence in any civil action in any
17 court of this state, unless timely application is made to the court
18 by an interested party or litigant and timely notice of the
19 application is given to the medical examiner. After a hearing, the
20 court, for good cause shown, may order the appearance of the Chief
21 Medical Examiner, a medical examiner, consultant pathologist, or
22 anyone under their supervision and control for the purpose of
23 testifying and may order that a subpoena be issued for that
24

1 appearance; provided, however, that such order by the court shall be
2 the exception and not the rule; and

3 6. The cost of the records or certified copies thereof shall be
4 paid by the party requesting same. The reasonable fee charged by
5 the Chief Medical Examiner, a medical examiner, consultant
6 pathologist, or anyone under their supervision and control for
7 answering interrogatories or cross interrogatories, submitting to
8 depositions, or providing testimony shall be paid by the party
9 submitting same. This fee shall be in place of any other witness
10 fee allowed by law.

11 C. Certified copies of reports and findings, exclusive of
12 hearsay evidence, may be admitted in evidence in preliminary
13 hearings and criminal trials by stipulation.

14 D. Certified copies of reports of investigations by a medical
15 examiner, laboratory reports and/or autopsy reports may be furnished
16 to the next of kin or others having need for them upon written
17 statement and payment of a reasonable fee set by the ~~Board of~~
18 ~~Medicolegal Investigations~~ Office of the Chief Medical Examiner.

19 E. 1. In a case in which possible SIDS is determined as the
20 cause of death of an infant less than one (1) year of age, the
21 medical examiner shall explain to the newly bereaved family that
22 support services are available and can be rendered more efficiently
23 if the family signs a waiver to allow release of confidential
24

1 information. The medical examiner shall provide such waiver to the
2 family for signatures.

3 2. The medical examiner shall document receipt of the signed
4 waiver form and shall forward such documentation to the State
5 Department of Health and the SIDS Foundation of Oklahoma, along with
6 information related to the possible SIDS death including, but not
7 limited to, the ~~infant's~~ name, date of birth, date of death, and
8 race of the infant, ~~parents'~~ the names, address, and phone number of
9 the parents.

10 3. As used in this subsection, "possible SIDS" means the sudden
11 unexpected, nontraumatic death of an apparently healthy infant less
12 than one (1) year of age.

13 SECTION 13. AMENDATORY 63 O.S. 2001, Section 950, is
14 amended to read as follows:

15 Section 950. In the event it is necessary or advisable to
16 perform an autopsy under the provisions of this act in some place
17 other than the laboratories of the Chief Medical Examiner, ~~said the~~ the
18 examiner may authorize payment of a reasonable fee for the use of an
19 appropriate place for the performing of an autopsy, which payment
20 shall be made upon a claim and submitted to the ~~Board of Medicolegal~~
21 Investigations Office of the Chief Medical Examiner.

22 SECTION 14. AMENDATORY 63 O.S. 2001, Section 951, is
23 amended to read as follows:

24

1 Section 951. The Chief Medical Examiner, his designee, or a
2 medical examiner shall be authorized to transport bodies of deceased
3 persons of whose death he is officially informed to an appropriate
4 place for autopsy or for the performance of scientific tests;
5 provided that, after ~~said~~ the autopsy ~~shall have been~~ is performed
6 or ~~such~~ tests made, the bodies of ~~such~~ deceased persons shall be
7 returned to the county from which they were brought, or, when so
8 authorized by the district attorney of ~~said~~ the county and upon
9 request of the nearest relative of the deceased or other person who
10 may be responsible for burial, the body may be transported to some
11 place other than ~~said~~ the county. The Chief Medical Examiner or ~~his~~
12 a designee may authorize payment for the services in transporting
13 the body to the place designated for autopsy, which shall be
14 submitted upon a claim filed with the ~~Board of Medicolegal~~
15 Investigations Office of the Chief Medical Examiner.

16 SECTION 15. AMENDATORY 63 O.S. 2001, Section 954, is
17 amended to read as follows:

18 Section 954. A. ~~The Board of Medicolegal Investigations Office~~
19 of the Chief Medical Examiner is authorized to accept grants, gifts,
20 fees, or funds from persons, associations, corporations, or
21 foundations for any purpose ~~authorized by the Board.~~

22 B. There is ~~hereby~~ created in the State Treasury a revolving
23 fund for the Office of the Chief Medical Examiner to be designated
24 the "Chief Medical Examiner Revolving Fund". The fund shall be a

1 continuing fund, not subject to fiscal year limitations, and shall
2 consist of all moneys received from:

3 1. Laboratory analysis fees pursuant to the provisions of
4 Section 1313.2 of Title 20 of the Oklahoma Statutes;

5 2. Grants, gifts, fees or funds from persons, associations,
6 corporations, or foundations pursuant to this section;

7 3. Document fees pursuant to the Oklahoma Open Records Act,
8 Section 24A.1 et seq. of Title 51 of the Oklahoma Statutes; and

9 4. Cremation, burial at sea, or other recognized means of
10 dissolution permit fees pursuant to Section 1-329.1 of this title.

11 All monies accruing to the credit of ~~said~~ the fund are hereby
12 appropriated and may be budgeted and expended by the Office of the
13 Chief Medical Examiner for the duties imposed ~~upon the Board of~~
14 ~~Medicolegal Investigations~~ by law. Expenditures from ~~said~~ the fund
15 shall be made upon warrants issued by the State Treasurer against
16 claims filed as prescribed by law with the Director of State Finance
17 for approval and payment.

18 SECTION 16. NEW LAW A new section of law to be codified
19 in the Oklahoma Statutes as Section 342 of Title 73, unless there is
20 created a duplication in numbering, reads as follows:

21 A. In addition to any other authorization provided by law, the
22 Oklahoma Capitol Improvement Authority is authorized to issue
23 obligations to provide funding for improvements to real and personal
24 property and for funding for completion of a _____ for

1 occupancy by the Chief Medical Examiner with debt retirement
2 payments to be made as provided herein.

3 B. The Authority may hold title to the real and personal
4 property and improvements until such time as any obligations issued
5 for this purpose are retired or defeased and may lease the real
6 property and improvements to the Office of the Chief Medical
7 Examiner. Upon final redemption or defeasance of the obligations
8 created pursuant to this section, title to the real and personal
9 property and improvements shall be transferred from the Oklahoma
10 Capitol Improvement Authority to the Office of the Chief Medical
11 Examiner.

12 C. For the purpose of paying the costs for acquisition and
13 construction of the real property and improvements and personal
14 property and making the repairs, refurbishments, and improvements to
15 real and personal property, and providing funding for the project
16 authorized in subsection A of this section, and for the purpose
17 authorized in subsection D of this section, the Authority is hereby
18 authorized to borrow monies on the credit of the income and revenues
19 to be derived from the leasing of such real and personal property
20 and improvements, and in anticipation of the collection of such
21 income and revenues, to issue notes, bonds or other evidences of
22 obligation in an amount necessary to generate net proceeds of
23 _____ Dollars (\$0.00) after providing for the costs of
24 issuance, credit enhancement, reserves and other expenses related to

1 the financing. Net proceeds of the financing will be deposited into
2 a construction fund to provide for the financing of the project
3 described in subsection A of this section. Earnings that result
4 from the investment of the construction fund may be used for the
5 project authorized in subsection A of this section or for other
6 legal purposes approved by the Authority, whether issued in one or
7 more series. It is the intent of the Legislature to appropriate to
8 the Office of the Chief Medical Examiner sufficient monies to make
9 rental payments for the purposes of retiring the obligations created
10 pursuant to this section. To the extent funds are available from
11 the proceeds of the borrowing authorized by this subsection, the
12 Oklahoma Capitol Improvement Authority shall provide for the payment
13 of professional fees and associated costs related to the projects
14 authorized in subsection A of this section.

15 D. The Authority may issue obligations in one or more series
16 and in conjunction with other issues of the Authority. The
17 Authority is authorized to hire bond counsel, financial consultants,
18 and such other professionals as it may deem necessary to provide for
19 the efficient sale of the obligations and may utilize a portion of
20 the proceeds of any borrowing to create such reserves as may be
21 deemed necessary and to pay costs associated with the issuance and
22 administration of such obligations.

23 E. The obligations authorized under this section may be sold at
24 either competitive or negotiated sale, as determined by the

1 Authority, and in such form and at such prices as may be authorized
2 by the Authority. The Authority may enter into agreements with such
3 credit enhancers and liquidity providers as may be determined
4 necessary to efficiently market the obligations. The obligations
5 may mature and have such provisions for redemption as shall be
6 determined by the Authority, but in no event shall the final
7 maturity of such obligations occur later than thirty (30) years from
8 the first principal maturity date.

9 F. Any interest earnings on funds or accounts created for the
10 purposes of this section may be utilized as partial payment of the
11 annual debt service or for the purposes directed by the Authority.

12 G. The obligations issued under this section, the transfer
13 thereof and the interest earned on such obligations, including any
14 profit derived from the sale thereof, shall not be subject to
15 taxation of any kind by the State of Oklahoma, or by any county,
16 municipality or political subdivision therein.

17 H. The Authority may direct the investment of all monies in any
18 funds or accounts created in connection with the offering of the
19 obligations authorized under this section. Such investments shall
20 be made in a manner consistent with the investment guidelines of the
21 State Treasurer. The Authority may place additional restrictions on
22 the investment of such monies if necessary to enhance the
23 marketability of the obligations.

24

1 I. Insofar as they are not in conflict with the provisions of
2 this section, the provisions of Section 151 et seq. of Title 73 of
3 the Oklahoma Statutes shall apply to this section.

4 SECTION 17. REPEALER 63 O.S. 2001, Section 931, as
5 amended by Section 1, Chapter 410, O.S.L. 2005 (63 O.S. Supp. 2008,
6 Section 931), is hereby repealed.

7 SECTION 18. REPEALER 63 O.S. 2001, Section 932, is
8 hereby repealed.

9 SECTION 19. This act shall become effective November 1, 2009.

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