

SENATE CHAMBER

STATE OF OKLAHOMA

DISPOSITION BY SENATE

FLOOR AMENDMENT

No. _____

(Date)

Mr./Madame President:

I move to amend Senate Bill No. 738, by striking the title, enacting clause and entire body of the bill and substituting the attached floor substitute.

Submitted by:

Senator Coffee

Coffee-JM-FA-SB738

3/3/2009 5:23 PM

1 STATE OF OKLAHOMA

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

3 FLOOR SUBSTITUTE
4 FOR
5 SENATE BILL NO. 738

By: Coffee

6 FLOOR SUBSTITUTE

7 An Act relating to the Office of the Chief Medical Examiner; amending 51 O.S.
8 2001, Section 24A.5, as last amended by Section 34, Chapter 16, O.S.L. 2006
9 (51 O.S. Supp. 2008, Section 24A.5), which relates to records; modifying
10 statutory reference; amending 63 O.S. 2001, Sections 931, as amended by
11 Section 1, Chapter 410, O.S.L. 2005, 933, 934, 935, as last amended by Section
12 5, Chapter 269, O.S.L. 2008, 936, 937, 947, 948, as amended by Section 1,
13 Chapter 559, O.S.L. 2004, Section 2, Chapter 559, O.S.L. 2004, 949, as
14 amended by Section 1, Chapter 190, O.S.L. 2004, 950, 951 and 954 (63 O.S.
15 Supp. 2008, Sections 931, 935, 948, 948.1 and 949), which relate to the Office
16 of Chief Medical Examiner; modifying membership of the Board of
17 Medicolegal Investigations; changing the name of the Office of the Chief
18 Medical Examiner to the Oklahoma Department of Forensic Sciences; updating
19 references; specifying duties; providing for the position of the Chief
20 Administrative Officer; stating purpose; providing for certain qualifications;
21 providing for duties; modifying certain duties; specifying location of Office and
22 laboratory; authorizing certain contracts; prohibiting certain compensation;
23 authorizing the Oklahoma Capitol Improvement Authority to issue obligations
24 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; providing for codification; and providing an effective date.

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

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

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

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

- 3 a. records protected by a state evidentiary privilege such as the attorney-client
4 privilege, the work product immunity from discovery and the identity of informer
5 privileges,
- 6 b. records of what transpired during meetings of a public body lawfully closed to the
7 public such as executive sessions authorized under the Oklahoma Open Meeting
8 Act, Section 301 et seq. of Title 25 of the Oklahoma Statutes,
- 9 c. personal information within driver records as defined by the Driver's Privacy
10 Protection Act, 18 United States Code, Sections 2721 through 2725, or
- 11 d. information in the files of the ~~Board of Medicolegal Investigations~~ Oklahoma
12 Department of Forensic Sciences obtained pursuant to Sections 940 and 941 of
13 Title 63 of the Oklahoma Statutes that may be hearsay, preliminary
14 unsubstantiated investigation-related findings, or confidential medical
15 information.

16 2. Any reasonably segregable portion of a record containing exempt material shall be provided
17 after deletion of the exempt portions; provided however, the Department of Public Safety shall not be
18 required to assemble for the requesting person specific information, in any format, from driving
19 records relating to any person whose name and date of birth or whose driver license number is not
20 furnished by the requesting person. The Oklahoma State Bureau of Investigation shall not be required
21 to assemble for the requesting person any criminal history records relating to persons whose names,
22 dates of birth, and other identifying information required by the Oklahoma State Bureau of
23 Investigation pursuant to administrative rule are not furnished by the requesting person.
24

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

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

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

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

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

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

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

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

10 6. A public body shall designate certain persons who are authorized to release records of the
11 public body for inspection, copying, or mechanical reproduction. At least one person shall be
12 available at all times to release records during the regular business hours of the public body.

13 SECTION 2. AMENDATORY 63 O.S. 2001, Section 931, as amended by Section 1,
14 Chapter 410, O.S.L. 2005 (63 O.S. Supp. 2008, Section 931), is amended to read as follows:

15 Section 931. A. The Board of Medicolegal Investigations is hereby re-created. The members of
16 the Board shall be:

- 17 1. The Director of the State Bureau of Investigation, or a designee;
- 18 2. The State Commissioner of Health, or a designee;
- 19 3. ~~The Dean of the College of Medicine of~~ Chair of the Department of Pathology at the
20 University of Oklahoma College of Medicine, or a designee;
- 21 4. ~~The President or Dean of~~ Chair of the Department of Pathology at the Oklahoma State
22 University College of Osteopathic Medicine Center for Health Sciences, or a designee;
- 23 5. ~~The President of the Oklahoma Bar Association~~ Director of the Forensic Science Institute at
24 the University of Central Oklahoma, or a designee;

- 1 6. The President of the Oklahoma Osteopathic Association, or a designee;
- 2 7. The President of the Oklahoma State Medical Association, or a designee; and
- 3 8. A funeral director, as provided by Section 396.3 of Title 59 of the Oklahoma Statutes,
- 4 appointed by the Oklahoma State Board of Embalmers and Funeral Directors.

5 B. The Chief Medical Examiner shall be an ex officio nonvoting member of the Board. The

6 Board shall elect one of its members as chair and one of its members as vice-chair. Members of the

7 Board shall receive no compensation for their services on this Board. Regular meetings of the Board

8 shall be held at such times as determined by its members, and special meetings may be called by the

9 chair. Four members shall constitute a quorum.

10 SECTION 3. AMENDATORY 63 O.S. 2001, Section 933, is amended to read as follows:

11 Section 933. A. ~~The Office of the Chief Medical Examiner of the State of Oklahoma Oklahoma~~

12 Department of Forensic Sciences is hereby established to be operated under the control and

13 supervision of the Board. The Office Department shall be:

- 14 1. Remain independent and autonomous from all other agencies in this state;
- 15 2. Be directed by the Chief Medical Examiner and the Chief Medical Examiner may employ
- 16 such other staff members as the Board shall specify Chief Administrative Officer; and
- 17 3. Obtain approval by the Legislature before closing any satellite office.

18 SECTION 4. AMENDATORY 63 O.S. 2001, Section 934, is amended to read as follows:

19 Section 934. A. 1. The Board of Medicolegal Investigations shall appoint a Chief Medical

20 Examiner who shall be a physician licensed to practice in Oklahoma and a diplomate of the American

21 Board of Pathology or the American Osteopathic Board of Pathology in forensic pathology.

22 2. The Chief Medical Examiner shall serve at the pleasure of the Board. In addition to the

23 duties prescribed by law, the Chief Medical Examiner may teach in any medical school in this state

24 and conduct special classes for law enforcement officers.

1 B. 1. The Governor shall appoint a Chief Administrative Officer, subject to Senate
2 confirmation, to manage the administrative functions of the Oklahoma Department of Forensic
3 Sciences.

4 2. The Chief Administrative Officer shall have the training and experience necessary for the
5 administration of the Department. The duties of the Chief Administrative Officer shall include:

- 6 a. the establishment of written professional qualification requirements for each staff
7 position related to the investigation of deaths, including, but not limited to,
8 forensic pathologists, chemists, investigators, and the position of chief
9 investigator,
- 10 b. the establishment of minimum education requirements for investigators hired on
11 or after November 1, 2009, which, at a minimum, shall require a bachelor's
12 degree in forensic sciences or a related field,
- 13 c. the establishment of continuing education requirements for the Chief Medical
14 Examiner and other staff positions related to the investigation of deaths,
15 including, but not limited to, forensic pathologists, chemists, investigators, and
16 the position of chief investigator,
- 17 d. the establishment of policy and procedures for background checks of all
18 prospective employees of the Department, and
- 19 e. supervision of the activities of the Department.

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

22 Section 935. The Chief Medical Examiner shall be directly responsible to the Board of
23 Medicolegal Investigations for the performance of the duties provided for in this act ~~and for the~~
24 ~~administration of the office of the Chief Medical Examiner.~~ The Chief Medical Examiner may;

1 ~~however,~~ delegate specific duties to competent and qualified deputies who may act for the Chief
2 Medical Examiner within the scope of the express authority granted by the Chief Medical Examiner;
3 ~~subject, however, to such rules as the Board may prescribe.~~

4 SECTION 6. AMENDATORY 63 O.S. 2001, Section 936, is amended to read as follows:

5 Section 936. ~~The Board shall provide for a central office and shall see that there is maintained~~
6 The Oklahoma Department of Forensic Sciences shall maintain access to a laboratory suitably
7 equipped with facilities for performance of the duties imposed by this act. The Department shall be
8 located in close proximity to the Oklahoma State Bureau of Investigations Forensic Science Center and
9 the University of Central Oklahoma Forensic Science Institute. The Department is authorized to
10 contract with independent third parties for the effective utilization of all available resources and
11 programs.

12 SECTION 7. AMENDATORY 63 O.S. 2001, Section 937, is amended to read as follows:

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

1 SECTION 8. NEW LAW A new section of law to be codified in the Oklahoma Statutes as
2 Section 937.1 of Title 63, unless there is created a duplication in numbering, reads as follows:

3 The Oklahoma Department of Forensic Sciences and any employee thereof shall not receive
4 compensation of any kind from any organ, eye, or tissue recovery organization except as otherwise
5 provided for by law.

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

7 Section 947. A. The certification of death of any person whose death is investigated under this
8 act shall be made by the Chief Medical Examiner, ~~his~~ a designee, or the medical examiner who
9 conducted the investigation, upon a medical examiner death certificate provided by the State Registrar
10 of Vital Statistics. Such death certificates shall be valid only when signed by a duly appointed medical
11 examiner, the Chief Medical Examiner, or ~~his~~ a designee. Copies of all ~~such~~ certificates shall be
12 forwarded immediately upon receipt by the State Registrar of Vital Statistics to the ~~Office of the Chief~~
13 ~~Medical Examiner~~ Oklahoma Department of Forensic Sciences.

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

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

21 D. The ~~Board of Medicolegal Investigations~~ Oklahoma Department of Forensic Sciences shall
22 not charge a fee for out-of-state shipment of human remains whenever the Department has not been
23 required to conduct an investigation of the death.

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

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

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

20 C. 1. The ~~Office of the Chief Medical Examiner (OCME)~~ Oklahoma Department of Forensic
21 Sciences is authorized to perform drug screens on specimens in the custody of the ~~OCME~~ Department,
22 provided the request is made by an agency or party authorized to receive such information. The
23 ~~OCME~~ Department may limit drug screens within the technical and physical capabilities of the ~~OCME~~
24 Department.

1 2. The authorization for drug screens shall apply only to specimens from cases already within
2 the jurisdiction of the ~~OCME~~ Department and only when the analyses are deemed by the Chief
3 Medical Examiner or Deputy Chief Medical Examiner not to conflict with any investigation of the case
4 by the state.

5 3. The Board of Medicolegal Investigations shall establish a fee for drug screen services by rule.
6 All fees collected pursuant to the provisions of this subsection shall be deposited to the ~~Chief Medical~~
7 ~~Examiner~~ Oklahoma Department of Forensic Sciences Toxicology Laboratory Revolving Fund.

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

10 Section 948.1 A. The Board of Medicolegal Investigations may establish a fee schedule for
11 forensic services, permits and reports rendered to members of the public and other agencies.

12 1. No fee schedule may be established or amended by the Board except during a regular
13 legislative session. The Board shall comply with the Administrative Procedures Act for adoption of
14 rules and establishing or amending any ~~such~~ fee schedule.

15 2. Except as otherwise specified in this section, the Board shall charge fees only within the
16 following ranges:

- 17 a. permit for cremations that occur within the state: One Hundred Dollars (\$100.00)
18 to Two Hundred Dollars (\$200.00),
- 19 b. forensic science service: One Hundred Dollars (\$100.00) to Three Thousand
20 Dollars (\$3,000.00),
- 21 c. report copies: Ten Dollars (\$10.00) for report of investigation, including
22 toxicology, and Twenty Dollars (\$20.00) for an autopsy report, including
23 toxicology,
- 24 d. x-rays: Fifteen Dollars (\$15.00) each,

- e. microscopic slides, Hematoxylin and Eosin (H&E): Ten Dollars (\$10.00) each,
- f. special stains: Fifteen Dollars (\$15.00) each, and
- g. photographs: Twenty-five Dollars (\$25.00) per computer diskette (CD).

B. The Board shall base the fee schedule for forensic science services, permits and reports upon reasonable costs of review, investigation and forensic science service delivery; provided, however, the fee schedule shall be within the ranges specified in subsection A of this section. ~~The Board~~ Oklahoma Department of Forensic Sciences shall continue a system of basic and continuing educational service and training for all personnel who render forensic science services in order to ensure uniform statewide application of the rules of the Board. The Board shall consider the reasonable costs associated with such training and continuing education in setting the forensic science service fees.

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

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

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

Section 949.

- A. 1. a. ~~The Office of the Chief Medical Examiner~~ Oklahoma Department of Forensic Sciences shall keep full and complete records, properly indexed, giving the name, if known, of every person whose death is investigated, the place where the body

1 was found, the date, cause, and manner of death and all other relevant information
2 concerning the death. The full report and detailed findings of the autopsy, if any,
3 shall be a part of the record in each case.

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

15 2. ~~The office~~ Oklahoma Department of Forensic Sciences shall promptly deliver to each district
16 attorney having jurisdiction of the case, copies of all records relating to a death for which further
17 investigation may be advisable. Any district attorney or other law enforcement official may, upon
18 request, obtain copies of ~~such~~ records or other information deemed necessary ~~to~~ for the performance of
19 ~~such district attorney’s or other law enforcement official’s~~ official duties.

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

22 1. Certified copies of reports pertaining to the factual determinations of views and examination
23 of or autopsies upon the bodies of deceased persons by the Chief Medical Examiner, a medical
24 examiner, consultant pathologist, or anyone under their supervision or control may be admitted in

1 evidence in any civil case in a court of competent jurisdiction in this state by stipulation of all parties
2 in the case;

3 2. If a party refuses to stipulate to admission, the reports may be requested by any party seeking
4 to admit the records as evidence. The request shall be made to the ~~Office of the Chief Medical~~
5 ~~Examiner~~ Oklahoma Department of Forensic Sciences, who shall furnish same;

6 3. The party seeking admission of the reports shall then serve interrogatories concerning the
7 facts to be answered under oath by the person preparing the records. The interrogatories and answers
8 thereto shall be subject to the rules of evidence and may be admissible in evidence in any civil case in
9 a court of competent jurisdiction. Objections to the interrogatories shall be made by any party in
10 accordance with law just as if the interrogatories had been served on the objecting party. Cross
11 interrogatories shall be submitted and shall be answered and admitted in evidence in the same manner
12 as interrogatories;

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

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

1 testifying and may order that a subpoena be issued for that appearance; provided, however, that such
2 order by the court shall be the exception and not the rule; and

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

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

10 D. Certified copies of reports of investigations by a medical examiner, laboratory reports and/or
11 autopsy reports may be furnished to the next of kin or others having need for them upon written
12 statement and payment of a reasonable fee set by the Board of Medicolegal Investigations.

13 E. 1. In a case in which possible SIDS is determined as the cause of death of an infant less than
14 one (1) year of age, the medical examiner shall explain to the newly bereaved family that support
15 services are available and can be rendered more efficiently if the family signs a waiver to allow release
16 of confidential information. The medical examiner shall provide such waiver to the family for
17 signatures.

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

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

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

2 Section 950. In the event it is necessary or advisable to perform an autopsy under the provisions
3 of this act in some place other than the laboratories of the Chief Medical Examiner, ~~said the~~ the examiner
4 may authorize payment of a reasonable fee for the use of an appropriate place for the performing of an
5 autopsy, which payment shall be made upon a claim and submitted to the ~~Board of Medicolegal~~
6 Investigations Oklahoma Department of Forensic Sciences.

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

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

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

19 Section 954. A. The ~~Board of Medicolegal Investigations~~ Oklahoma Department of Forensic
20 Sciences is authorized to accept grants, gifts, 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 fund for the ~~Office of the Chief~~
23 ~~Medical Examiner~~ Oklahoma Department of Forensic Sciences to be designated the "~~Chief Medical~~
24 ~~Examiner Revolving Fund~~ Oklahoma Department of Forensic Sciences Revolving Fund". The fund

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

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

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

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

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

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

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

18 A. It is the intent of the Legislature that, in addition to any other authorization provided by law,
19 the Oklahoma Capitol Improvement Authority is authorized to issue obligations to provide funding for
20 improvements to real and personal property and for completion of a laboratory for occupancy by the
21 Oklahoma Department of Forensic Sciences with debt retirement payments to be made as provided
22 herein.

23 B. The Authority may hold title to the real and personal property and improvements until such
24 time as any obligations issued for this purpose are retired or defeased and may lease the real property

1 and improvements to the Oklahoma Department of Forensic Sciences. Upon final redemption or
2 defeasance of the obligations created pursuant to this section, title to the real and personal property and
3 improvements shall be transferred from the Oklahoma Capitol Improvement Authority to the
4 Department.

5 C. For the purpose of paying the costs for acquisition and construction of the real property and
6 improvements and personal property and making the repairs, refurbishments, and improvements to real
7 and personal property, and providing funding for the project authorized in subsection A of this section,
8 and for the purpose authorized in subsection D of this section, the Authority is hereby authorized to
9 borrow monies on the credit of the income and revenues to be derived from the leasing of such real and
10 personal property and improvements, and in anticipation of the collection of such income and
11 revenues, to issue notes, bonds or other evidences of obligation in an amount necessary to generate net
12 proceeds of Thirty Million Dollars (\$30,000,000.00) after providing for the costs of issuance, credit
13 enhancement, reserves and other expenses related to the financing. Net proceeds of the financing will
14 be deposited into a construction fund to provide for the financing of the project described in subsection
15 A of this section. Earnings that result from the investment of the construction fund may be used for
16 the project authorized in subsection A of this section or for other legal purposes approved by the
17 Authority, whether issued in one or more series. It is the intent of the Legislature to appropriate to the
18 Oklahoma Department of Forensic Sciences sufficient monies to make rental payments for the
19 purposes of retiring the obligations created pursuant to this section. To the extent funds are available
20 from the proceeds of the borrowing authorized by this subsection, the Oklahoma Capitol Improvement
21 Authority shall provide for the payment of professional fees and associated costs related to the projects
22 authorized in subsection A of this section.

23 D. The Authority may issue obligations in one or more series and in conjunction with other
24 issues of the Authority. The Authority is authorized to hire bond counsel, financial consultants, and

1 such other professionals as it may deem necessary to provide for the efficient sale of the obligations
2 and may utilize a portion of the proceeds of any borrowing to create such reserves as may be deemed
3 necessary and to pay costs associated with the issuance and administration of such obligations.

4 E. The obligations authorized under this section may be sold at either competitive or negotiated
5 sale, as determined by the Authority, and in such form and at such prices as may be authorized by the
6 Authority. The Authority may enter into agreements with such credit enhancers and liquidity
7 providers as may be determined necessary to efficiently market the obligations. The obligations may
8 mature and have such provisions for redemption as shall be determined by the Authority, but in no
9 event shall the final maturity of such obligations occur later than thirty (30) years from the first
10 principal maturity date.

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

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

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

21 I. Insofar as they are not in conflict with the provisions of this section, the provisions of Section
22 151 et seq. of Title 73 of the Oklahoma Statutes shall apply to this section.

SECTION 17. This act shall become effective November 1, 2009.

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