

1 STATE OF OKLAHOMA

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

3 SENATE BILL 949

By: Barrington

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5
6 AS INTRODUCED

7 An Act relating to vital statistics; creating the
8 Patti McRay Act; providing short title; disapproving
9 parts of certain rule; directing the State Board of
10 Health to increase fees associated with death
11 certificates; amending 63 O.S. 2001, Section 1-317,
12 which relates to death certificates; directing
13 portion of certain fee to be credited to the Cold
14 Case Revolving Fund; creating the Cold Case Revolving
15 Fund; providing for codification; providing for
16 noncodification; providing an effective date; and
17 declaring an emergency.

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

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

21 This act shall be known and may be cited as the "Patti McRay
22 Act".

23 SECTION 2. NEW LAW A new section of law not to be
24 codified in the Oklahoma Statutes reads as follows:

The Legislature hereby disapproves subparagraph (B) of paragraph
(1) of OAC 310:105-1.3 which states:

1 "Death Certificates - \$15.00; additional certified copies
2 requested - \$15.00 per copy."

3 The Legislature hereby directs the State Board of Health to
4 promulgate rules which will set the fee for death certificates at
5 \$20.00 and will set the fee for additional certified copies at
6 \$20.00 per copy.

7 SECTION 3. NEW LAW A new section of law not to be
8 codified in the Oklahoma Statutes reads as follows:

9 The Legislature hereby disapproves subparagraph (C) of paragraph
10 (4) of OAC 310:105-1.3 which states:

11 "Search of records and certified copies of amended death
12 certificates - \$15.00."

13 The Legislature hereby directs the State Board of Health to
14 promulgate rules which will set the fee for search of records and
15 certified copies of amended death certificates at \$20.00.

16 SECTION 4. NEW LAW A new section of law not to be
17 codified in the Oklahoma Statutes reads as follows:

18 The Legislature hereby disapproves the following language of
19 subparagraph (D) of paragraph (4) of OAC 310:105-1.3 which states:

20 "Certified copies of death certificates after amendment or
21 correction completed - \$35.00 (\$35.00 fee includes a \$20.00
22 processing fee and credit for initial \$15.00 search fee)."

23 The Legislature hereby directs the State Board of Health to
24 promulgate rules which will set the fee for certified copies of

1 death certificates after an amendment or correction is completed at
2 \$40.00, provided that the \$40.00 fee includes a \$20.00 processing
3 fee and credit for an initial \$20.00 search fee.

4 SECTION 5. AMENDATORY 63 O.S. 2001, Section 1-317, is
5 amended to read as follows:

6 Section 1-317. ~~(a)~~ A. A death certificate for each death which
7 occurs in this state shall be filed with the local registrar of the
8 district in which the death occurred, within three (3) days after
9 such death and prior to burial or removal of the body; provided
10 that~~7~~:

11 ~~(1)~~ 1. ~~if~~ If the place of death is unknown, a death certificate
12 shall be filed in the registration district in which a dead body is
13 found, within three (3) days after such occurrence; and

14 ~~(2)~~ 2. ~~if~~ If death occurs in a moving conveyance, a death
15 certificate shall be filed in the registration district in which the
16 dead body was first removed from such conveyance.

17 ~~(b)~~ B. The funeral director or person acting as such who first
18 assumes custody of a dead body shall file the death certificate. ~~He~~
19 The funeral director or other person shall obtain the personal data
20 from the next of kin or the best qualified person or source
21 available. ~~He~~ The funeral director or other person shall complete
22 the certificate as to personal data and deliver the certificate to
23 the attending physician or the medical examiner responsible for
24

1 completing the medical certification portion of the certificate of
2 death within twenty-four (24) hours after the death.

3 ~~(c)~~ C. The medical certification shall be completed and signed
4 within forty-eight (48) hours after death by the physician in charge
5 of the patient's care for the illness or condition which resulted in
6 death, except when inquiry as to the cause of death is required by
7 Section 938 of this title.

8 ~~(d)~~ D. In the event that the physician in charge of the
9 patient's care for the illness or condition which resulted in death
10 is not in attendance at the time of death, the medical certification
11 shall be completed and signed within forty-eight (48) hours after
12 death by the physician in attendance at the time of death, except
13 when inquiry as to the cause of death is required by Section 938 of
14 this title. Provided that such certification, if signed by other
15 than the attending physician, shall note on the face the name of the
16 attending physician and that the information shown is only as
17 reported.

18 E. Five Dollars (\$5.00) of every fee assessed by the State
19 Department of Health for a certified copy of a death certificate, a
20 search of records and certified copies of amended death
21 certificates, or a certified copy of a death certificate after
22 amendment or correction shall be referred to the State Treasurer and
23 credited to the Cold Case Revolving Fund as provided in Section 6 of
24 this act.

1 SECTION 6. NEW LAW A new section of law to be codified
2 in the Oklahoma Statutes as Section 150.19b of Title 74, unless
3 there is created a duplication in numbering, reads as follows:

4 There is hereby created in the State Treasury a revolving fund
5 for the Oklahoma State Bureau of Investigation to be designated the
6 "Cold Case Revolving Fund". The fund shall be a continuing fund,
7 not subject to fiscal year limitations, and shall consist of all
8 monies received by the Oklahoma State Bureau of Investigation from
9 fees collected by the State Department of Health pursuant to
10 subsection E of Section 1-317 of Title 63 of the Oklahoma Statutes.
11 All monies accruing to the credit of the fund are hereby
12 appropriated and may be budgeted and expended by the Oklahoma State
13 Bureau of Investigation for the purpose of investigating unsolved
14 homicides. Expenditures from the fund shall be made upon warrants
15 issued by the State Treasurer against claims filed as prescribed by
16 law with the Director of State Finance for approval and payment.

17 SECTION 7. This act shall become effective July 1, 2009.

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

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23 52-1-335 JM 3/6/2009 7:49:18 AM

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