

1 ENGROSSED SENATE  
2 BILL NO. 232

By: Marlatt and Johnson  
(Constance) of the Senate

3 and

4 Armes of the House

5  
6  
7 [ creating the Task Force on Healthier Neighborhood  
8 Living - noncodification - effective date -  
9 emergency ]

10

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

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

14 A. The Legislature finds that:

15 1. Many Americans do not get the exercise they need to be  
16 healthy simply because they do not have places to be active.

17 Research shows that people who live near parks exercise thirty eight  
18 percent (38%) more than those who do not have easy access to parks;

19 2. Shared-use partnerships between school districts and local  
20 governments or organizations can allow community members and groups  
21 to use playgrounds, athletic fields, pools, gymnasiums, and other  
22 recreational facilities after school hours. Shared-use partnerships  
23 can also be used to make community facilities available to schools  
24 at a free or reduced cost;

1 3. Obesity increases the risk of diabetes, heart disease,  
2 stroke, some cancers, and other health problems;

3 4. School facilities, especially those that are centered in the  
4 community, can be an excellent resource for recreation and exercise  
5 when there is limited availability or when private options are too  
6 expensive; and

7 5. The most innovative districts are maximizing shared-use of  
8 school facilities to address the educational and health needs of  
9 students and the community's need for recreational activity spaces.

10 B. It is the intent of the Legislature to remove barriers that  
11 could discourage schools from offering a variety of safe, clean  
12 facilities, including running tracks, pools, gymnasiums, fitness  
13 rooms, and playgrounds to the community.

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

16 A. There is hereby created until November 30, 2011, the Task  
17 Force on Healthier Neighborhood Living. The task force shall:

18 1. Examine the feasibility of amending laws relating to the use  
19 of school-owned recreational facilities by other government and  
20 nongovernmental entities for the purpose of physical activity by  
21 imposing liability for property damage and injury on the user, as  
22 well as providing that the school not be held liable;

23 2. As appropriate, hear testimony from industry experts and key  
24 leaders concerned with this issue, including, but not limited to,

1 state public education officials, public health organizations,  
2 parent-teacher associations, physicians specializing in the area of  
3 obesity, and representatives from other states or municipalities  
4 that have instituted policies limiting liability in this manner; and

5 3. Recommend any actions or legislation which the task force  
6 deems necessary or appropriate.

7 B. The task force shall be composed of twelve (12) members as  
8 follows:

9 1. Six members appointed by the President Pro Tempore of the  
10 Senate as follows:

11 a. two members of the Senate, one of whom shall be the  
12 Chair of the Senate Health and Human Services  
13 Committee and one of whom shall be a member of the  
14 minority party,

15 b. one member representing an association that advocates  
16 for the prevention and cure of diabetes in the state,

17 c. one member representing a nongovernmental community  
18 group,

19 d. one member representing an association of physical  
20 activity professionals in the state, and

21 e. one member-at-large representing an urban area of the  
22 state; and

23 2. Six members appointed by the Speaker of the House of  
24 Representatives as follows:

- 1           a.    two members of the House of Representatives, one of  
2                   whom shall be the chair of the Judiciary Committee and  
3                   one of whom shall be a member of the minority party,  
4           b.    one member representing an association that advocates  
5                   for the prevention of heart disease and stroke in the  
6                   state,  
7           c.    the State Commissioner of Health, or designee,  
8           d.    one member-at-large representing a rural area of the  
9                   state, and  
10          e.    one member representing school boards across the  
11                   state.

12          C.    Appointments shall be made by August 15, 2011. The members  
13 of the task force shall serve at the pleasure of the appointing  
14 authority.

15          D.    The Chair of the Senate Health and Human Services Committee  
16 shall call the first meeting.

17          E.    The chair and vice-chair of the task force shall be selected  
18 by the task force from among the members.

19          F.    A quorum of the task force shall be required in order for  
20 any final action by the task force.

21          G.    The task force shall meet no less than two (2) times.

22          H.    Members of the task force shall receive no compensation for  
23 their service, but shall receive travel reimbursement as follows:  
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1           1. Legislative members of the task force shall be reimbursed  
2 for necessary travel expenses incurred in the performance of their  
3 duties in accordance with the provisions of Section 456 of Title 74  
4 of the Oklahoma Statutes; and

5           2. Nonlegislative members of the task force shall be reimbursed  
6 for necessary travel expenses incurred in the performance of their  
7 duties in accordance with the State Travel Reimbursement Act.

8           I. Staff support for the task force shall be provided by the  
9 State Department of Health.

10          J. The task force shall report its findings, including any  
11 legislative recommendations, to the President Pro Tempore of the  
12 Senate, the Speaker of the House of Representatives, and the  
13 Governor by November 30, 2011.

14          SECTION 3. This act shall become effective July 1, 2011.

15          SECTION 4. It being immediately necessary for the preservation  
16 of the public peace, health and safety, an emergency is hereby  
17 declared to exist, by reason whereof this act shall take effect and  
18 be in full force from and after its passage and approval.

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1 Passed the Senate the 14th day of March, 2011.

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3 \_\_\_\_\_  
4 Presiding Officer of the Senate

5 Passed the House of Representatives the \_\_\_\_ day of \_\_\_\_\_,  
6 2011.

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8 \_\_\_\_\_  
9 Presiding Officer of the House  
10 of Representatives