

STATE OF OKLAHOMA

2nd Session of the 58th Legislature (2022)

HOUSE BILL 3934

By: Kannady

AS INTRODUCED

An Act relating to veterans centers; amending 21 O.S. 2021, Section 1247, which relates to crimes and punishments for smoking in public places; renaming veterans centers to State Veterans Homes; amending 26 O.S. 2021, Sections 4-120.3, 14-101.1, 14-108.1, 14-115, and 14-115.5, which relate to elections; renaming veterans centers to State Veterans Homes; amending 43A O.S. 2021, Section 6-102, which relates to mental health; renaming veterans centers to State Veterans Homes; amending 47 O.S. 2021, Section 156, which relates to motor vehicles owned by the state; renaming veterans centers to State Veterans Homes; amending 63 O.S. 2021, Sections 1-1523, 1-1529, and 1-1903, which relate to public health and safety; renaming veterans centers to State Veterans Homes; amending 72 O.S. 2021, Sections 63.1, 63.5, 63.5a, 63.6, 63.8, 63.10, 63.17, 63.18A, and 65.1, which relate to the Oklahoma Veterans Commission; renaming veterans centers to State Veterans Homes; amending 72 O.S. 2021, Sections 202, 221, 221.1, 221.2, 221.2A, 221.3, 221.5, 222, 223, 223.1, 225, 226, 229, 229.1, and 240, which relate to operations of State Veterans Homes; renaming veterans centers to State Veterans Homes; updating statutory citation; updating statutory reference; updating legal description of Norman State Veterans Home; modifying names of homes in Ardmore, Claremore, Clinton, Lawton, Norman, Sulphur, Talihina; amending 72 O.S. 2021, Section 440, which relates to accepting gifts; renaming Oklahoma state veterans homes to State Veterans Homes; and providing an effective date.

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

2 SECTION 1. AMENDATORY 21 O.S. 2021, Section 1247, is  
3 amended to read as follows:

4 Section 1247. A. The possession of lighted tobacco in any form  
5 is a public nuisance and dangerous to public health and is hereby  
6 prohibited when such possession is in any indoor place used by or  
7 open to the public, all parts of a zoo to which the public may be  
8 admitted, whether indoors or outdoors, public transportation or any  
9 indoor workplace, except where specifically allowed by law.  
10 Commercial airport operators may prohibit the use of lighted tobacco  
11 or lighted marijuana or the vaping of marijuana in any area that is  
12 open to or used by the public whether located indoors or outdoors,  
13 provided that the outdoor area is within one hundred seventy-five  
14 (175) feet from an entrance.

15 As used in this section, "indoor workplace" means any indoor  
16 place of employment or employment-type service for or at the request  
17 of another individual or individuals, or any public or private  
18 entity, whether part-time or full-time and whether for compensation  
19 or not. Such services shall include, without limitation, any  
20 service performed by an owner, employee, independent contractor,  
21 agent, partner, proprietor, manager, officer, director, apprentice,  
22 trainee, associate, servant or volunteer. An indoor workplace  
23 includes work areas, employee lounges, restrooms, conference rooms,  
24 classrooms, employee cafeterias, hallways, any other spaces used or

1 visited by employees and all space between a floor and ceiling that  
2 is predominantly or totally enclosed by walls or windows, regardless  
3 of doors, doorways, open or closed windows, stairways or the like.  
4 The provisions of this section shall apply to such indoor workplace  
5 at any given time, whether or not work is being performed.

6 B. All buildings and other properties, or portions thereof,  
7 owned or operated by this state shall be designated as nonsmoking.  
8 The tobacco smoking provisions of this subsection shall not apply to  
9 ~~veterans centers~~ State Veterans Homes operated by this state  
10 pursuant to the provisions of Section 221 et seq. of Title 72 of the  
11 Oklahoma Statutes, which shall be designated nonsmoking effective  
12 January 1, 2015, at which time ~~veterans centers~~ State Veterans Homes  
13 may establish outdoor designated smoking areas for resident veterans  
14 only. Smoking tobacco shall only be allowed in designated outdoor  
15 smoking areas.

16 C. Any building, property or portion of any building or  
17 property owned or operated by a county or municipal government, or  
18 any trust or authority with a county or municipal government as the  
19 beneficiary, at the discretion of the county or municipal governing  
20 body, may be designated as a smoke-free location. For the purposes  
21 of this subsection, "smoke-free location" means a location where the  
22 use of tobacco, nicotine, marijuana or other lawful products  
23 consumed in a smoked or vaporized manner are prohibited.

1 D. All educational facilities or portions thereof as defined in  
2 the Smoking in Public Places and Indoor Workplaces Act and all  
3 educational facilities as defined in the 24/7 Tobacco-free Schools  
4 Act shall be designated as nonsmoking as provided for in Section 1-  
5 1523 of Title 63 of the Oklahoma Statutes. All campuses, buildings  
6 and grounds, or portions thereof, owned or operated by an  
7 institution within The Oklahoma State System of Higher Education may  
8 be designated as tobacco and marijuana free including smoking or  
9 smokeless tobacco or smokable or vaporable marijuana, by the  
10 institution upon adoption of a policy stating the restrictions for  
11 the institution and an intent to enforce the penalty for violations  
12 as set forth in subsection M of this section.

13 E. No tobacco or marijuana smoking or marijuana vaping shall be  
14 allowed within twenty-five (25) feet of the entrance or exit of any  
15 building specified in subsection B, C or D of this section.

16 F. The restrictions on tobacco smoking provided in this section  
17 shall not apply to stand-alone bars, stand-alone taverns and cigar  
18 bars as defined in Section 1-1522 of Title 63 of the Oklahoma  
19 Statutes.

20 G. The restrictions on tobacco smoking provided in this section  
21 shall not apply to the following:

22 1. The room or rooms where licensed charitable bingo games are  
23 being operated, but only during the hours of operation of such  
24 games;

1        2. Up to twenty-five percent (25%) of the guest rooms at a  
2 hotel or other lodging establishment;

3        3. Retail tobacco stores predominantly engaged in the sale of  
4 tobacco products and accessories and in which the sale of other  
5 products is merely incidental and in which no food or beverage is  
6 sold or served for consumption on the premises;

7        4. Workplaces where only the owner or operator of the  
8 workplace, or the immediate family of the owner or operator,  
9 performs any work in the workplace, and the workplace has only  
10 incidental public access. "Incidental public access" means that a  
11 place of business has only an occasional person, who is not an  
12 employee, present at the business to transact business or make a  
13 delivery. It does not include businesses that depend on walk-in  
14 customers for any part of their business;

15        5. Workplaces occupied exclusively by one or more tobacco  
16 smokers, if the workplace has only incidental public access;

17        6. Private offices occupied exclusively by one or more smokers;

18        7. Workplaces within private residences, except that smoking  
19 tobacco or marijuana or vaping marijuana shall not be allowed inside  
20 any private residence that is used as a licensed child care facility  
21 during hours of operation;

22        8. Medical research or treatment centers, if tobacco smoking is  
23 integral to the research or treatment. Furthermore, the  
24 restrictions on smoking or vaping of marijuana provided in this

1 section shall not apply to medical research or treatment centers, if  
2 marijuana smoking or vaping is integral to the research or  
3 treatment;

4 9. A facility operated by a post or organization of past or  
5 present members of the Armed Forces of the United States which is  
6 exempt from taxation pursuant to Section 501(c)(8), 501(c)(10) or  
7 501(c)(19) of the Internal Revenue Code, 26 U.S.C., Section  
8 501(c)(8), 501(c)(10) or 501(c)(19), when such facility is utilized  
9 exclusively by its members and their families and for the conduct of  
10 post or organization nonprofit operations except during an event or  
11 activity which is open to the public; and

12 10. Any outdoor seating area of a restaurant; provided, smoking  
13 tobacco or smoking or vaping marijuana shall not be allowed within  
14 fifteen (15) feet of any exterior public doorway or any air intake  
15 of a restaurant.

16 H. An employer not otherwise restricted from doing so may elect  
17 to provide tobacco smoking rooms where no work is performed except  
18 for cleaning and maintenance during the time the room is not in use  
19 for tobacco smoking, provided each tobacco smoking room is fully  
20 enclosed and exhausted directly to the outside in such a manner that  
21 no tobacco smoke can drift or circulate into a nonsmoking area. No  
22 exhaust from a tobacco smoking room shall be located within fifteen  
23 (15) feet of any entrance, exit or air intake.

1 I. If tobacco smoking is to be permitted in any space exempted  
2 in subsection F or G of this section or in a tobacco smoking room  
3 pursuant to subsection H of this section, such tobacco smoking space  
4 must either occupy the entire enclosed indoor space or, if it shares  
5 the enclosed space with any nonsmoking areas, the tobacco smoking  
6 space shall be fully enclosed, exhausted directly to the outside  
7 with no air from the tobacco smoking space circulated to any  
8 nonsmoking area, and under negative air pressure so that no tobacco  
9 smoke can drift or circulate into a nonsmoking area when a door to  
10 an adjacent nonsmoking area is opened. Air from a tobacco smoking  
11 room shall not be exhausted within fifteen (15) feet of any  
12 entrance, exit or air intake. Any employer may choose a more  
13 restrictive tobacco smoking policy including being totally tobacco  
14 smoke-free.

15 J. Notwithstanding any other provision of this section, until  
16 March 1, 2006, restaurants may have designated tobacco smoking and  
17 nonsmoking areas or may be designated as being a totally nonsmoking  
18 area. Beginning March 1, 2006, restaurants shall be totally  
19 nonsmoking or may provide nonsmoking areas and designated tobacco  
20 smoking rooms. Food and beverage may be served in such designated  
21 tobacco smoking rooms which shall be in a location which is fully  
22 enclosed, directly exhausted to the outside, under negative air  
23 pressure so tobacco smoke cannot escape when a door is opened, and  
24 no air is recirculated to nonsmoking areas of the building. No

1 exhaust from such room shall be located within twenty-five (25) feet  
2 of any entrance, exit or air intake. Such room shall be subject to  
3 verification for compliance with the provisions of this subsection  
4 by the State Department of Health.

5 K. The person who owns or operates a place where tobacco  
6 smoking or use is prohibited by law shall be responsible for posting  
7 a sign or decal, at least four (4) inches by two (2) inches in size,  
8 at each entrance to the building indicating that the place is smoke-  
9 free or tobacco-free.

10 L. Responsibility for posting signs or decals shall be as  
11 follows:

12 1. In privately owned facilities, the owner or lessee, if a  
13 lessee is in possession of the facilities, shall be responsible;

14 2. In corporately owned facilities, the manager and/or  
15 supervisor of the facility involved shall be responsible; and

16 3. In publicly owned facilities, the manager and/or supervisor  
17 of the facility shall be responsible.

18 M. Any person who knowingly violates the provisions of this  
19 section shall be punished by a citation and fine of not more than  
20 One Hundred Dollars (\$100.00).

21 SECTION 2. AMENDATORY 26 O.S. 2021, Section 4-120.3, is  
22 amended to read as follows:

23 Section 4-120.3 A. The State Department of Health shall each  
24 month transmit to the Secretary of the State Election Board a



1 certified list of all deaths of residents that have occurred within  
2 the state for the immediately preceding month. The Secretary of the  
3 State Election Board shall transmit such list to the secretary of  
4 the county election board who shall then use the list to ascertain  
5 those voters who are deceased, and shall remove such deceased  
6 person's name from the central registry and voter registration  
7 database within thirty (30) days from the date the list was received  
8 by the county election board. Such list shall be used only for the  
9 purposes hereinbefore described.

10 B. The registration of a deceased voter may be canceled by the  
11 secretary of a county election board upon the receipt of a certified  
12 copy of a death certificate from any person or upon the execution by  
13 the next of kin of such deceased voter of a form and upon the nature  
14 of proof of the fact thereof as prescribed by the Secretary of the  
15 State Election Board. Such form must be executed in person by the  
16 deceased voter's next of kin at the county election board office, in  
17 which case it shall be witnessed by the secretary or other  
18 designated employees, at the deceased voter's precinct polling place  
19 or at the next of kin's precinct polling place in the same county on  
20 the day of any election, in which case it shall be witnessed by the  
21 inspector of such precinct, or the form may be personally signed by  
22 the next of kin, such signature to be notarized by a notary public  
23 or witnessed by two persons whose signatures and addresses shall  
24 appear on the form, and returned to the county election board.

1 C. The administrator of a nursing facility, as defined in  
2 Section 1-1902 of Title 63 of the Oklahoma Statutes, or the  
3 administrator of a ~~veterans center~~ State Veterans Home established  
4 pursuant to Title 72 of the Oklahoma Statutes, also may execute a  
5 form prescribed by the Secretary of the State Election Board to  
6 notify the secretary of the county election board of the death of a  
7 nursing facility resident who is a registered voter. The  
8 administrator's signature on such form shall be witnessed by a  
9 member of the nursing home absentee voting board, shall be notarized  
10 or shall be witnessed by two persons whose signatures and addresses  
11 shall appear on the form.

12 D. A funeral director, as defined in Section 396.2 of Title 59  
13 of the Oklahoma Statutes, may execute a form prescribed by the  
14 Secretary of the State Election Board to notify the secretary of the  
15 county election board of the death of a resident of the county. The  
16 funeral director's signature on such form either shall be notarized  
17 or shall be witnessed by two persons whose signatures and addresses  
18 shall appear on the form. Upon receipt of such form or any notice  
19 setting forth substantially the same facts and witnessed or  
20 notarized as provided in this section, the secretary of the county  
21 election board shall be authorized to cancel the voter registration  
22 of such deceased person.

23 E. The registration of a deceased voter who was a member of the  
24 Oklahoma National Guard or the armed forces of the United States and

1 who died in the line of duty may be canceled by the secretary of a  
2 county election board upon the receipt of notification of the  
3 voter's death from the Oklahoma National Guard or the armed forces  
4 of the United States. The Secretary of the State Election Board may  
5 prescribe the forms of such notification to be accepted by the  
6 county election board in order to cause the registration of the  
7 voter to be canceled. The Secretary shall further request the  
8 Oklahoma National Guard and the armed forces of the United States to  
9 provide notifications to the county election board as provided for  
10 in this section.

11 F. The Secretary of the State Election Board is authorized to  
12 obtain official death records from the Social Security  
13 Administration and from other states. The Secretary of the State  
14 Election Board may compare such death records against the state's  
15 voter registration database. Any possible match of a death record  
16 to a registered voter shall be transmitted to the secretary of the  
17 county election board in the county in which the voter is  
18 registered. The secretary of the county election board shall  
19 ascertain any voter who is deceased, and shall remove such deceased  
20 person's name from the central registry and voter registration  
21 database.

22 SECTION 3. AMENDATORY 26 O.S. 2021, Section 14-101.1, is  
23 amended to read as follows:

24

1       Section 14-101.1 A. For the purposes of this section,

2 "absentee ballot harvesting" means:

3       1. Collecting or obtaining an absentee ballot from another  
4 person with the intent to submit, transmit or return the ballot to  
5 election officials on behalf of that person;

6       2. Submitting, returning or transmitting an absentee ballot to  
7 election officials on behalf of another person;

8       3. Collecting or obtaining an absentee ballot from another  
9 person under a false pretense or promise of transmitting, returning  
10 or submitting it to election officials on behalf of that person;

11       4. Requesting or receiving an absentee ballot on behalf of  
12 another person;

13       5. Partially or fully completing an application for an absentee  
14 ballot on behalf of another person without that person's prior  
15 consent; or

16       6. Notarizing or witnessing more absentee ballots than allowed  
17 by law.

18       B. Absentee ballot harvesting shall be unlawful at any election  
19 conducted by a county election board, the State Election Board or  
20 any political subdivision of this state; provided, the following  
21 shall not be deemed to be ballot harvesting:

22       1. A voter's assistant or agent acting pursuant to law as  
23 otherwise allowed by ~~Title 26 of the Oklahoma Statutes~~ this title;

1        2. An absentee voting board member, as described in ~~Title 26 of~~  
2 ~~the Oklahoma Statutes~~ this title, who assists a voter confined to a  
3 nursing home or ~~veterans center~~ State Veterans Home pursuant to law;

4        3. An employee of the Federal Voting Assistance Program, the  
5 United States Department of Defense or the Oklahoma National Guard  
6 who assists a uniformed-services voter in returning or transmitting  
7 an absentee ballot;

8        4. A spouse, relative in the first or second degree of  
9 consanguinity or affinity or cohabitant of a voter who forwards an  
10 absentee ballot to the voter when absent from the home;

11       5. A voter's spouse who, with the voter's consent, returns the  
12 voter's absentee ballot by mail; or

13       6. An official action by an election official that is required  
14 or authorized by law.

15       SECTION 4.        AMENDATORY        26 O.S. 2021, Section 14-108.1, is  
16 amended to read as follows:

17       Section 14-108.1 A. Neither a notary public nor an agent  
18 working on behalf of a notary public shall be authorized to:

19       1. Request absentee ballots on behalf of a voter other than  
20 himself or herself;

21       2. Assist a voter in requesting absentee ballots, other than  
22 for himself or herself or a member of his or her household;  
23  
24

1        3. Receive by mail an absentee ballot on behalf of a voter,  
2 other than for himself or herself or a member of his or her  
3 household; or

4        4. Submit a completed absentee ballot on behalf of a voter  
5 other than for himself or herself.

6        B. A notary public shall maintain a log of all absentee ballot  
7 affidavits that he or she notarizes for a period of at least two (2)  
8 years after the date of the election.

9        C. 1. A notary public shall be authorized to notarize a  
10 maximum of twenty absentee ballot affidavits for a single election,  
11 except as provided in paragraphs 2 and 3 of this subsection.

12        2. A notary public may be authorized to notarize more than  
13 twenty absentee ballot affidavits at a single election with the  
14 written approval of the secretary of the county election board.  
15 Such approval shall apply for affidavits notarized within the county  
16 served by the county election board secretary.

17        3. The limitation required by this subsection shall not apply  
18 to the notarizing of absentee ballot affidavits at the place of  
19 business of a notary public that is open to the general public  
20 during the normal business hours of the notary public.

21        D. 1. If more than ten absentee ballots for a single election  
22 are requested to be mailed to a single mailing address, the  
23 secretary of the county election board shall immediately notify the  
24

1 district attorney for that county and the Secretary of the State  
2 Election Board.

3 2. Upon receipt of such notification, the district attorney, or  
4 a member of law enforcement designated by the district attorney,  
5 shall investigate any possible criminal violation of the law related  
6 to the absentee ballot requests.

7 3. Provided, this notification requirement shall not apply to  
8 requests for absentee ballots to be sent to the addresses of nursing  
9 homes, ~~veterans centers~~ State Veterans Homes, medical facilities,  
10 multiunit housing, installations of the Armed Forces of the United  
11 States where uniformed or overseas voters, as defined by the  
12 Uniformed and Overseas Citizens Absentee Voting Act, are stationed  
13 or other locations authorized in writing by the Secretary of the  
14 State Election Board.

15 E. The provisions of this section shall only apply to an  
16 election conducted by a county election board, the State Election  
17 Board or a political subdivision of this state.

18 SECTION 5. AMENDATORY 26 O.S. 2021, Section 14-115, is  
19 amended to read as follows:

20 Section 14-115. A. If the secretary of a county election board  
21 receives a request from an incapacitated elector confined to a  
22 nursing facility, as defined in Section 1-1902 of Title 63 of the  
23 Oklahoma Statutes, or a ~~veterans center~~ State Veterans Home  
24 established pursuant to Title 72 of the Oklahoma Statutes within the

1 county of the jurisdiction of the secretary, the secretary shall  
2 cause to be implemented the following procedures:

3 1. On the Thursday, Friday, Saturday or Monday preceding the  
4 election, the absentee voting board shall deliver to each registered  
5 voter who is confined to a nursing facility, as defined in Section  
6 1-1902 of Title 63 of the Oklahoma Statutes, or a ~~veterans center~~  
7 State Veterans Home established pursuant to Title 72 of the Oklahoma  
8 Statutes and who requested ballots for an incapacitated voter the  
9 ballots and materials as may be necessary to vote same.

10 2. The voter must mark the ballots in the manner hereinbefore  
11 provided in the presence of the absentee voting board, but in such a  
12 manner as to make it impossible for any person other than the voter  
13 to ascertain how the ballots are marked. Insofar as is possible,  
14 the voting procedure shall be the same as if the voter were casting  
15 a vote in person at a precinct.

16 3. The voter shall then seal the ballots in the plain opaque  
17 envelope and shall seal the plain opaque envelope in the envelope  
18 bearing an affidavit. The voter must complete the affidavit, and  
19 the signature of the voter on same must be witnessed by both members  
20 of the absentee voting board.

21 4. The envelope bearing an affidavit then must be sealed in the  
22 return envelope, which shall be returned by the absentee voting  
23 board to the secretary of the county election board on the same day  
24 the affidavit was executed.



1        5. Ballots cast in such manner shall be counted in the same  
2 manner as regular mail absentee ballots.

3        B. The voter may request the assistance of the absentee voting  
4 board members to mark a ballot, complete the affidavit or seal the  
5 envelopes as described in this section.

6        C. 1. An administrator or employee of a nursing facility or  
7 ~~veterans center~~ State Veterans Home who attempts to coerce or  
8 influence the vote of a person residing in or confined to that  
9 facility shall be deemed to be in violation of Section 16-109 of  
10 this title.

11        2. An administrator or employee of a nursing facility or  
12 ~~veterans center~~ State Veterans Home who prevents or attempts to  
13 prevent a person residing in or confined to that facility from  
14 voting pursuant to this section shall be deemed to be in violation  
15 of Section 16-113 of this title.

16        SECTION 6.        AMENDATORY        26 O.S. 2021, Section 14-115.5, is  
17 amended to read as follows:

18        Section 14-115.5 A. To carry out the provisions of Sections  
19 14-115 and 14-115.4 of this title, the secretary of the county  
20 election board shall designate one or more absentee voting boards,  
21 to be composed of two (2) members each, with each member to be of a  
22 different political affiliation.

23        B. No later than June 1 in each even-numbered year, the chair  
24 of the county central committees of the two political parties having

1 the highest number of registered voters in the county shall each  
2 submit a list of ten names to the secretary. Such lists shall  
3 contain names of registered voters of the county, who shall meet the  
4 same eligibility requirements for precinct officials as described in  
5 Section 2-131 of this title.

6 C. The secretary shall utilize such lists in designating  
7 membership on the absentee voting board or boards, unless all  
8 persons on such lists are ineligible, unable or unwilling to serve.  
9 In the event the chair of the county central committee of a  
10 political party fails to submit a list as herein provided, the  
11 secretary shall appoint membership to such board or boards from the  
12 ranks of registered voters of such party within the county.  
13 Provided further, that in the event the list of names of either or  
14 both parties is exhausted and additional absentee voting boards are  
15 needed, the secretary shall appoint additional members to such  
16 boards from the ranks of such party or parties in the county.

17 D. Members of an absentee voting board shall be compensated at  
18 the same rate as a precinct judge or clerk.

19 E. One member of each such board serving a nursing home,  
20 ~~veterans center~~ State Veterans Home, or convalescent hospital, shall  
21 be allowed mileage reimbursement at the rate prescribed for travel  
22 by state employees according to the State Travel Reimbursement Act.

23 SECTION 7. AMENDATORY 43A O.S. 2021, Section 6-102, is  
24 amended to read as follows:

1       Section 6-102. A. 1. Upon receipt of a certificate of the  
2 United States Public Health Service or any agency of the United  
3 States Government or a ~~veterans center~~ State Veterans Home in the  
4 state that facilities are available for the care or treatment of any  
5 person who has been admitted to a facility within the Department of  
6 Mental Health and Substance Abuse Services in accordance with the  
7 provisions of this title and that such person is eligible for care  
8 or treatment, the Commissioner of Mental Health and Substance Abuse  
9 Services, upon recommendation by the person in charge of the  
10 facility in which the consumer is located, may transfer the consumer  
11 to:

12           a. the United States Public Health Service or other  
13           agency of the United States Government, or

14           b. a ~~veterans center~~ State Veterans Home in the state or  
15           other agency of the state for care and treatment.

16       2. If the consumer has been admitted under involuntary court-  
17 ordered commitment proceedings, the Commissioner shall notify the  
18 committing court of any transfer when it has been effected.

19       3. Any consumer transferred as provided in this section shall  
20 be deemed to be committed to the United States Public Health Service  
21 or other agency of the United States Government or a ~~veterans center~~  
22 State Veterans Home in the state or other agency of the state  
23 pursuant to the original commitment the same as if the person had  
24 been originally committed.

1       B. 1. In the event that a consumer transferred under  
2 provisions of this section subsequently becomes ineligible for  
3 continued services, or if required services cannot be provided by  
4 the entity or facility where the consumer is committed and residing,  
5 the Commissioner shall upon notification accept the return of the  
6 consumer to the appropriate facility of the Department.

7       2. If the consumer has been admitted under this title, the  
8 Commissioner shall notify the committing court of the transfer when  
9 it has been effected.

10       3. Any consumer transferred as provided in this section shall  
11 be deemed to be committed to the Department pursuant to the original  
12 commitment the same as if the person had been originally committed.

13       SECTION 8.       AMENDATORY       47 O.S. 2021, Section 156, is  
14 amended to read as follows:

15       Section 156. A. Unless otherwise provided for by law, no state  
16 board, commission, department, institution, official, or employee,  
17 except the following, shall purchase any passenger automobile or bus  
18 with public funds:

- 19       1. The Department of Public Safety;
- 20       2. The Department of Human Services;
- 21       3. The State Department of Rehabilitation Services;
- 22       4. The Department of Wildlife Conservation;
- 23       5. The Department of Corrections;
- 24       6. The State Department of Education;

- 1        7.    The Oklahoma School of Science and Mathematics;
- 2        8.    The Oklahoma State Bureau of Narcotics and Dangerous Drugs
- 3 Control;
- 4        9.    The Oklahoma State Bureau of Investigation;
- 5        10.   The Transportation Commission;
- 6        11.   The Oklahoma Department of Agriculture, Food, and Forestry;
- 7        12.   The State Department of Health;
- 8        13.   The Department of Mental Health and Substance Abuse
- 9 Services;
- 10       14.   The J.D. McCarty Center for Children with Developmental
- 11 Disabilities;
- 12       15.   The Military Department of the State of Oklahoma;
- 13       16.   The Oklahoma Tourism and Recreation Department;
- 14       17.   The Oklahoma Conservation Commission;
- 15       18.   The Oklahoma Water Resources Board;
- 16       19.   The Department of Mines;
- 17       20.   The Office of Juvenile Affairs;
- 18       21.   The Oklahoma Department of Veteran Affairs;
- 19       22.   The Oklahoma Supreme Court;
- 20       23.   The District Attorneys Council and Oklahoma district
- 21 attorneys, provided adequate funding exists;
- 22       24.   The Oklahoma Boll Weevil Eradication Organization; and
- 23       25.   The Oklahoma Horse Racing Commission.
- 24

1       B. 1. The Oklahoma School for the Deaf at Sulphur, the  
2 Oklahoma School for the Blind at Muskogee, and any state institution  
3 of higher education may purchase, own, or keep if now owned, or  
4 acquire by lease or gift, and use and maintain such station wagons,  
5 automobiles, trucks, or buses as are reasonably necessary for the  
6 implementation of the educational programs of said institutions.

7       2. No bus operated, owned, or used by such educational  
8 institutions shall be permitted to carry any person other than  
9 students, faculty members, employees, or volunteers of such  
10 institutions. The provisions of this section shall not be construed  
11 to prohibit:

12           a. the operation of intracampus buses or buses routed  
13 directly between portions of the campus of any  
14 institution not adjacent to each other, nor to  
15 prohibit the collection of fares from such students,  
16 faculty members, or employees of such institutions,  
17 sufficient in amount to cover the reasonable cost of  
18 such transportation, or

19           b. the Oklahoma School for the Blind or the Oklahoma  
20 School for the Deaf from entering into agreements with  
21 local public school districts pursuant to the  
22 Interlocal Cooperation Act for the mutual use of the  
23 schools' and the districts' vehicles. Such use may  
24 include, but is not limited to, the transportation of

1 students from local school districts with students  
2 from the Oklahoma School for the Blind or the Oklahoma  
3 School for the Deaf in vehicles owned by the Oklahoma  
4 School for the Blind or the Oklahoma School for the  
5 Deaf when traveling to school-related activities.

6 C. The J.D. McCarty Center for Children with Developmental  
7 Disabilities, the Oklahoma Department of Libraries, the Oklahoma  
8 Department of Veterans Affairs, and the ~~Oklahoma Veterans Centers~~  
9 State Veterans Homes may own and maintain such passenger vehicles as  
10 those institutions have acquired prior to May 1, 1981.

11 D. The use of station wagons, automobiles, and buses, other  
12 than as provided for in this section, shall be permitted only upon  
13 written request for such use by heads of departments of the  
14 institution, approved in writing by the president of said  
15 institution or by some administrative official of said institution  
16 authorized by the president to grant said approval. Such use shall  
17 be permitted only for official institutional business or activities  
18 connected therewith. Such use shall be subject to the provisions of  
19 Section 156.1 of this title forbidding personal use of such  
20 vehicles, and to the penalties therein declared.

21 E. Any person convicted of violating the provisions of this  
22 section shall be guilty of a misdemeanor and shall be punished by  
23 fine or imprisonment, or both, as provided for in Section 156.1 of  
24 this title.

1 F. For the purpose of this section and Section 156.3 of this  
2 title, a station wagon is classified as a passenger automobile and  
3 may not be purchased solely for the use of transporting property.  
4 Such vehicles shall include, but not be limited to, all vehicles  
5 which have no separate luggage compartment or trunk but which do not  
6 have open beds, whether the same are called station wagons, vans,  
7 suburbans, town and country, blazers, or any other names. All state  
8 boards, commissions, departments, and institutions may own and  
9 maintain station wagons purchased solely for the purpose of  
10 transporting property if acquired prior to July 1, 1985.

11 G. The provisions of this section and Section 156.1 of this  
12 title shall not apply to public officials who are statewide elected  
13 commissioners.

14 SECTION 9. AMENDATORY 63 O.S. 2021, Section 1-1523, is  
15 amended to read as follows:

16 Section 1-1523. A. Except as specifically provided in the  
17 Smoking in Public Places and Indoor Workplaces Act, no person shall  
18 smoke tobacco or marijuana or vape marijuana in a public place, in  
19 any part of a zoo to which the public may be admitted, whether  
20 indoors or outdoors, in an indoor workplace, in any vehicle  
21 providing public transportation, at a meeting of a public body, in a  
22 nursing facility licensed pursuant to the Nursing Home Care Act, or  
23 in a child care facility licensed pursuant to the Oklahoma Child  
24 Care Facilities Licensing Act. A nursing facility licensed pursuant



1 to the Nursing Home Care Act may designate tobacco smoking rooms for  
2 residents and their guests. Such rooms shall be fully enclosed,  
3 directly exhausted to the outside, and shall be under negative air  
4 pressure so that no tobacco smoke can escape when a door is opened  
5 and no air is recirculated to nonsmoking areas of the building.  
6 Commercial airport operators may prohibit the use of lighted tobacco  
7 or lighted marijuana or the vaping of marijuana in any area that is  
8 open to or used by the public whether located indoors or outdoors,  
9 provided that the outdoor area is within one hundred seventy-five  
10 (175) feet from an entrance.

11 B. 1. Except as otherwise provided in paragraph 2 of this  
12 subsection, a technology center school district which offers an  
13 early childhood education program or in which children in grades  
14 kindergarten through twelve are educated shall prohibit tobacco or  
15 marijuana smoking or marijuana vaping, the use of marijuana  
16 products, snuff, chewing tobacco or any other form of tobacco  
17 product in the educational facility buildings and on the grounds of  
18 the facility by all persons including, but not limited to, full-  
19 time, part-time, and contract employees, during the hours of 7:00  
20 a.m. to 4:00 p.m., during the school session, or when class or any  
21 program established for students is in session.

22 2. A technology center school district may designate tobacco  
23 smoking areas outside of buildings, away from general traffic areas  
24 and completely out of sight of children under eighteen (18) years of

1 age, for use by adults attending training courses, sessions,  
2 meetings or seminars.

3 3. A technology center school district or college or university  
4 may designate tobacco smoking areas outside the educational facility  
5 buildings for the use of adults during certain activities or  
6 functions, including, but not limited to, athletic contests.

7 4. Smoking tobacco or marijuana or vaping marijuana shall be  
8 prohibited in an educational facility as defined in the 24/7  
9 Tobacco-free Schools Act and as provided for in Section 1210.213 of  
10 Title 70 of the Oklahoma Statutes.

11 C. Nothing in this section shall be construed to prohibit  
12 educational facilities from having more restrictive policies  
13 regarding tobacco or marijuana smoking or marijuana vaping and the  
14 use of other marijuana or tobacco products in the buildings or on  
15 the grounds of the facility.

16 D. A private residence is not a "public place" within the  
17 meaning of the Smoking in Public Places and Indoor Workplaces Act  
18 except that areas in a private residence that are used as a licensed  
19 child care facility during hours of operation are "public places"  
20 within the meaning of the Smoking in Public Places and Indoor  
21 Workplaces Act.

22 E. Smoking tobacco or marijuana or vaping marijuana is  
23 prohibited in all vehicles owned by the State of Oklahoma and all of  
24 its agencies and instrumentalities.

1 F. State Veterans centers Homes operated by this state pursuant  
2 to the provisions of Section 221 et seq. of Title 72 of the Oklahoma  
3 Statutes shall be designated nonsmoking effective January 1, 2015,  
4 at which time ~~veterans centers~~ State Veterans Homes may establish  
5 outdoor designated smoking areas for resident veterans only.  
6 Smoking tobacco shall only be allowed in designated outdoor smoking  
7 areas.

8 G. An employer not otherwise restricted from doing so may elect  
9 to provide tobacco smoking rooms where no work is performed except  
10 for cleaning and maintenance during the time the room is not in use  
11 for tobacco smoking, provided each tobacco smoking room is fully  
12 enclosed and exhausted directly to the outside, in such manner that  
13 no tobacco smoke can drift or circulate into a nonsmoking area. No  
14 exhaust from a tobacco smoking room shall be located within fifteen  
15 (15) feet of any entrance, exit or air intake. If tobacco smoking  
16 is to be permitted in any space exempted in subsection H of this  
17 section or in a tobacco smoking room pursuant to subsection I of  
18 this section, such tobacco smoking space must either occupy the  
19 entire enclosed indoor space or, if it shares the enclosed space  
20 with any nonsmoking areas, the tobacco smoking space shall be fully  
21 enclosed, exhausted directly to the outside with no air from the  
22 tobacco smoking space circulated to any nonsmoking area, and under  
23 negative air pressure so that no tobacco smoke can drift or  
24 circulate into a nonsmoking area when a door to an adjacent

1 nonsmoking area is opened. Air from a tobacco smoking room shall  
2 not be exhausted within fifteen (15) feet of any entrance, exit or  
3 air intake.

4 H. The Smoking in Public Places and Indoor Workplaces Act shall  
5 not prohibit tobacco smoking in:

6 1. Stand-alone bars, stand-alone taverns or cigar bars;

7 2. The room or rooms where licensed charitable bingo games are  
8 being operated, but only during the hours of operation of such  
9 games;

10 3. Up to twenty-five percent (25%) of the guest rooms at a  
11 hotel or other lodging establishment;

12 4. Retail tobacco stores predominantly engaged in the sale of  
13 tobacco products and accessories and in which the sale of other  
14 products is merely incidental and in which no food or beverage is  
15 sold or served for consumption on the premises;

16 5. Workplaces where only the owner or operator of the  
17 workplace, or the immediate family of the owner or operator,  
18 performs any work in the workplace, and the workplace has only  
19 incidental public access;

20 6. Workplaces occupied exclusively by one or more tobacco  
21 smokers, if the workplace has only incidental public access.

22 "Incidental public access" means that a place of business has only  
23 an occasional person, who is not an employee, present at the  
24 business to transact business or make a delivery. It does not

1 include businesses that depend on walk-in customers for any part of  
2 their business;

3 7. Private offices occupied exclusively by one or more smokers;

4 8. Workplaces within private residences, except that smoking  
5 tobacco or marijuana or vaping marijuana shall not be allowed inside  
6 any private residence that is used as a licensed child care facility  
7 during hours of operation;

8 9. A facility operated by a post or organization of past or  
9 present members of the Armed Forces of the United States which is  
10 exempt from taxation pursuant to Sections 501(c)(8), 501(c)(10) or  
11 501(c)(19) of the Internal Revenue Code, 26 U.S.C., Section  
12 501(c)(8), 501(c)(10) or 501(c)(19), when such facility is utilized  
13 exclusively by its members and their families and for the conduct of  
14 post or organization nonprofit operations except during an event or  
15 activity which is open to the public;

16 10. Any outdoor seating area of a restaurant; provided, tobacco  
17 or marijuana smoking or vaping marijuana shall not be allowed within  
18 fifteen (15) feet of any exterior public doorway or any air intake  
19 of a restaurant; and

20 11. Medical research or treatment centers, if tobacco smoking  
21 is integral to the research or treatment. Furthermore, the  
22 restrictions on smoking or vaping of marijuana provided in this  
23 section shall not apply to medical research or treatment centers, if  
24

1 marijuana smoking or vaping is integral to the research or  
2 treatment.

3 I. Notwithstanding any other provision of the Smoking in Public  
4 Places and Indoor Workplaces Act, until March 1, 2006, restaurants  
5 may have designated tobacco smoking and nonsmoking areas or may be  
6 designated as being a totally nonsmoking area. Beginning March 1,  
7 2006, restaurants shall be totally nonsmoking or may provide  
8 nonsmoking areas and designated tobacco smoking rooms. Food and  
9 beverage may be served in such designated tobacco smoking rooms  
10 which shall be in a location which is fully enclosed, directly  
11 exhausted to the outside, under negative air pressure so tobacco  
12 smoke cannot escape when a door is opened, and no air is  
13 recirculated to nonsmoking areas of the building. No exhaust from  
14 such room shall be located within twenty-five (25) feet of any  
15 entrance, exit or air intake. Such room shall be subject to  
16 verification for compliance with the provisions of this subsection  
17 by the State Department of Health.

18 SECTION 10. AMENDATORY 63 O.S. 2021, Section 1-1529, is  
19 amended to read as follows:

20 Section 1-1529. The use of any tobacco product shall be  
21 prohibited on any and all properties owned, leased or contracted for  
22 use by the State of Oklahoma, including but not limited to all  
23 buildings, land and vehicles owned, leased or contracted for use by  
24 agencies or instrumentalities of the State of Oklahoma. Provided,

1 these prohibitions shall not apply to the ~~Oklahoma~~ State Veterans  
2 ~~Centers~~ Homes.

3 SECTION 11. AMENDATORY 63 O.S. 2021, Section 1-1903, is  
4 amended to read as follows:

5 Section 1-1903. A. No person shall establish, operate, or  
6 maintain in this state any nursing facility without first obtaining  
7 a license as required by the Nursing Home Care Act.

8 B. The Nursing Home Care Act shall not apply to residential  
9 care homes, assisted living facilities or adult companion homes  
10 which are operated in conjunction with a nursing facility, a home or  
11 facility approved and annually reviewed by the United States  
12 Department of Veterans Affairs as a medical foster home in which  
13 care is provided exclusively to three or fewer veterans, or to  
14 hotels, motels, boarding houses, rooming houses, or other places  
15 that furnish board or room to their residents.

16 C. Each ~~Oklahoma~~ State Veterans ~~Center~~ Home nursing facility  
17 licensed pursuant to the provisions of this section shall be  
18 regulated as an existing nursing facility for the purposes of  
19 meeting state and federal standards.

20 D. Certificate of need review shall not be required for any  
21 addition, deletion, modification or new construction of current or  
22 future State Veterans ~~Center~~ Home nursing facilities.

1 E. The Nursing Home Care Act shall not authorize any person to  
2 engage in any manner in the practice of the healing arts or the  
3 practice of medicine, as defined by law.

4 F. The Nursing Home Care Act shall not apply to a facility  
5 which is not charging or receiving periodic compensation for  
6 services rendered, and not receiving any county, state, or federal  
7 assistance.

8 SECTION 12. AMENDATORY 72 O.S. 2021, Section 63.1, is  
9 amended to read as follows:

10 Section 63.1 There is hereby created the Oklahoma Veterans  
11 Commission, and the Oklahoma Department of Veterans Affairs, which  
12 shall be a cabinet-level department pursuant to the provisions of  
13 Section 10.3 of Title 74 of the Oklahoma Statutes. The Department  
14 shall consist of a departmental headquarters and such State Veterans  
15 ~~Centers~~ Homes as are operated by the Department. The Department  
16 shall be administered under such rules, regulations and policies as  
17 may be prescribed by the Oklahoma Veterans Commission. Any  
18 reference in any law of this state referring to or naming the  
19 Soldiers Relief Commission shall be construed to refer to and name  
20 the Oklahoma Veterans Commission.

21 SECTION 13. AMENDATORY 72 O.S. 2021, Section 63.5, is  
22 amended to read as follows:

23 Section 63.5 The Oklahoma Veterans Commission is hereby  
24 authorized to make collections from eligible patients and members



1 for care and maintenance. Payments shall be established in the  
2 following manner:

3 1. All sources of personal income, except wages of a working  
4 spouse, except as provided in this section, shall be considered when  
5 computing care and maintenance charges, including pensions and  
6 awards for aid and attendance from the Veterans Administration;

7 2. Care and maintenance charges shall be computed in a manner  
8 to maximize the Veterans Administration pension and compensation  
9 benefits to which the veteran is entitled and shall allow a veteran  
10 to retain not less than One Hundred Fifty Dollars (\$150.00) per  
11 month of total monthly income;

12 3. The care and maintenance charge shall not exceed the full  
13 cost of care minus the Veterans Administration per diem payment;

14 4. Spouses, widows and widowers of eligible war veterans are  
15 authorized to be admitted and maintained in the ~~Oklahoma veterans~~  
16 ~~centers~~ State Veterans Homes. The ~~facilities~~ State Veterans Homes  
17 admitting and maintaining spouses, widows, and widowers shall make  
18 collections from the spouses, widows, and widowers first and to the  
19 fullest extent from sources of income other than pension and  
20 compensation paid by the Veterans Administration; and

21 5. The claim of the state for such care and maintenance shall  
22 constitute a valid indebtedness against any such patient or member  
23 and the patient's estate and shall not be barred by any statute of  
24 limitations except as otherwise allowed by the Oklahoma Indigent

1 Health Care Act. At the death of the patient or member, this claim  
2 shall be allowed and paid as other lawful claims against the estate.  
3 Provided, no admission of a veteran of a period of war, as  
4 referenced in 38 U.S.C., Section 1521 or detention of a patient in  
5 ~~an Oklahoma veterans center~~ a State Veterans Home shall be limited  
6 or conditioned in any manner by the lack of ability to pay of a  
7 patient or member, the patient's estate, or any relative of the  
8 patient or member. Any monies collected by the provisions of this  
9 section shall be deposited in the Department of Veterans Affairs  
10 Revolving Fund.

11 SECTION 14. AMENDATORY 72 O.S. 2021, Section 63.5a, is  
12 amended to read as follows:

13 Section 63.5a A. The Department of Veterans Affairs is  
14 authorized to obtain certification through the Centers for Medicare  
15 and Medicaid Services and accept payments and reimbursements from  
16 Medicare and Medicaid programs for services provided through  
17 ~~Oklahoma State Veterans Centers~~ Homes.

18 B. The Oklahoma Veterans Commission is authorized to promulgate  
19 rules to implement the provisions of this section.

20 SECTION 15. AMENDATORY 72 O.S. 2021, Section 63.6, is  
21 amended to read as follows:

22 Section 63.6 The Oklahoma Veterans Commission is hereby  
23 authorized and empowered to provide workers' compensation insurance  
24 for all guards, motor vehicle operators, maintenance personnel,

1 registered nurses, registered practical nurses, and attendants  
2 employed by the institutions included in the ~~Oklahoma State War~~  
3 ~~Veterans Home Facilities~~ Homes.

4 SECTION 16. AMENDATORY 72 O.S. 2021, Section 63.8, is  
5 amended to read as follows:

6 Section 63.8 The Oklahoma Veterans Commission shall have the  
7 authority to administer the affairs of the Department of Veterans  
8 Affairs, and to enter into agreements with the State Department of  
9 Rehabilitation Services for the vocational rehabilitation of  
10 disabled veterans in the ~~Oklahoma State Veterans Centers~~ Homes. The  
11 Commission shall act as the funding agency for the State Accrediting  
12 Agency and provide office space for the staff of the agency. The  
13 State Accrediting Agency shall pay to the Commission their pro rata  
14 share of utilities and telephone service.

15 SECTION 17. AMENDATORY 72 O.S. 2021, Section 63.10, is  
16 amended to read as follows:

17 Section 63.10 A. The Oklahoma Department of Veterans Affairs  
18 is hereby authorized to establish within ~~said~~ the Department or  
19 within any of the ~~institutions~~ State Veterans Homes operated by the  
20 Department training programs to train necessary personnel for the  
21 Department or its ~~institutions~~ State Veterans Homes, or may arrange  
22 for programs with any public school or institution within this state  
23 having available facilities for training. Funds of the Department  
24 or its ~~institutions~~ State Veterans Homes may be used to pay salaries

1 or tuition and subsistence for employees or prospective employees in  
2 said training programs, pursuant to the provisions of subsection B  
3 of this section.

4 B. Any employee or prospective employee who, while receiving  
5 such training is paid a salary, or for whom tuition and subsistence  
6 are furnished shall enter into a contract with the Department prior  
7 to receiving any payment for salary, tuition, or subsistence. The  
8 contract shall be in accordance with the rules and regulations  
9 promulgated by the Oklahoma Veterans Commission and shall include a  
10 stipulation that, unless the employee or prospective employee  
11 continues in the employ of the Department for a period equivalent to  
12 the length of the training, the employee or prospective employee  
13 shall reimburse the Department or ~~institution~~ State Veterans Home  
14 for the amount of money paid to or for him or her by the Department  
15 during the training period.

16 SECTION 18. AMENDATORY 72 O.S. 2021, Section 63.17, is  
17 amended to read as follows:

18 Section 63.17 Except as otherwise provided by Section 63.16 of  
19 this title, unless the Department of Veterans Affairs Trust Fund  
20 contains the minimum amount required by Section 63.1 et seq. of this  
21 title, the Department of Veterans Affairs, whether acting through  
22 the Oklahoma Veterans Commission or any other entity, shall not be  
23 authorized to expend any appropriated monies or monies in any  
24 revolving fund for any capital project, unless such capital project:

1        1. Has been undertaken as of June 25, 1986, or unless the  
2 project is included in the approved fiscal year 1986 Budget Work  
3 Program for the Department of Veterans Affairs;

4        2. Is required for repairs of an emergency nature; or

5        3. Is required to proceed with the development of a new  
6 ~~Oklahoma State Veterans Center facility~~ Home at Lawton, ~~Oklahoma,~~  
7 pursuant to Section 221.2A of this title.

8        SECTION 19.        AMENDATORY        72 O.S. 2021, Section 63.18A, is  
9 amended to read as follows:

10        Section 63.18A The following positions and personnel at the  
11 Oklahoma Department of Veterans Affairs shall be in the unclassified  
12 service as provided in the Oklahoma Personnel Act:

13        1. Physicians assistants;

14        2. Occupational therapists;

15        3. Physical therapists;

16        4. Pharmacists;

17        5. Speech pathologists;

18        6. Nurse practitioners;

19        7. Physical therapy assistants;

20        8. Administrative Assistant to the Director;

21        9. Programs Administrators;

22        10. Administrators, State Veterans Centers Homes; and

23        11. Assistant Administrators, State Veterans Centers Homes.  
24

1       SECTION 20.       AMENDATORY       72 O.S. 2021, Section 65.1, is  
2 amended to read as follows:

3       Section 65.1 A. The Oklahoma Department of Veterans Affairs  
4 shall be required to proceed with construction projects at ~~veterans~~  
5 ~~centers~~ State Veterans Homes under the control of the Oklahoma  
6 Veterans Commission from funds designated for these purposes.

7       B. Projects shall be constructed in the order designated by  
8 United States Department of Veterans Affairs priorities.

9       C. Federal matching funds received for these projects shall  
10 continue to be deposited in the federal matching fund designated for  
11 the Oklahoma Department of Veterans Affairs by the Director of the  
12 Office of Management and Enterprise Services and shall be considered  
13 as available funds for projects, unless otherwise encumbered.

14       SECTION 21.       AMENDATORY       72 O.S. 2021, Section 202, is  
15 amended to read as follows:

16       Section 202. The ~~Oklahoma~~ State Veterans Centers Homes shall be  
17 under the management and control of the Oklahoma Department of  
18 Veterans Affairs which shall:

19       1. Make all necessary rules, regulations and procedures for the  
20 operation and management of ~~veterans centers~~ State Veterans Homes  
21 operated by the Oklahoma Department of Veterans Affairs;

22       2. Ensure compliance with all federal and state statutes and  
23 rules which are applicable to the operation of long-term care  
24 facilities;

1        3. Appoint and fix the duties and compensation of ~~veterans~~  
2 ~~center~~ State Veterans Homes administrators and other necessary  
3 employees;

4        4. Provide necessary clothing, food, and care to all residents,  
5 including medications and proper medical care;

6        5. Provide for the burial of deceased residents who have no  
7 surviving relatives or whose relatives do not claim their bodies;  
8 and

9        6. Assure the protection of the rights of all residents,  
10 including the right to be free of neglect and abuse.

11        SECTION 22.        AMENDATORY        72 O.S. 2021, Section 221, is  
12 amended to read as follows:

13        Section 221. There is hereby established at Sulphur, ~~Oklahoma,~~  
14 on the site of the previously named Oklahoma State Veterans  
15 Hospital, and at Ardmore, ~~Oklahoma,~~ on the site of the previously  
16 named Oklahoma State Veterans Home Facilities, and at Norman,  
17 ~~Oklahoma,~~ on the site of the previously named Veterans Ward of the  
18 Griffin Memorial Hospital, further described as follows:

19        Starting at the Southeast corner of the Northeast Quarter (NE  
20 1/4) of Section twenty-nine (29), Township nine (9) North, Range  
21 two (2) West, of the Indian Meridian; thence North seventeen  
22 hundred (1700) feet to a point on the East boundary of Section  
23 twenty-nine (29), Township nine (9) North, Range two (2) West;  
24 thence West six hundred (600) feet; thence South eight hundred

1 fifty (850) feet; thence West three hundred twenty-five (325)  
2 feet; thence South four hundred (400) feet; thence in a  
3 Southwest direction five hundred forty (540) feet to a point on  
4 the South boundary of the Northeast Quarter (NE 1/4) of Section  
5 twenty-nine (29), Township nine (9) North, Range two (2) West of  
6 the Indian Meridian; thence East a distance of one thousand two  
7 hundred twenty-three (1,223) feet to the point of beginning;  
8 facilities to be known as the ~~Oklahoma~~ State Veterans ~~Centers~~ Homes  
9 (for the purpose of securing special treatment or hospitalization  
10 the adjoining facilities of Griffin Memorial Hospital shall be  
11 considered an integral part of the ~~Oklahoma~~ State Veterans ~~Centers~~  
12 Home at Norman, and may be utilized to care for eligible veterans),  
13 which shall be available for care of war veterans discharged other  
14 than under dishonorable conditions. Further provided such ~~centers~~  
15 State Veterans Homes shall be under the administration and control  
16 of the Oklahoma Veterans Commission.

17 SECTION 23. AMENDATORY 72 O.S. 2021, Section 221.1, is  
18 amended to read as follows:

19 Section 221.1 Effective July 1, 1979, the responsibility for  
20 the operation and administration of the previously named Oklahoma  
21 Veterans Center, Norman, ~~Oklahoma~~, shall be assumed by the  
22 Department of Veterans Affairs. Thereafter, it shall be known as  
23 the ~~Oklahoma~~ State Veterans ~~Center~~ Home, Norman, and shall operate  
24 as a separate institution under the direction and control of the



1 Department of Veterans Affairs. The facility shall be described as  
2 such real property situated in Cleveland County, State of Oklahoma,  
3 and more particularly described as follows: The ~~North half (N 1/2)~~  
4 East half (E 1/2) of the Northwest quarter (NW 1/4) and the West  
5 half (W 1/2) of the Northeast quarter (NE 1/4) of Section 28,  
6 Township 9 North, Range 2 West, Indian Meridian, Cleveland County,  
7 ~~less and except the West half (W 1/2) of the Northwest quarter (NW~~  
8 ~~1/4) of Section 28,~~ said tract containing ~~240~~ 160 acres more or  
9 less.

10 SECTION 24. AMENDATORY 72 O.S. 2021, Section 221.2, is  
11 amended to read as follows:

12 Section 221.2 In addition to the ~~Oklahoma~~ Oklahoma State Veterans  
13 ~~Centers~~ Homes established by Sections 203, 221, 221.1, 221.2A, 226,  
14 and 229 of this title, the facility previously known as the Oklahoma  
15 Veterans Center, Claremore Division, since March, 1987, shall  
16 continue to be operated as a ~~veterans center~~ State Veterans Home by  
17 the Department of Veterans Affairs; such property described as the  
18 real property situated in Rogers County, State of Oklahoma, and more  
19 particularly described as follows:

20 A tract of land located in Lot 1, Section 7, Township 21 North,  
21 Range 16 East of I.B. & M., further described as follows: Beginning  
22 at the Northwest corner of said Lot 1, thence North 89 degrees  
23 42'40" East along the North line thereof 671.00 feet; thence South  
24 parallel to the West line of said Lot 1, 750.00 feet; thence North

1 89 degrees 42'40" East 361.51 feet; thence South 567.53 feet to the  
2 South line of said Lot 1; thence South 89 degrees 44' West along the  
3 South line of said Lot 1, 1032.51 feet to the Southwest corner  
4 thereof; thence North 1317.14 feet to the point of beginning, said  
5 tract containing 25 acres, more or less.

6 SECTION 25. AMENDATORY 72 O.S. 2021, Section 221.2A, is  
7 amended to read as follows:

8 Section 221.2A Effective April 16, 1997, the Oklahoma  
9 Department of Veterans Affairs is directed within the availability  
10 and limitations of its revolving funds, not otherwise encumbered or  
11 specified, to proceed with the development of a new ~~Oklahoma~~ State  
12 ~~Veterans Center facility~~ Home at Lawton, ~~Oklahoma~~.

13 In addition to the ~~Oklahoma~~ State Veterans ~~Centers~~ Homes  
14 established by Sections 203, 221, 221.1, 221.2, 226 and 229 of this  
15 title, the facility known as the Oklahoma Veterans Center,  
16 Lawton/~~Ft.~~ Fort Sill Division, shall be operated as a ~~veterans~~  
17 ~~center~~ State Veterans Home by the Department of Veterans Affairs  
18 located on a tract of land described as the E/2NE/4 SEC 33-2N-11  
19 WIM, Comanche County, Oklahoma, and leased to the Oklahoma  
20 Department of Veterans Affairs by the Commissioners of the Land  
21 Office, State of Oklahoma.

22 SECTION 26. AMENDATORY 72 O.S. 2021, Section 221.3, is  
23 amended to read as follows:

1       Section 221.3   A.   The Department of Veterans Affairs shall  
2 develop and adopt procedures for competitively bidding an agreement  
3 for supplies and services under Medicare Part B as approved by the  
4 Director of Central Purchasing.

5       B.   ~~Upon the effective date of this act~~ Beginning May 7, 1996,  
6 the Department of Veterans Affairs shall annually compile a list of  
7 Medicare Part B supplies and services in use in ~~veterans centers~~  
8 State Veterans Homes throughout the state.

9       C.   The Department shall, upon request, make such list  
10 available, along with information on the Department's competitive  
11 bid procedures, to any vendor interested in providing supplies and  
12 services under Medicare Part B.

13       D.   Vendors may subsequently participate in competitive bidding  
14 by submitting a sealed itemized bid to the Department.   The  
15 Department shall select from among the submitted bids, the overall  
16 lowest and best bid.

17       SECTION 27.       AMENDATORY       72 O.S. 2021, Section 221.5, is  
18 amended to read as follows:

19       Section 221.5   For the determination of compliance with limits  
20 set forth in The Oklahoma Central Purchasing Act, each division of  
21 the Oklahoma Department of Veterans Affairs that operates a State  
22 Veterans ~~Center~~ Home shall, if the division has a Certified  
23 Procurement Officer and makes purchases in compliance with internal  
24 purchasing procedures of the Oklahoma Department of Veterans Affairs

1 that are approved by the Office of Management and Enterprise  
2 Services, be regarded as an individual purchasing entity.

3 SECTION 28. AMENDATORY 72 O.S. 2021, Section 222, is  
4 amended to read as follows:

5 Section 222. A. There is hereby created in the State Treasury  
6 a revolving fund for the Oklahoma Department of Veterans Affairs to  
7 be known as the Oklahoma Department of Veterans Affairs Revolving  
8 Fund. The revolving fund shall consist of all funds and monies  
9 received by the Oklahoma Department of Veterans Affairs, its  
10 constituent institutions, and/or, the Oklahoma Veterans Commission,  
11 from any gifts, contributions, bequests, individual reimbursements  
12 except as otherwise provided by law, and other sources of revenue,  
13 for the care or support of war veterans discharged other than under  
14 dishonorable conditions, who have been admitted and cared for at the  
15 ~~Oklahoma Department of State Veterans Affairs Centers~~ Homes, at  
16 Ardmore, Claremore, Clinton, Lawton/~~Ft.~~ Fort Sill, Norman, Sulphur  
17 or Talihina. Provided no grants-in-aid, reimbursements, or other  
18 revenue from the United States government or any instrumentality of  
19 the United States government shall be deposited in the fund.

20 Provided further, nothing contained herein prohibits the  
21 establishment and utilization of special agency accounts by the  
22 Oklahoma Department of Veterans Affairs and its constituent  
23 institutions, as may be approved by the Special Agency Account  
24 Board, for receipt and disbursement of the personal funds of ~~Veteran~~

1 ~~Center~~ State Veterans Homes patients and members and/or for receipt  
2 and disbursement of charitable contributions and donations for use  
3 by and for patients and members.

4 B. The revolving fund herein created shall be used by the  
5 Oklahoma Department of Veterans Affairs to pay for the care of war  
6 veterans discharged other than under dishonorable conditions, in  
7 State Veterans ~~Centers~~ Homes, to pay the general operating expenses  
8 of the State Veterans ~~Centers~~ Homes, including the payment of  
9 salaries and wages of officials and employees, to pay for the  
10 employee safety programs and incentive awards provided for in  
11 Section 63.10a of this title, and to remodel, repair, construct,  
12 build additions, modernize, or add improvements of domiciliary or  
13 hospital buildings necessary for the care of veterans, including  
14 tuberculosis, mentally ill or neuropsychiatric patients, but not  
15 excluding others; and architectural plans, specifications, or other  
16 costs pertinent thereto.

17 C. The Oklahoma Department of Veterans Affairs may transfer  
18 monies from the revolving fund created in this section to the W.V.C.  
19 Revolving Fund in the State Treasury.

20 D. All expenditures from the revolving fund shall be made upon  
21 warrants issued by the State Treasurer based upon claims approved by  
22 the Oklahoma Department of Veterans Affairs, as provided by law, and  
23 filed with the Director of the Office of Management and Enterprise  
24 Services for approval and payment.

1       SECTION 29.       AMENDATORY       72 O.S. 2021, Section 223, is  
2 amended to read as follows:

3       Section 223. A. The State of Oklahoma accepts the provisions  
4 of the Act of Congress of August 27, 1888, as amended, 1934 Edition  
5 U.S. Code, Title 24, Section 134, and of any other federal law or  
6 Act of Congress providing for the payment of funds to states for the  
7 care of, or support of, disabled soldiers and sailors in state  
8 homes, and it shall be the duty of the Oklahoma Veterans Commission  
9 to obtain such federal aid and assistance as is available under the  
10 aforementioned Act of Congress, or otherwise. All such funds received  
11 from the United States or any federal agency, for such care, shall  
12 be deposited in a federal fund created by the Office of Management  
13 and Enterprise Services as provided by law.

14       B. All ~~Oklahoma veterans nursing facilities~~ State Veterans  
15 Homes shall participate in the state veterans homes per diem grant  
16 program administered by the United States Department of Veterans  
17 Affairs. Upon approval by the United States Department of Veterans  
18 Affairs of a nursing facility to participate in the per diem  
19 program, the Oklahoma Veterans Commission shall issue a license to  
20 operate such facility as ~~an Oklahoma veterans home~~ a State Veterans  
21 Home.

22       SECTION 30.       AMENDATORY       72 O.S. 2021, Section 223.1, is  
23 amended to read as follows:  
24

1       Section 223.1   The Oklahoma Department of Veterans Affairs in  
2   its capacity as an operator of ~~nursing facilities~~ State Veterans  
3   Homes under ~~Title 72 of the Oklahoma Statutes~~ this title is  
4   authorized to provide an employer-based program for training of  
5   nurse aides for purposes of certification by the State Department of  
6   Health.   Such programs shall comply with the provisions of Section  
7   1-1951 of Title 63 of the Oklahoma Statutes.

8       SECTION 31.       AMENDATORY       72 O.S. 2021, Section 225, is  
9   amended to read as follows:

10      Section 225.   The Oklahoma Veterans Commission, in addition to  
11   its other powers and duties as herein provided, shall have the  
12   following specific powers and duties which shall, however, not be  
13   deemed to be exclusive: ~~(a)~~

14      1.   To make necessary rules and regulations not inconsistent  
15   with Section 221 et seq. of this title for the operation of the  
16   ~~institutions.~~ ~~(b)~~ State Veterans Homes;

17      2.   To rule upon eligibility of applicant and requirements for  
18   admission to the ~~institution.~~ ~~(c)~~ State Veterans Homes;

19      3.   To appoint all administrative personnel and provide for the  
20   employment of all such other personnel as may be necessary to carry  
21   out the provisions of Section 221 et seq. of this title and any  
22   other duties as may be prescribed by law.   The salaries and tenure  
23   of office of all personnel shall be determined by the Commission-  
24   ~~(d);~~

1       4. To approve or disapprove all claims or expenditures from  
2 such appropriations as may be made to the Commission prior to the  
3 payment thereof, except as may be otherwise provided by law.—~~(e)~~;

4       5. To enter into agreement or contract with the Director of  
5 Mental Health and Substance Abuse Services, or other departments of  
6 the State of Oklahoma, to provide necessary services to carry out  
7 the provisions of Section 221 et seq. of this title.—~~(f)~~;

8       6. To enter into agreement or contract with the Veterans  
9 Administration, or other appropriate federal agency now in existence  
10 or hereafter created, to provide necessary services to carry out the  
11 provisions of this act; including but not limited to, agreements by  
12 which the federal government contributes funds for the construction  
13 of buildings in whole or in part.—~~(g)~~;

14       7. To contract, as herein provided or as otherwise provided by  
15 law, to remodel, construct, repair, build additions, modernize or  
16 add improvements necessary for hospitalization and domiciliary care  
17 of veteran patients, members, or employee housing, using funds  
18 available by law.—~~(h)~~; and

19       8. To expend necessary sums from funds provided by law, to  
20 provide architectural plans, specifications, costs or other  
21 information required by the Administrator of Veterans Affairs, or  
22 other appropriate federal agency, as basis of application for  
23 approval to receive federal grant of funds to remodel, repair,  
24 construct, build additions, modernize, or added improvements of



domiciliary or hospital buildings necessary for the care of veterans, including tuberculosis, mentally ill, and neuropsychiatric, but not excluding others.

SECTION 32. AMENDATORY 72 O.S. 2021, Section 226, is amended to read as follows:

Section 226. There is hereby established, in addition to the ~~Oklahoma State Veterans Centers~~ Homes established by ~~Section Sections 203, 221, 221.1, 221.2, 221.2A, and 229 of Title 72 of the Oklahoma Statutes~~ this title, the ~~Oklahoma State Veterans Center~~ Home at Clinton, ~~Oklahoma,~~ on the site of the former Western Oklahoma Tuberculosis Sanatorium. All persons serving as employees of the Western Oklahoma Tuberculosis Sanatorium under provisions of the State Merit System of Personnel Administration shall continue to serve as employees of the ~~Oklahoma State Veterans Center~~ Home at Clinton~~;~~ provided that such employees shall remain in the classified service. All employees hired by the ~~Oklahoma State Veterans Center~~ Home at Clinton on or after ~~the effective date of this act~~ April 1, 1972, shall be under the Oklahoma Merit System of Personnel Administration, except one superintendent, one principal assistant or deputy, one private secretary, part-time physicians and other professional personnel engaged in clinical and consultant services. The buildings and equipment and the following described land of the Western Oklahoma Tuberculosis Sanatorium are hereby transferred to the ~~Oklahoma State Veterans Center~~ Home at Clinton:

1 A strip, piece or parcel of land lying in the NE 1/4 of Section  
2 26, T 12 N, R 17 W, in Custer County, Oklahoma, said parcel of land  
3 being described by metes and bounds as follows:

4 Beginning at the point where the present east right-of-way line  
5 of US Highway 183 intersects the north line of said NE 1/4 a  
6 distance of 2,142.3 feet west of the NE corner of said NE 1/4,  
7 thence southwesterly along said right-of-way line along a curve to  
8 the right having a radius of 2,914.9 feet a distance of 155.2 feet,  
9 thence S 28 degrees 14' W along said right-of-way line a distance of  
10 106.5 feet, thence S 51 degrees 46' E along said right-of-way line a  
11 distance of 10.0 feet, thence S 28 degrees 14' W along said right-  
12 of-way line a distance of 279.0 feet, thence S 21 degrees 46' E a  
13 distance of 180.0 feet, thence S 01 degree 38' E a distance of 608.5  
14 feet, thence S 83 degrees 54' E a distance of 2,323.6 feet to a  
15 point on the east line of said NE 1/4, thence north along the east  
16 line of said NE 1/4 to the NE corner of said NE 1/4 a distance of  
17 1,503.5 feet, thence west along the north line of said NE 1/4 a  
18 distance of 2,142.3 feet to the point of beginning.

19 Containing 73.09 acres more or less.

20 SECTION 33. AMENDATORY 72 O.S. 2021, Section 229, is  
21 amended to read as follows:

22 Section 229. A. Until operations are transferred pursuant to  
23 subsection B of this section, there is hereby established, in  
24 addition to the ~~Oklahoma~~ State Veterans ~~Centers~~ Homes established by

1 Sections 203, 221, 221.1, 221.2, 221.2A, and 226 of this title, the  
2 ~~Oklahoma~~ State Veterans Center Home at Talihina, ~~Oklahoma,~~ on the  
3 site of the Oklahoma State Sanatorium, Talihina, ~~Oklahoma.~~ All  
4 persons serving as employees of the Oklahoma State Sanatorium under  
5 the provisions of the State Merit System of Personnel Administration  
6 shall continue to serve as employees of the ~~Oklahoma~~ State Veterans  
7 ~~Center Home~~ at Talihina~~;~~ provided that such employees remain in the  
8 classified service. All employees hired by the ~~Oklahoma~~ State  
9 Veterans ~~Center Home~~ at Talihina on or after ~~the effective date of~~  
10 ~~this act~~ July 1, 1975, shall be under the Oklahoma Merit System of  
11 Personnel Administration, except one manager, one principal  
12 assistant or deputy, one private secretary, part-time physicians and  
13 other professional personnel engaged in clinical and consultant  
14 services. ~~The average number of full-time equivalent employees~~  
15 ~~utilized in the total operation of the Oklahoma Veterans Center,~~  
16 ~~Talihina, shall not exceed one hundred fifty-three (153) during the~~  
17 ~~fiscal year ending June 30, 1976.~~ The buildings, equipment and land  
18 under the jurisdiction of the Oklahoma State Sanatorium, Talihina,  
19 are hereby transferred to the ~~Oklahoma~~ State Veterans Center Home,  
20 Talihina.

21 B. Operations of the ~~Oklahoma~~ State Veterans Center Home  
22 established pursuant to this section shall continue until such time  
23 as operations are transferred to the location identified pursuant to  
24

1 the authority conferred upon the Oklahoma Veterans Commission under  
2 Section ~~2~~ 229.1 of this ~~act~~ title.

3 SECTION 34. AMENDATORY 72 O.S. 2021, Section 229.1, is  
4 amended to read as follows:

5 Section 229.1 A. The Oklahoma Department of Veterans Affairs  
6 is authorized to plan, develop and construct two long-term care  
7 facilities for the following purposes:

8 1. To assume the operations of the ~~Oklahoma~~ State Veterans  
9 ~~Center~~ Home established in Talihina pursuant to Section 229 of this  
10 title; and

11 2. To replace the ~~Oklahoma~~ State Veterans ~~Center~~ Home  
12 established in Ardmore pursuant to Section 221 of this title.

13 B. For the two long-term care facilities authorized in  
14 subsection A of this section, the Department may construct new  
15 facilities or refurbish any existing facilities on property  
16 currently owned by the State of Oklahoma or on property purchased or  
17 donated from other sources, including but not limited to, private  
18 owners, tribal entities or other governmental or municipal entities.

19 C. The location of the facility referenced in paragraph 1 of  
20 subsection A of this section shall be subject only to such  
21 geographical constraints as are imposed by the United States  
22 Department of Veterans Affairs to preserve and continue recognition  
23 and certification of the facility as a State Veterans Home. The  
24 facility referenced in paragraph 2 of subsection A of this section

1 shall be located within the corporate limits of the City of Ardmore  
2 or within five (5) miles of the corporate limits of the City of  
3 Ardmore.

4 D. The locations and sites of the two facilities referenced in  
5 subsection A of this section shall be determined by the Oklahoma  
6 Veterans Commission. The Oklahoma Veterans Commission may consider  
7 any and all criteria which, in its sole discretion, further the  
8 interests of Oklahoma veterans.

9 E. Operations of the ~~Oklahoma~~ State Veterans ~~Center~~ Home  
10 established in Talihina pursuant to Section 229 of this title shall  
11 continue until such time as its operations are transferred to the  
12 location identified pursuant to the authority conferred upon the  
13 Oklahoma Veterans Commission under subsection D of this section.

14 SECTION 35. AMENDATORY 72 O.S. 2021, Section 240, is  
15 amended to read as follows:

16 Section 240. There is hereby created a petty cash fund at the  
17 Oklahoma Department of Veterans Affairs, at the ~~Oklahoma~~ State  
18 Veterans ~~Center~~ Home, Ardmore, ~~Oklahoma~~, at the ~~Oklahoma~~ State  
19 Veterans ~~Center~~ Home, Clinton, ~~Oklahoma~~, at the ~~Oklahoma~~ State  
20 Veterans ~~Center~~ Home, Sulphur, ~~Oklahoma~~, at the ~~Oklahoma~~ State  
21 Veterans ~~Center~~ Home, Talihina, ~~Oklahoma~~, at the ~~Oklahoma~~ State  
22 Veterans ~~Center~~ Home, Norman, ~~Oklahoma~~, at the ~~Oklahoma~~ State  
23 Veterans ~~Center~~ Home, Claremore, ~~Oklahoma~~, and at the ~~Oklahoma~~ State  
24 Veterans ~~Center~~ Home, Lawton/~~Ft.~~ Fort Sill, ~~Oklahoma~~. The Director

1 of the Office of Management and Enterprise Services and the Director  
2 of the Oklahoma Department of Veterans Affairs are authorized to fix  
3 the maximum amount of these petty cash funds and the Director of the  
4 Office of Management and Enterprise Services shall prescribe the  
5 rules and procedures for the administration of these petty cash  
6 funds.

7 SECTION 36. AMENDATORY 72 O.S. 2021, Section 440, is  
8 amended to read as follows:

9 Section 440. A. The Oklahoma Department of Veterans Affairs  
10 may accept and receive any and all gifts, donations, devices,  
11 bequests, grants or contracts of any kind for money or property,  
12 either real or personal including but not limited to military  
13 memorabilia, artifacts or equipment, whether conditionally or  
14 unconditionally given.

15 B. The Department is directed, authorized and empowered to hold  
16 such funds or property outright or in trust, invest or sell the  
17 property, and to use the principal or interest or proceeds of sale  
18 for the benefit of current or future Veterans programs, facility  
19 construction, repair or improvements or departmental operations.

20 C. The Department shall utilize its best efforts to comply with  
21 the terms of any conditional gift, devise or bequest in fulfillment  
22 of the donor's stipulations and provisions of applicable laws. Any  
23 real or personal property donated with conditions which are at any  
24 time determined infeasible to meet or continue may be returned to

1 the donor, or if the donor is no longer living, if a natural person,  
2 or no longer a legally organized entity, for organizations, then the  
3 property may be sold and the proceeds of the sale deposited in the  
4 Department's general fund or the property may be further donated in  
5 kind to a veterans' service organization.

6 D. No administrator shall provide any preferential  
7 consideration to a potential resident of any ~~Oklahoma state veterans~~  
8 ~~homes~~ State Veterans Homes in the course of the application and  
9 admission process due to any prior or pledged gift, devise or  
10 bequest of any money or property given or donated by the potential  
11 veteran resident or immediate family member of the potential veteran  
12 resident.

13 SECTION 37. This act shall become effective November 1, 2022.

14  
15 58-2-10213 EK 01/17/22  
16  
17  
18  
19  
20  
21  
22  
23  
24