

STATE OF OKLAHOMA

2nd Session of the 49th Legislature (2004)

COMMITTEE SUBSTITUTE
FOR
HOUSE BILL NO. 2612

By: Sweeden

COMMITTEE SUBSTITUTE

An Act relating to children; amending 10 O.S. 2001, Section 7302-1.1, as amended by Section 3, Chapter 375, O.S.L. 2002 (10 O.S. Supp. 2003, Section 7302-1.1), which relates to the Board of Juvenile Affairs; modifying expiration dates of terms for members of the Board of Juvenile Affairs; stating ineligibility of certain members; stating expiration dates for initial appointments; establishing term of office; specifying number of terms that a member can serve; and declaring an emergency.

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

SECTION 1. AMENDATORY 10 O.S. 2001, Section 7302-1.1, as amended by Section 3, Chapter 375, O.S.L. 2002 (10 O.S. Supp. 2003, Section 7302-1.1), is amended to read as follows:

Section 7302-1.1 A. There is hereby created, effective February 1, 1995, the Board of Juvenile Affairs which shall consist of seven (7) members who shall be appointed by the Governor with the advice and consent of the Senate.

B. One member shall be appointed from each congressional district and any remaining members shall be appointed from the state at large. However, when congressional districts are redrawn each member appointed prior to July 1 of the year in which such modification becomes effective shall complete the current term of office and appointments made after July 1 of the year in which such modification becomes effective shall be based on the redrawn districts. Appointments made after July 1 of the year in which such modification becomes effective shall be from any redrawn districts

which are not represented by a board member until such time as each of the modified congressional districts are represented by a board member. No appointments may be made after July 1 of the year in which such modification becomes effective if such appointment would result in more than two members serving from the same modified district. The terms of office of ~~two~~ the members serving on the Board on the effective date of this act shall expire on ~~March 15, 1997,~~ and each six (6) years thereafter; ~~the terms of three members shall expire on March 15, 1999, and each six (6) years thereafter;~~ ~~the terms of two members shall expire on March 15, 2000, and each six (6) years thereafter~~ June 30, 2004. Any member serving on the Board prior to June 30, 2004, who has been twice appointed to the Board prior to June 30, 2004, shall not be eligible to be appointed by the Governor pursuant to subsection C of this section to serve on the Board.

C. 1. ~~The~~ All initial appointments made by the Governor pursuant to this act shall appoint the first Board on February 1, 1995 be for terms as follows:

- a. one for a term to expire on July 1, 2005,
- b. one for a term to expire on July 1, 2006,
- c. one for a term to expire on July 1, 2007,
- d. one for a term to expire on July 1, 2008,
- e. one for a term to expire on July 1, 2009,
- f. one for a term to expire on July 1, 2010, and
- g. one for a term to expire on July 1, 2011.

After the initial terms, all members appointed by the Governor shall be appointed for terms of six (6) years. All terms shall expire on the first day of July of the year in which the terms of each member expire.

2. Thereafter an appointment shall be made by the Governor within ninety (90) days after a vacancy has occurred due to resignation, death, or any cause resulting in an unexpired term. In

the event of a vacancy on the Board due to resignation, death, or for any cause resulting in an unexpired term, if not filled within ninety (90) days following such vacancy, the Board may appoint a provisional member to serve in the interim until the Governor makes an appointment.

3. A member may be reappointed ~~to succeed himself~~ for one additional term.

4. No member shall serve more than two terms on the Board in any capacity.

D. To be eligible for appointment to the Board a person shall:

1. Be a citizen of the United States;
2. Be a resident of this state;
3. Be a qualified elector of this state; and
4. Not have been convicted of a felony pursuant to the laws of this state, the laws of any other state, or the laws of the United States.

E. The Board shall be composed of:

1. One member who shall have training or experience in social work;
2. One member who shall have training or experience in juvenile or criminal justice or related behavior sciences;
3. One member who shall be an attorney licensed by this state who shall be selected from lists submitted by the Indigent Defense System and each of the two offices of county indigent defender;
4. One member who shall be selected from a list submitted by the Oklahoma Commission on Children and Youth;
5. One member who shall be an attorney licensed by this state who shall be selected from a list submitted by the District Attorneys Council from the state at large;
6. One member who shall be an educator within a public school system of this state; and
7. One member who shall be from the public.

F. Any member of the Board may be removed from office in the manner provided by law for the removal of officers not subject to impeachment.

G. 1. The Board shall hold meetings as necessary at a place and time to be fixed by the Board. The Board shall elect, at its first meeting, one of its members to serve as chair and another of its members to serve as vice-chair. At the first meeting in each calendar year thereafter, the chair and vice-chair for the ensuing year shall be elected. Special meetings may be called by the chair or by five members of the Board by delivery of written notice to each member of the Board. A majority of members serving on the Board shall constitute a quorum of the Board.

2. Members of the Board shall receive necessary travel expenses according to the provisions of the State Travel Reimbursement Act, but shall receive no other compensation. Travel expenses shall be paid from funds available to the Office of Juvenile Affairs.

H. The Board shall:

1. Adopt and promulgate rules for its government and may adopt an official seal for the Office of Juvenile Affairs;

2. Appoint and fix the compensation of the Executive Director of the Office of Juvenile Affairs;

3. Be the rulemaking body for the Office of Juvenile Affairs;

4. Review and approve the budget request of the Office of Juvenile Affairs to the Governor;

5. Assist the Office of Juvenile Affairs in conducting periodic reviews and planning activities related to the goals, objectives, priorities, and policies of the Office;

6. Provide a public forum for receiving comments and disseminating information to the public and the regulated community regarding goals, objectives, priorities, and policies of the Office of Juvenile Affairs at least quarterly. The Board shall have the authority to adopt nonbinding resolutions requesting action by the

Office of Juvenile Affairs in response to comments received or upon the Board's own initiative; and

7. Establish contracting procedures for the Office of Juvenile Affairs and guidelines for rates of payment for services provided by contract; provided, the Board shall not increase any rates of payment at any time the Legislature is not in session.

I. 1. As the rulemaking body of the Office of Juvenile Affairs, the Board is specifically charged with the duty of promulgating rules which will implement the duties and responsibilities of the Office pursuant to the Oklahoma Juvenile Code.

2. Effective July 1, 1995, any administrative policies adopted by the Commission for Human Services related to personnel and other administrative issues and any rules promulgated relating to the custody, care and supervision of children adjudicated to be delinquent or in need of supervision shall be and remain in effect until amended or new rules are promulgated by the Board of Juvenile Affairs.

3. Any rules adopted by the Commission for Human Services related to personnel and other administrative issues and the custody, care and supervision of children adjudicated to be delinquent or in need of supervision and subject to review by the Legislature during the 1st Session of the 45th Oklahoma Legislature may be finally adopted and promulgated by the Board of Juvenile Affairs pursuant to the Administrative Procedures Act.

4. Starting April 1, 1995, the Board of Juvenile Affairs shall conduct an internal review of current permanent and emergency rules relating to the custody, care and supervision of children adjudicated to be delinquent or in need of supervision to determine whether such rules need to be amended, or repealed, reinstated, or recodified. By January 1, 1997, the Board shall have adopted permanent rules to implement the programs and functions within its

jurisdiction and shall submit such rules for legislative review pursuant to Article I of the Administrative Procedures Act.

5. The Board of Juvenile Affairs shall develop performance standards for programs implemented, either directly or pursuant to contract, by the Department of Juvenile Justice.

SECTION 2. It being immediately necessary for the preservation of the public peace, health and safety, an emergency is hereby declared to exist, by reason whereof this act shall take effect and be in full force from and after its passage and approval.

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