

1 STATE OF OKLAHOMA

2 2nd Session of the 52nd Legislature (2010)

3 HOUSE BILL 3374

By: Jett

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5
6 AS INTRODUCED

7 An Act relating to state government; creating
8 Department of Aging Services; providing that the
9 Director shall be chief executive officer;
10 authorizing contracting and expenditures by agency;
11 creating Commission for Aging Services; specifying
12 powers and authority of Commission for Aging
13 Services; providing for appointment of Commission for
14 Aging Services members; providing for selection of
15 successor members of Commission for Aging Services;
16 specifying requirements of Commission for Aging
17 Services members; providing for removal of members;
18 specifying minimum number of meetings of Commission
19 for Aging Services per year; providing that meetings
20 of Commission for Aging Services shall be open and
21 public; providing for appointment of certain
22 secretary; authorizing the establishment of an
23 office; transferring Aging Services Division from
24 Department of Human Services to Department of Aging
Services; specifying issues and items to be
transferred; providing for the transfer of unresolved
issues or items; specifying powers and duties of
Commission for Aging Services; creating Aging
Services Disbursing Fund; providing that Aging
Services Disbursing Fund shall be revolving and
continuing; providing for content of Aging Services
Disbursing Fund; authorizing use of Aging Services
Disbursing Fund by Commission; requiring certain
warrants to be issued by State Treasurer; authorizing
establishment of certain incentive programs; creating
Department of Child Care Services; providing that the
Director shall be chief executive officer;
authorizing contracting and expenditures by agency;
creating Commission for Child Care Services;
specifying powers and authority of Commission for
Child Care Services; providing for appointment of

1 Commission for Child Care Services members; providing
2 for selection of successor members of Commission for
3 Child Care Services; specifying requirements of
4 Commission for Child Care Services members; providing
5 for removal of members; specifying number of meetings
6 of Commission for Child Care Services per year;
7 providing that meetings of Commission for Child Care
8 Services shall be open and public; providing for
9 appointment of certain secretary; authorizing the
10 establishment of an office; transferring Child Care
11 Services Division from Department of Human Services
12 to Department of Child Care Services; specifying
13 issues and items to be transferred; providing for the
14 transfer of unresolved issues or items; specifying
15 powers and duties of Commission for Child Care
16 Services; creating Child Care Services Disbursing
17 Fund; providing that Child Care Services Disbursing
18 Fund shall be revolving and continuing; providing for
19 content of Child Care Services Disbursing Fund;
20 authorizing use of Child Care Services Disbursing
21 Fund by Commission; requiring certain warrants to be
22 issued by State Treasurer; authorizing establishment
23 of certain incentive programs; creating Department of
24 Child Support Services; providing that the Director
shall be chief executive officer; authorizing
contracting and expenditures by agency; creating
Commission for Child Support Services; specifying
powers and authority of Commission for Child Support
Services; providing for appointment of Commission for
Child Support Services members; providing for
selection of successor members of Commission for
Child Support Services; specifying requirements of
Commission for Child Support Services members;
providing for removal of members; specifying
mandatory number of meetings of Commission for Child
Support Services per year; providing that meetings of
Commission for Child Support Services shall be open
and public; providing for appointment of certain
secretary; authorizing the establishment of an
office; transferring Child Support Services Division
from Department of Human Services to Department of
Child Support Services; specifying issues and items
to be transferred; providing for the transfer of
unresolved issues or items; specifying powers and
duties of Commission for Child Support Services;
creating Child Support Services Disbursing Fund;
providing that Child Support Services Disbursing Fund

1 shall be revolving and continuing; providing for
2 content of Child Support Services Disbursing Fund;
3 authorizing use of Child Support Services Disbursing
4 Fund by Commission; requiring certain warrants to be
5 issued by State Treasurer; authorizing establishment
6 of certain incentive programs; creating Department of
7 Developmental Disabilities Services; providing that
8 the Director shall be chief executive officer;
9 authorizing contracting and expenditures by agency;
10 creating Commission for Developmental Disabilities
11 Services; specifying powers and authority of
12 Commission for Developmental Disabilities Services;
13 providing for appointment of Commission for
14 Developmental Disabilities Services members;
15 providing for selection of successor members of
16 Commission for Developmental Disabilities Services;
17 specifying requirements of Commission for
18 Developmental Disabilities Services members;
19 providing for removal of members; specifying
20 mandatory number of meetings of Commission for
21 Developmental Disabilities Services per year;
22 providing that meetings of Commission for
23 Developmental Disabilities Services shall be open and
24 public; providing for appointment of certain
secretary; authorizing the establishment of an
office; transferring Developmental Disabilities
Services Division from Department of Human Services
to Department of Developmental Disabilities Services;
specifying issues and items to be transferred;
providing for the transfer of unresolved issues or
items; specifying powers and duties of Commission for
Developmental Disabilities Services; creating
Developmental Disabilities Services Disbursing Fund;
providing that Developmental Disabilities Services
Disbursing Fund shall be revolving and continuing;
providing for content of Developmental Disabilities
Services Disbursing Fund; authorizing use of
Developmental Disabilities Services Disbursing Fund
by Commission; requiring certain warrants to be
issued by State Treasurer; authorizing establishment
of certain incentive programs; providing for
codification; and providing an effective date.

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

2 SECTION 1. NEW LAW A new section of law to be codified
3 in the Oklahoma Statutes as Section 167.1 of Title 74, unless there
4 is created a duplication in numbering, reads as follows:

5 A. There is hereby created the State Department of Aging
6 Services, to be governed by the Commission for Aging Services.

7 B. The Director of the Department of Aging Services shall be
8 the chief executive officer of the Department. The Director shall
9 have the training and experience necessary for the administration of
10 the Department, as determined by the Commission for Aging Services.
11 The Director may employ such staff as may be necessary to perform
12 the duties of the Department.

13 C. The Department may make and enter into all contracts
14 necessary or incidental to the performance of its duties and may
15 purchase or lease equipment, furniture, materials and supplies, and
16 incur such other expenses as may be necessary to maintain and
17 operate the Department.

18 SECTION 2. NEW LAW A new section of law to be codified
19 in the Oklahoma Statutes as Section 167.2 of Title 74, unless there
20 is created a duplication in numbering, reads as follows:

21 A. Effective July 1, 2011, there is hereby created the
22 Commission for Aging Services, an agency of the State of Oklahoma, a
23 body corporate and politic, with powers of government and with the
24 authority to exercise the rights, privileges and functions as herein

1 specified, with its lawful operations deemed to be an essential
2 governmental function of the State of Oklahoma with all the
3 attributes thereof.

4 B. The Commission shall appoint and remove the Director of the
5 Department of Aging Services, approve programs, policy and budget,
6 and perform the necessary functions of a governing board for the
7 State Department of Aging Services.

8 C. 1. The Commission shall consist of three (3) members, to be
9 appointed by July 15, 2011, by the Governor, with the advice and
10 consent of the Senate, for three-year terms.

11 2. Thereafter, at the expiration of the term, or termination of
12 the member's service for any reason, the Governor shall appoint a
13 successor for a term of three (3) years, or for the remainder of an
14 unexpired term.

15 D. Members of the Commission shall be knowledgeable of and have
16 concern for aging issues; provided, that such requirement shall not
17 exclude participation of lay persons as Commission members. All
18 members shall be residents of the state and qualified electors at
19 the time of their appointment. Before entering upon the duties of
20 their office, members of the Commission shall take the
21 Constitutional oath of office and the same shall be filed with the
22 Secretary of State. A member of the Commission may be reappointed
23 to multiple terms. Commission members shall be reimbursed for
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1 travel expenses incurred in the performance of their duties as
2 provided in the State Travel Reimbursement Act.

3 E. The Governor may remove any commissioner for misconduct,
4 incompetency or neglect of duty, after giving such commissioner a
5 written statement of charges, and opportunity for a hearing.

6 SECTION 3. NEW LAW A new section of law to be codified
7 in the Oklahoma Statutes as Section 167.3 of Title 74, unless there
8 is created a duplication in numbering, reads as follows:

9 A. The Commission for Aging Services shall meet a minimum of
10 ten times per calendar year and shall hold a regular annual meeting
11 at which it shall elect from among its membership a chairperson and
12 a vice-chairperson. Special meetings may be held at such times as
13 may be deemed necessary or advisable by a majority of the Commission
14 members.

15 B. 1. All meetings of the Commission shall be open and public
16 and shall be held in accordance with the provisions of the Oklahoma
17 Open Meeting Act, Sections 301 through 314 of Title 25 of the
18 Oklahoma Statutes, and the Oklahoma Open Records Act, Sections 24A.1
19 through 24A.29 of Title 51 of the Oklahoma Statutes.

20 2. A secretary of the Commission shall be appointed by the
21 Commission, and shall hold office at the pleasure of the Commission.
22 The secretary may or may not be a member of the Commission. The
23 Commission may employ such other persons and may rent or purchase
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1 such equipment as it deems necessary or desirable to carry out the
2 provisions of this act.

3 3. The Commission may establish an office which shall be
4 acquired pursuant to the provisions of Section 63 of Title 74 of the
5 Oklahoma Statutes.

6 SECTION 4. NEW LAW A new section of law to be codified
7 in the Oklahoma Statutes as Section 167.4 of Title 74, unless there
8 is created a duplication in numbering, reads as follows:

9 A. Effective July 1, 2011, the Aging Services Division of the
10 Department of Human Services is hereby transferred from the
11 Department of Human Services and the Oklahoma Public Welfare
12 Commission to the State Department of Aging Services, created
13 pursuant to Section 1 of this act.

14 B. The transfer shall include:

15 1. All powers, duties, responsibilities, properties, assets,
16 fund balances, encumbrances, obligations, records, personnel and
17 liabilities including, but not limited to, liability for all Aging
18 Services Division employees' sick leave, annual leave, holidays,
19 unemployment benefits and workers' compensation benefits accruing to
20 employees prior to July 1, 2011, which are attributable to the Aging
21 Services Division;

22 2. All applicable programs funded by the federal government;
23 and

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1 3. All related programs and facilities presently operated by
2 the Aging Services Division of the Department of Human Services.

3 C. Any unresolved transfer issues or items shall be resolved
4 contractually by the Commission for Aging Services and the
5 Commission for Human Services, with the approval of the Governor.

6 SECTION 5. NEW LAW A new section of law to be codified
7 in the Oklahoma Statutes as Section 167.5 of Title 74, unless there
8 is created a duplication in numbering, reads as follows:

9 The Commission for Aging Services shall have the powers and
10 duties to:

11 1. Adopt bylaws and promulgate rules for the regulation of its
12 affairs and the conduct of its business;

13 2. Formulate policies and adopt rules for the effective
14 administration of the duties of the State Department of Aging
15 Services;

16 3. Adopt an official seal;

17 4. Establish an office;

18 5. Sue and be sued, subject to the provisions of The
19 Governmental Tort Claims Act;

20 6. Make and enter into all contracts necessary or incidental to
21 the performance of its duties and the execution of its powers;

22 7. Purchase or lease equipment, furniture, materials and
23 supplies, and incur such other expenses as may be necessary to
24 maintain and operate the Commission and the State Department of

1 Aging Services, or to discharge its duties and responsibilities or
2 to make any of its powers effective;

3 8. Acquire by purchase, lease, gift, solicitation of gift or by
4 any other manner, and to maintain, use and operate or to contract
5 for the maintenance, use and operation of or lease of any and all
6 property of any kind, real, personal or mixed or any interest
7 therein unless otherwise provided by this act; provided that, all
8 contracts for real property shall be subject to the provisions of
9 Section 63 of Title 74 of the Oklahoma Statutes;

10 9. Appoint such officers, agents and employees as it deems
11 necessary to operate and maintain the Commission and to prescribe
12 their duties and to fix their compensation; and

13 10. Perform such other acts as shall be necessary for the
14 accomplishment of the purposes of this act.

15 SECTION 6. NEW LAW A new section of law to be codified
16 in the Oklahoma Statutes as Section 167.6 of Title 74, unless there
17 is created a duplication in numbering, reads as follows:

18 There is hereby created in the State Treasury a revolving fund
19 for the Commission on Aging Services, to be designated the "Aging
20 Services Disbursing Fund"; provided, that the fund may be designated
21 by fiscal year designations as the Commission may determine. The
22 fund shall be a continuing fund, not subject to fiscal year
23 limitations. The fund shall consist of receipts from the federal
24 government, monies appropriated to the Department of Aging Services

1 by the State Legislature, and other receipts of the Department of
2 Aging Services as shall be directed by the Commission for Aging
3 Services. All monies accruing to the credit of said fund are hereby
4 appropriated and may be budgeted and expended by the Commission for
5 Aging Services as may be necessary in order to carry out the duties
6 imposed upon the said Commission by law. Expenditures from the
7 Aging Services Disbursing Fund shall be made upon warrants issued by
8 the State Treasurer against claims filed as prescribed by law with
9 the Director of State Finance for approval and payment.

10 SECTION 7. NEW LAW A new section of law to be codified
11 in the Oklahoma Statutes as Section 167.7 of Title 74, unless there
12 is created a duplication in numbering, reads as follows:

13 The Commission for Aging Services is hereby authorized to:

14 1. Establish an employee performance recognition program that
15 recognizes outstanding job performance and productivity within the
16 State Department of Aging Services; and

17 2. Expend monies available from the Department's operating
18 funds to purchase recognition awards for presentation to employees
19 with exceptional job performance records, or who make other
20 significant contributions to the operation of the Department.

21 Awards to recognize employee achievement pursuant to this
22 section may consist of wearing apparel, service pins, plaques,
23 writing pens, or other items valued at not more than One Hundred
24 Dollars (\$100.00) per award.

1 SECTION 8. NEW LAW A new section of law to be codified
2 in the Oklahoma Statutes as Section 167.8 of Title 74, unless there
3 is created a duplication in numbering, reads as follows:

4 A. There is hereby created the State Department of Child Care
5 Services, to be governed by the Commission for Child Care Services.

6 B. The Director of the Department of Child Care Services shall
7 be the chief executive officer of the Department. The Director
8 shall have the training and experience necessary for the
9 administration of the Department, as determined by the Commission
10 for Child Care Services. The Director may employ such staff as may
11 be necessary to perform the duties of the Department.

12 C. The Department may make and enter into all contracts
13 necessary or incidental to the performance of its duties and may
14 purchase or lease equipment, furniture, materials and supplies, and
15 incur such other expenses as may be necessary to maintain and
16 operate the Department.

17 SECTION 9. NEW LAW A new section of law to be codified
18 in the Oklahoma Statutes as Section 167.9 of Title 74, unless there
19 is created a duplication in numbering, reads as follows:

20 A. Effective July 1, 2011, there is hereby created the
21 Commission for Child Care Services, an agency of the State of
22 Oklahoma, a body corporate and politic, with powers of government
23 and with the authority to exercise the rights, privileges and
24 functions as herein specified, with its lawful operations deemed to

1 be an essential governmental function of the State of Oklahoma with
2 all the attributes thereof.

3 B. The Commission shall appoint and remove the Director of the
4 Department of Child Care Services, approve programs, policy and
5 budget, and perform the necessary functions of a governing board for
6 the State Department of Child Care Services.

7 C. 1. The Commission shall consist of three (3) members, to be
8 appointed by July 15, 2011, by the Governor, with the advice and
9 consent of the Senate, for three-year terms.

10 2. Thereafter, at the expiration of the term, or termination of
11 the member's service for any reason, the Governor shall appoint a
12 successor for a term of three (3) years, or for the remainder of an
13 unexpired term.

14 D. Members of the Commission shall be knowledgeable of and have
15 concern for child care issues; provided, that such requirement shall
16 not exclude participation of lay persons as Commission members. All
17 members shall be residents of the state and qualified electors at
18 the time of their appointment. Before entering upon the duties of
19 their office, members of the Commission shall take the
20 Constitutional oath of office and the same shall be filed with the
21 Secretary of State. A member of the Commission may be reappointed
22 to multiple terms. Commission members shall be reimbursed for
23 travel expenses incurred in the performance of their duties as
24 provided in the State Travel Reimbursement Act.

1 E. The Governor may remove any commissioner for misconduct,
2 incompetency or neglect of duty, after giving such commissioner a
3 written statement of charges, and opportunity for a hearing.

4 SECTION 10. NEW LAW A new section of law to be codified
5 in the Oklahoma Statutes as Section 167.10 of Title 74, unless there
6 is created a duplication in numbering, reads as follows:

7 A. The Commission for Child Care Services shall meet a minimum
8 of ten times per calendar year and shall hold a regular annual
9 meeting at which it shall elect from among its membership a
10 chairperson and a vice-chairperson. Special meetings may be held at
11 such times as may be deemed necessary or advisable by a majority of
12 the Commission members.

13 B. 1. All meetings of the Commission shall be open and public
14 and shall be held in accordance with the provisions of the Oklahoma
15 Open Meeting Act, Sections 301 through 314 of Title 25 of the
16 Oklahoma Statutes, and the Oklahoma Open Records Act, Sections 24A.1
17 through 24A.29 of Title 51 of the Oklahoma Statutes.

18 2. A secretary of the Commission shall be appointed by the
19 Commission, and shall hold office at the pleasure of the Commission.
20 The secretary may or may not be a member of the Commission. The
21 Commission may employ such other persons and may rent or purchase
22 such equipment as it deems necessary or desirable to carry out the
23 provisions of this act.

1 3. The Commission may establish an office which shall be
2 acquired pursuant to the provisions of Section 63 of Title 74 of the
3 Oklahoma Statutes.

4 SECTION 11. NEW LAW A new section of law to be codified
5 in the Oklahoma Statutes as Section 167.11 of Title 74, unless there
6 is created a duplication in numbering, reads as follows:

7 A. Effective July 1, 2011, the Child Care Services Division of
8 the Department of Human Services is hereby transferred from the
9 Department of Human Services and the Oklahoma Public Welfare
10 Commission to the State Department of Child Care Services, created
11 pursuant to Section 8 of this act.

12 B. The transfer shall include:

13 1. All powers, duties, responsibilities, properties, assets,
14 fund balances, encumbrances, obligations, records, personnel and
15 liabilities including, but not limited to, liability for all Child
16 Care Services Division employees' sick leave, annual leave,
17 holidays, unemployment benefits and workers' compensation benefits
18 accruing to employees prior to July 1, 2011, which are attributable
19 to the Child Care Services Division;

20 2. All applicable programs funded by the federal government;
21 and

22 3. All related programs and facilities presently operated by
23 the Child Care Services Division of the Department of Human
24 Services.

1 C. Any unresolved transfer issues or items shall be resolved
2 contractually by the Commission for Child Care Services and the
3 Commission for Human Services, with the approval of the Governor.

4 SECTION 12. NEW LAW A new section of law to be codified
5 in the Oklahoma Statutes as Section 167.12 of Title 74, unless there
6 is created a duplication in numbering, reads as follows:

7 The Commission for Child Care Services shall have the powers and
8 duties to:

9 1. Adopt bylaws and promulgate rules for the regulation of its
10 affairs and the conduct of its business;

11 2. Formulate policies and adopt rules for the effective
12 administration of the duties of the State Department of Child Care
13 Services;

14 3. Adopt an official seal;

15 4. Establish an office;

16 5. Sue and be sued, subject to the provisions of The
17 Governmental Tort Claims Act;

18 6. Make and enter into all contracts necessary or incidental to
19 the performance of its duties and the execution of its powers;

20 7. Purchase or lease equipment, furniture, materials and
21 supplies, and incur such other expenses as may be necessary to
22 maintain and operate the Commission and the State Department of
23 Child Care Services, or to discharge its duties and responsibilities
24 or to make any of its powers effective;

1 8. Acquire by purchase, lease, gift, solicitation of gift or by
2 any other manner, and to maintain, use and operate or to contract
3 for the maintenance, use and operation of or lease of any and all
4 property of any kind, real, personal or mixed or any interest
5 therein unless otherwise provided by this act; provided, that all
6 contracts for real property shall be subject to the provisions of
7 Section 63 of Title 74 of the Oklahoma Statutes;

8 9. Appoint such officers, agents and employees as it deems
9 necessary to operate and maintain the Commission and to prescribe
10 their duties and to fix their compensation; and

11 10. Perform such other acts as shall be necessary for the
12 accomplishment of the purposes of this act.

13 SECTION 13. NEW LAW A new section of law to be codified
14 in the Oklahoma Statutes as Section 167.13 of Title 74, unless there
15 is created a duplication in numbering, reads as follows:

16 There is hereby created in the State Treasury a revolving fund
17 for the Commission on Child Care Services, to be designated the
18 "Child Care Services Disbursing Fund"; provided, that the fund may
19 be designated by fiscal year designations as the Commission may
20 determine. The fund shall be a continuing fund, not subject to
21 fiscal year limitations. The fund shall consist of receipts from
22 the federal government, monies appropriated to the Department of
23 Child Care Services by the State Legislature, and other receipts of
24 the Department of Child Care Services as shall be directed by the

1 Commission for Child Care Services. All monies accruing to the
2 credit of said fund are hereby appropriated and may be budgeted and
3 expended by the Commission for Aging Services as may be necessary in
4 order to carry out the duties imposed upon the said Commission by
5 law. Expenditures from the Child Care Services Disbursing Fund
6 shall be made upon warrants issued by the State Treasurer against
7 claims filed as prescribed by law with the Director of State Finance
8 for approval and payment.

9 SECTION 14. NEW LAW A new section of law to be codified
10 in the Oklahoma Statutes as Section 167.14 of Title 74, unless there
11 is created a duplication in numbering, reads as follows:

12 The Commission for Child Care Services is hereby authorized to:

13 1. Establish an employee performance recognition program that
14 recognizes outstanding job performance and productivity within the
15 State Department of Child Care Services; and

16 2. Expend monies available from the Department's operating
17 funds to purchase recognition awards for presentation to employees
18 with exceptional job performance records, or who make other
19 significant contributions to the operation of the Department.

20 Awards to recognize employee achievement pursuant to this
21 section may consist of wearing apparel, service pins, plaques,
22 writing pens, or other items valued at not more than One Hundred
23 Dollars (\$100.00) per award.

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1 SECTION 15. NEW LAW A new section of law to be codified
2 in the Oklahoma Statutes as Section 167.15 of Title 74, unless there
3 is created a duplication in numbering, reads as follows:

4 A. There is hereby created the State Department of Child
5 Support Services, to be governed by the Commission for Child Support
6 Services.

7 B. The Director of the Department of Child Support Services
8 shall be the chief executive officer of the Department. The
9 Director shall have the training and experience necessary for the
10 administration of the Department, as determined by the Commission
11 for Rehabilitation Services. The Director may employ such staff as
12 may be necessary to perform the duties of the Department.

13 C. The Department may make and enter into all contracts
14 necessary or incidental to the performance of its duties and may
15 purchase or lease equipment, furniture, materials and supplies, and
16 incur such other expenses as may be necessary to maintain and
17 operate the Department.

18 SECTION 16. NEW LAW A new section of law to be codified
19 in the Oklahoma Statutes as Section 167.16 of Title 74, unless there
20 is created a duplication in numbering, reads as follows:

21 A. Effective July 1, 2011, there is hereby created the
22 Commission for Child Support Services, an agency of the State of
23 Oklahoma, a body corporate and politic, with powers of government
24 and with the authority to exercise the rights, privileges and

1 functions as herein specified, with its lawful operations deemed to
2 be an essential governmental function of the State of Oklahoma with
3 all the attributes thereof.

4 B. The Commission shall appoint and remove the Director of the
5 Department of Child Support Services, approve programs, policy and
6 budget, and perform the necessary functions of a governing board for
7 the State Department of Child Support Services.

8 C. 1. The Commission shall consist of three (3) members, to be
9 appointed by July 15, 2011, by the Governor, with the advice and
10 consent of the Senate, for three-year terms.

11 2. Thereafter, at the expiration of the term, or termination of
12 the member's service for any reason, the Governor shall appoint a
13 successor for a term of three (3) years, or for the remainder of an
14 unexpired term.

15 D. Members of the Commission shall be knowledgeable of and have
16 concern for child support issues; provided, that such requirement
17 shall not exclude participation of lay persons as Commission
18 members. All members shall be residents of the state and qualified
19 electors at the time of their appointment. Before entering upon the
20 duties of their office, members of the Commission shall take the
21 Constitutional oath of office and the same shall be filed with the
22 Secretary of State. A member of the Commission may be reappointed
23 to multiple terms. Commission members shall be reimbursed for
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1 travel expenses incurred in the performance of their duties as
2 provided in the State Travel Reimbursement Act.

3 E. The Governor may remove any commissioner for misconduct,
4 incompetency or neglect of duty, after giving such commissioner a
5 written statement of charges, and opportunity for a hearing.

6 SECTION 17. NEW LAW A new section of law to be codified
7 in the Oklahoma Statutes as Section 167.17 of Title 74, unless there
8 is created a duplication in numbering, reads as follows:

9 A. The Commission for Child Support Services shall meet a
10 minimum of ten times per calendar year and shall hold a regular
11 annual meeting at which it shall elect from among its membership a
12 chairperson and a vice-chairperson. Special meetings may be held at
13 such times as may be deemed necessary or advisable by a majority of
14 the Commission members.

15 B. 1. All meetings of the Commission shall be open and public
16 and shall be held in accordance with the provisions of the Oklahoma
17 Open Meeting Act, Sections 301 through 314 of Title 25 of the
18 Oklahoma Statutes, and the Oklahoma Open Records Act, Sections 24A.1
19 through 24A.29 of Title 51 of the Oklahoma Statutes.

20 2. A secretary of the Commission shall be appointed by the
21 Commission, and shall hold office at the pleasure of the Commission.
22 The secretary may or may not be a member of the Commission. The
23 Commission may employ such other persons and may rent or purchase
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1 such equipment as it deems necessary or desirable to carry out the
2 provisions of this act.

3 3. The Commission may establish an office which shall be
4 acquired pursuant to the provisions of Section 63 of Title 74 of the
5 Oklahoma Statutes.

6 SECTION 18. NEW LAW A new section of law to be codified
7 in the Oklahoma Statutes as Section 167.18 of Title 74, unless there
8 is created a duplication in numbering, reads as follows:

9 A. Effective July 1, 2011, the Child Support Services Division
10 of the Department of Human Services is hereby transferred from the
11 Department of Human Services and the Oklahoma Public Welfare
12 Commission to the State Department of Child Support Services,
13 created pursuant to Section 15 of this act.

14 B. The transfer shall include:

15 1. All powers, duties, responsibilities, properties, assets,
16 fund balances, encumbrances, obligations, records, personnel and
17 liabilities including, but not limited to, liability for all Child
18 Support Services Division employees' sick leave, annual leave,
19 holidays, unemployment benefits and workers' compensation benefits
20 accruing to employees prior to July 1, 2011, which are attributable
21 to the Child Support Services Division;

22 2. All applicable programs funded by the federal government;
23 and

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1 3. All related programs and facilities presently operated by
2 the Child Support Services Division of the Department of Human
3 Services.

4 C. Any unresolved transfer issues or items shall be resolved
5 contractually by the Commission for Child Support Services and the
6 Commission for Human Services, with the approval of the Governor.

7 SECTION 19. NEW LAW A new section of law to be codified
8 in the Oklahoma Statutes as Section 167.19 of Title 74, unless there
9 is created a duplication in numbering, reads as follows:

10 The Commission for Child Support Services shall have the powers
11 and duties to:

12 1. Adopt bylaws and promulgate rules for the regulation of its
13 affairs and the conduct of its business;

14 2. Formulate policies and adopt rules for the effective
15 administration of the duties of the State Department of Child
16 Support Services;

17 3. Adopt an official seal;

18 4. Establish an office;

19 5. Sue and be sued, subject to the provisions of The
20 Governmental Tort Claims Act;

21 6. Make and enter into all contracts necessary or incidental to
22 the performance of its duties and the execution of its powers;

23 7. Purchase or lease equipment, furniture, materials and
24 supplies, and incur such other expenses as may be necessary to

1 maintain and operate the Commission and the State Department of
2 Child Support Services, or to discharge its duties and
3 responsibilities or to make any of its powers effective;

4 8. Acquire by purchase, lease, gift, solicitation of gift or by
5 any other manner, and to maintain, use and operate or to contract
6 for the maintenance, use and operation of or lease of any and all
7 property of any kind, real, personal or mixed or any interest
8 therein unless otherwise provided by this act; provided that, all
9 contracts for real property shall be subject to the provisions of
10 Section 63 of Title 74 of the Oklahoma Statutes;

11 9. Appoint such officers, agents and employees as it deems
12 necessary to operate and maintain the Commission and to prescribe
13 their duties and to fix their compensation; and

14 10. Perform such other acts as shall be necessary for the
15 accomplishment of the purposes of this act.

16 SECTION 20. NEW LAW A new section of law to be codified
17 in the Oklahoma Statutes as Section 167.20 of Title 74, unless there
18 is created a duplication in numbering, reads as follows:

19 There is hereby created in the State Treasury a revolving fund
20 for the Commission on Child Support Services, to be designated the
21 "Child Support Services Disbursing Fund"; provided, that the fund
22 may be designated by fiscal year designations as the Commission may
23 determine. The fund shall be a continuing fund, not subject to
24 fiscal year limitations. The fund shall consist of receipts from

1 the federal government, monies appropriated to the Department of
2 Child Support Services by the State Legislature, and other receipts
3 of the Department of Child Support Services as shall be directed by
4 the Commission for Child Support Services. All monies accruing to
5 the credit of said fund are hereby appropriated and may be budgeted
6 and expended by the Commission for Child Support Services as may be
7 necessary in order to carry out the duties imposed upon the said
8 Commission by law. Expenditures from the Child Support Services
9 Disbursing Fund shall be made upon warrants issued by the State
10 Treasurer against claims filed as prescribed by law with the
11 Director of State Finance for approval and payment.

12 SECTION 21. NEW LAW A new section of law to be codified
13 in the Oklahoma Statutes as Section 167.21 of Title 74, unless there
14 is created a duplication in numbering, reads as follows:

15 The Commission for Child Support Services is hereby authorized
16 to:

17 1. Establish an employee performance recognition program that
18 recognizes outstanding job performance and productivity within the
19 State Department of Child Support Services; and

20 2. Expend monies available from the Department's operating
21 funds to purchase recognition awards for presentation to employees
22 with exceptional job performance records, or who make other
23 significant contributions to the operation of the Department.

24

1 Awards to recognize employee achievement pursuant to this
2 section may consist of wearing apparel, service pins, plaques,
3 writing pens, or other items valued at not more than One Hundred
4 Dollars (\$100.00) per award.

5 SECTION 22. NEW LAW A new section of law to be codified
6 in the Oklahoma Statutes as Section 167.22 of Title 74, unless there
7 is created a duplication in numbering, reads as follows:

8 A. There is hereby created the State Department of
9 Developmental Disabilities Services, to be governed by the
10 Commission for Developmental Disabilities Services.

11 B. The Director of the Department of Developmental Disabilities
12 Services shall be the chief executive officer of the Department.
13 The Director shall have the training and experience necessary for
14 the administration of the Department, as determined by the
15 Commission for Developmental Disabilities Services. The Director
16 may employ such staff as may be necessary to perform the duties of
17 the Department.

18 C. The Department may make and enter into all contracts
19 necessary or incidental to the performance of its duties and may
20 purchase or lease equipment, furniture, materials and supplies, and
21 incur such other expenses as may be necessary to maintain and
22 operate the Department.

23

24

1 SECTION 23. NEW LAW A new section of law to be codified
2 in the Oklahoma Statutes as Section 167.23 of Title 74, unless there
3 is created a duplication in numbering, reads as follows:

4 A. Effective July 1, 2011, there is hereby created the
5 Commission for Developmental Disabilities Services, an agency of the
6 State of Oklahoma, a body corporate and politic, with powers of
7 government and with the authority to exercise the rights, privileges
8 and functions as herein specified, with its lawful operations deemed
9 to be an essential governmental function of the State of Oklahoma
10 with all the attributes thereof.

11 B. The Commission shall appoint and remove the Director of the
12 Department of Developmental Disabilities Services, approve programs,
13 policy and budget, and perform the necessary functions of a
14 governing board for the State Department of Developmental
15 Disabilities Services.

16 C. 1. The Commission shall consist of three (3) members, to be
17 appointed by July 15, 2011, by the Governor, with the advice and
18 consent of the Senate, for three-year terms.

19 2. Thereafter, at the expiration of the term, or termination of
20 the member's service for any reason, the Governor shall appoint a
21 successor for a term of three (3) years, or for the remainder of an
22 unexpired term.

23 D. Members of the Commission shall be knowledgeable of and have
24 concern for developmental disabilities issues; provided, that such

1 requirement shall not exclude participation of lay persons as
2 Commission members. All members shall be residents of the state and
3 qualified electors at the time of their appointment. Before
4 entering upon the duties of their office, members of the Commission
5 shall take the Constitutional oath of office and the same shall be
6 filed with the Secretary of State. A member of the Commission may
7 be reappointed to multiple terms. Commission members shall be
8 reimbursed for travel expenses incurred in the performance of their
9 duties as provided in the State Travel Reimbursement Act.

10 E. The Governor may remove any commissioner for misconduct,
11 incompetency or neglect of duty, after giving such commissioner a
12 written statement of charges, and opportunity for a hearing.

13 SECTION 24. NEW LAW A new section of law to be codified
14 in the Oklahoma Statutes as Section 167.24 of Title 74, unless there
15 is created a duplication in numbering, reads as follows:

16 A. The Commission for Developmental Disabilities Services shall
17 meet a minimum of ten times per calendar year and shall hold a
18 regular annual meeting at which it shall elect from among its
19 membership a chairperson and a vice-chairperson. Special meetings
20 may be held at such times as may be deemed necessary or advisable by
21 a majority of the Commission members.

22 B. 1. All meetings of the Commission shall be open and public
23 and shall be held in accordance with the provisions of the Oklahoma
24 Open Meeting Act, Sections 301 through 314 of Title 25 of the

1 Oklahoma Statutes, and the Oklahoma Open Records Act, Sections 24A.1
2 through 24A.29 of Title 51 of the Oklahoma Statutes.

3 2. A secretary of the Commission shall be appointed by the
4 Commission, and shall hold office at the pleasure of the Commission.
5 The secretary may or may not be a member of the Commission. The
6 Commission may employ such other persons and may rent or purchase
7 such equipment as it deems necessary or desirable to carry out the
8 provisions of this act.

9 3. The Commission may establish an office which shall be
10 acquired pursuant to the provisions of Section 63 of Title 74 of the
11 Oklahoma Statutes.

12 SECTION 25. NEW LAW A new section of law to be codified
13 in the Oklahoma Statutes as Section 167.25 of Title 74, unless there
14 is created a duplication in numbering, reads as follows:

15 A. Effective July 1, 2011, the Developmental Disabilities
16 Services Division of the Department of Human Services is hereby
17 transferred from the Department of Human Services and the Oklahoma
18 Public Welfare Commission to the State Department of Developmental
19 Disabilities Services, created pursuant to Section 22 of this act.

20 B. The transfer shall include:

21 1. All powers, duties, responsibilities, properties, assets,
22 fund balances, encumbrances, obligations, records, personnel and
23 liabilities including, but not limited to, liability for all
24 Developmental Disabilities Services Division employees' sick leave,

1 annual leave, holidays, unemployment benefits and workers'
2 compensation benefits accruing to employees prior to July 1, 2011,
3 which are attributable to the Developmental Disabilities Services
4 Division;

5 2. All applicable programs funded by the federal government;
6 and

7 3. All related programs and facilities presently operated by
8 the Developmental Disabilities Services Division of the Department
9 of Human Services.

10 C. Any unresolved transfer issues or items shall be resolved
11 contractually by the Commission for Developmental Disabilities
12 Services and the Commission for Human Services, with the approval of
13 the Governor.

14 SECTION 26. NEW LAW A new section of law to be codified
15 in the Oklahoma Statutes as Section 167.26 of Title 74, unless there
16 is created a duplication in numbering, reads as follows:

17 The Commission for Developmental Disabilities Services shall
18 have the powers and duties to:

19 1. Adopt bylaws and promulgate rules for the regulation of its
20 affairs and the conduct of its business;

21 2. Formulate policies and adopt rules for the effective
22 administration of the duties of the State Department of
23 Developmental Disabilities Services;

24 3. Adopt an official seal;

- 1 4. Establish an office;
- 2 5. Sue and be sued, subject to the provisions of The
3 Governmental Tort Claims Act;
- 4 6. Make and enter into all contracts necessary or incidental to
5 the performance of its duties and the execution of its powers;
- 6 7. Purchase or lease equipment, furniture, materials and
7 supplies, and incur such other expenses as may be necessary to
8 maintain and operate the Commission and the State Department of
9 Developmental Disabilities Services, or to discharge its duties and
10 responsibilities or to make any of its powers effective;
- 11 8. Acquire by purchase, lease, gift, solicitation of gift or by
12 any other manner, and to maintain, use and operate or to contract
13 for the maintenance, use and operation of or lease of any and all
14 property of any kind, real, personal or mixed or any interest
15 therein unless otherwise provided by this act; provided, that all
16 contracts for real property shall be subject to the provisions of
17 Section 63 of Title 74 of the Oklahoma Statutes;
- 18 9. Appoint such officers, agents and employees as it deems
19 necessary to operate and maintain the Commission and to prescribe
20 their duties and to fix their compensation; and
- 21 10. Perform such other acts as shall be necessary for the
22 accomplishment of the purposes of this act.

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1 SECTION 27. NEW LAW A new section of law to be codified
2 in the Oklahoma Statutes as Section 167.27 of Title 74, unless there
3 is created a duplication in numbering, reads as follows:

4 There is hereby created in the State Treasury a revolving fund
5 for the Commission on Developmental Disabilities Services, to be
6 designated the "Developmental Disabilities Services Disbursing
7 Fund"; provided, that the fund may be designated by fiscal year
8 designations as the Commission may determine. The fund shall be a
9 continuing fund, not subject to fiscal year limitations. The fund
10 shall consist of receipts from the federal government, monies
11 appropriated to the Department of Developmental Disabilities
12 Services by the State Legislature, and other receipts of the
13 Department of Developmental Disabilities Services as shall be
14 directed by the Commission for Developmental Disabilities Services.
15 All monies accruing to the credit of said fund are hereby
16 appropriated and may be budgeted and expended by the Commission for
17 Developmental Disabilities Services as may be necessary in order to
18 carry out the duties imposed upon the said Commission by law.
19 Expenditures from the Developmental Disabilities Services Disbursing
20 Fund shall be made upon warrants issued by the State Treasurer
21 against claims filed as prescribed by law with the Director of State
22 Finance for approval and payment.

23
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1 SECTION 28. NEW LAW A new section of law to be codified
2 in the Oklahoma Statutes as Section 167.28 of Title 74, unless there
3 is created a duplication in numbering, reads as follows:

4 The Commission for Developmental Disabilities Services is hereby
5 authorized to:

6 1. Establish an employee performance recognition program that
7 recognizes outstanding job performance and productivity within the
8 State Department of Developmental Disabilities Services; and

9 2. Expend monies available from the Department's operating
10 funds to purchase recognition awards for presentation to employees
11 with exceptional job performance records, or who make other
12 significant contributions to the operation of the Department.

13 Awards to recognize employee achievement pursuant to this
14 section may consist of wearing apparel, service pins, plaques,
15 writing pens, or other items valued at not more than One Hundred
16 Dollars (\$100.00) per award.

17 SECTION 29. This act shall become effective July 1, 2011.

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