

3 and

4 Key of the House

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6
7 An Act relating to executive branch appointments;
8 requiring certain positions to be appointed by the
9 Governor; providing method of appointment for
10 vacancy; amending 10 O.S. 2001, Section 7302-2.1, as
11 last amended by Section 1, Chapter 341, O.S.L. 2008
12 and as renumbered by Section 170, Chapter 234, O.S.L.
13 2009 (10A O.S. Supp. 2010, Section 2-7-201), which
14 relates to the Office of Juvenile Affairs; modifying
15 appointment method for certain position; amending 40
16 O.S. 2001, Section 4-108, as last amended by Section
17 10, Chapter 182, O.S.L. 2005 (40 O.S. Supp. 2010,
18 Section 4-108), which relates to the Oklahoma
19 Employment Security Commission; modifying appointment
20 method for certain position; amending 43A O.S. 2001,
21 Section 2-201, which relates to the Department of
22 Mental Health and Substance Abuse Services;
23 authorizing the Governor to appoint Commissioner
24 position; amending 56 O.S. 2001, Section 162, which
relates to the Department of Human Services;
modifying method of appointment for the Director
position; amending 57 O.S. 2001, Section 506, which
relates to the Department of Corrections; modifying
method of appointment for the Director position;
amending 63 O.S. 2001, Sections 1-104 and 1-106, as
amended by Section 1, Chapter 456, O.S.L. 2004 (63
O.S. Supp. 2010, Section 1-106), which relate to the
Department of Health; modifying method of appointment
for the Commissioner position; amending 69 O.S. 2001,
Section 4007, which relates to the Department of
Transportation; modifying method of appointment for
Director position; amending 72 O.S. 2001, Section
63.3, which relates to the Department of Veterans
Affairs; modifying method of appointment for the
Director position; amending 74 O.S. 2001, Section
166.2, as amended by Section 2, Chapter 543, O.S.L.

1 2004 (74 O.S. Supp. 2010, Section 166.2), which
2 relates to the Department of Rehabilitation Services;
3 modifying method of appointment for the Director
4 position; providing for codification; and providing
5 an effective date.

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

7 SECTION 1. NEW LAW A new section of law to be codified
8 in the Oklahoma Statutes as Section 1.1 of Title 74, unless there is
9 created a duplication in numbering, reads as follows:

10 Notwithstanding any other section of law, all agencies of this
11 state that provide for a position of Director or any other such
12 title that designates a person as the primary executive of the
13 agency that is not currently appointed by the Governor or holds the
14 office by statewide election shall have such Director or primary
15 executive position appointed by the Governor, by and with the advice
16 and consent of the Senate, and that person shall serve at the
17 pleasure of the Governor. If a vacancy should occur, the Governor
18 shall appoint a replacement in the same manner as the original
19 appointment.

20 SECTION 2. AMENDATORY 10 O.S. 2001, Section 7302-2.1, as
21 last amended by Section 1, Chapter 341, O.S.L. 2008 and as
22 renumbered by Section 170, Chapter 234, O.S.L. 2009 (10A O.S. Supp.
23 2010, Section 2-7-201), is amended to read as follows:

24 Section 2-7-201. A. The ~~Board of Juvenile Affairs~~ Governor
shall appoint the Executive Director of the Office of Juvenile

1 Affairs, by and with the advice and consent of the Senate. The
2 Executive Director shall serve at the pleasure of the ~~Board~~
3 Governor.

4 B. The Considerations to be made in appointing the Executive
5 Director of the Office of Juvenile Affairs shall are that the person
6 be qualified for such position by character, ability, education,
7 training, and successful administrative experience in the
8 corrections or juvenile justice field; shall have earned a master's
9 degree or other advanced degree from an accredited college or
10 university with a major field of study in at least one of the
11 following: Corrections, juvenile justice, juvenile delinquency,
12 criminal justice, law, police science, criminology, psychology,
13 sociology, administration, education, or a related social science,
14 and three (3) years' work experience in corrections or juvenile
15 justice, or a bachelor's degree in the degree areas specified in
16 this subsection and four (4) years' progressively responsible work
17 experience in corrections or juvenile justice.

18 C. The Executive Director shall provide for the administration
19 of the Office of Juvenile Affairs and shall:

20 1. Be the executive officer and supervise the activities of the
21 Office of Juvenile Affairs;

22 2. Pursuant to legislative authorization employ, discharge,
23 appoint or contract with, and fix the duties and compensation of
24 such assistants, attorneys, law enforcement officers, probation

1 officers, psychologists, social workers, medical professionals,
2 administrative, clerical and technical, investigators, aides and
3 such other personnel, either on a full-time, part-time, fee or
4 contractual basis, as in the judgment and discretion of the
5 Executive Director shall be deemed necessary in the performance or
6 carrying out of any of the purposes, objectives, responsibilities,
7 or statutory provisions relating to the Office of Juvenile Affairs,
8 or to assist the Executive Director of the Office of Juvenile
9 Affairs in the performance of official duties and functions;

10 3. Establish internal policies and procedures for the proper
11 and efficient administration of the Office of Juvenile Affairs; and

12 4. Exercise all incidental powers which are necessary and
13 proper to implement the purposes of the Office of Juvenile Affairs
14 pursuant to the Oklahoma Juvenile Code.

15 D. The Executive Director shall employ an attorney to be
16 designated the "General Counsel" who shall be the legal advisor for
17 the Office of Juvenile Affairs. Except as provided in this
18 subsection, the General Counsel is authorized to appear for and
19 represent the Board and Office in any litigation that may arise in
20 the discharge of the duties of the Board and Office.

21 It shall continue to be the duty of the Attorney General to give
22 an official opinion to the Executive Director of the Office of
23 Juvenile Affairs and the Office of Juvenile Affairs and to prosecute
24 and defend actions therefor, if requested to do so. The Attorney

1 General may levy and collect costs, expenses of litigation and a
2 reasonable attorney fee for such legal services from the Office.
3 The Office shall not contract for representation by private legal
4 counsel unless approved by the Attorney General. Such contract for
5 private legal counsel shall be in the best interests of the state.
6 The Attorney General shall be notified by the Office of Juvenile
7 Affairs or its counsel of all lawsuits against the Office of
8 Juvenile Affairs or officers or employees thereof, that seek
9 injunctive relief which would impose obligations requiring the
10 expenditure of funds in excess of unencumbered monies in the
11 agency's appropriations or beyond the current fiscal year. The
12 Attorney General shall review any such cases and may represent the
13 interests of the state, if the Attorney General considers it to be
14 in the best interest of the state to do so, in which case the
15 Attorney General shall be paid as provided in this subsection.
16 Representation of multiple defendants in such actions may, at the
17 discretion of the Attorney General, be divided with counsel for the
18 Office as necessary to avoid conflicts of interest.

19 E. The Executive Director of the Office of Juvenile Affairs
20 shall have the authority to commission certified employees within
21 the Office of Juvenile Affairs as peace officers. The authority of
22 employees so commissioned shall only include the authority to
23 investigate crimes committed against the Office or crimes committed
24 in the course of any program administered by the Office. Employees

1 so commissioned shall also have the authority to serve and execute
2 process, bench warrants, and other court orders in any judicial or
3 administrative proceeding in which the agency is a party or
4 participant. Use and possession of firearms for this purpose only
5 shall be permitted. To become qualified as peace officers for the
6 commission, employees shall first obtain a certificate as provided
7 for in Section 3311 of Title 70 of the Oklahoma Statutes.

8 F. In the event of the Executive Director's temporary absence,
9 the Executive Director may delegate the exercise of such powers and
10 duties to a designee during the Executive Director's absence. ~~In~~
11 ~~the event of a vacancy in the position of Executive Director, the~~
12 ~~Board of Juvenile Affairs shall appoint a new Executive Director.~~
13 The Board may designate an interim or acting Executive Director who
14 is authorized to exercise such powers and duties until a permanent
15 Executive Director is employed.

16 SECTION 3. AMENDATORY 40 O.S. 2001, Section 4-108, as
17 last amended by Section 10, Chapter 182, O.S.L. 2005 (40 O.S. Supp.
18 2010, Section 4-108), is amended to read as follows:

19 Section 4-108. EXECUTIVE DIRECTOR.

20 A. The chief executive officer of the Oklahoma Employment
21 Security Commission shall be the Executive Director who shall be
22 appointed by the Governor, by and with the advice and consent of the
23 Senate, and shall serve at the pleasure of the ~~Commission~~ Governor.
24 The Executive Director shall have such compensation and further

1 duties as the Commission may establish. The Executive Director may
2 appoint in the unclassified service a Deputy Director and an
3 Associate Director, and shall fix the qualifications and duties of
4 such position. The Executive Director may also appoint in the
5 unclassified service secretaries to the Executive Director, Deputy
6 Director, and Associate Director.

7 B. If a person has acquired grade, rank and career status under
8 the merit system of personnel administration within the Oklahoma
9 Employment Security Commission before being appointed as Executive
10 Director, Deputy Director, Associate Director, or unclassified
11 secretary, that person shall:

12 1. Upon termination from the unclassified position, have the
13 right to be reinstated to the position within the Oklahoma
14 Employment Security Commission which was held prior to such
15 appointment, or to an equivalent position, unless the person was
16 terminated for a reason that would justify termination of a
17 classified employee or disqualify the person for reinstatement under
18 the Oklahoma Personnel Act or the rules implementing it; and

19 2. Be entitled during the unclassified appointment to continue
20 to participate without interruption in any fringe benefit programs
21 available to career employees, including, but not limited to,
22 retirement and insurance programs.

23 SECTION 4. AMENDATORY 43A O.S. 2001, Section 2-201, is
24 amended to read as follows:

1 Section 2-201. A. A Commissioner of Mental Health and
2 Substance Abuse Services shall be appointed by the ~~Board of Mental~~
3 ~~Health and Substance Abuse Services. The Commissioner may only be~~
4 ~~removed by the Board for cause~~ Governor, by and with the consent of
5 the Senate, and that person shall serve at the pleasure of the
6 Governor. The Commissioner shall meet at least one of the following
7 qualifications:

- 8 1. Possession of a Doctor of Medicine Degree and a license to
9 practice medicine in this state;
- 10 2. Possession of an Osteopathic Medicine Degree and a license
11 to practice medicine in this state;
- 12 3. Possession of a Doctor of Public Health Degree;
- 13 4. Possession of a Doctoral Degree in Psychology and a license
14 to practice psychology in this state;
- 15 5. Possession of a Master of Public Health Degree and a minimum
16 of five (5) years of supervisory experience in the administration of
17 health services; or
- 18 6. Possession of a Master of Arts or Master's Degree in
19 Business Administration, Social Science or a related field and a
20 minimum of five (5) years of supervisory experience in the
21 administration of health services.

22 B. The salary of the Commissioner shall be fixed by the Board
23 of Mental Health and Substance Abuse Services.

24

1 SECTION 5. AMENDATORY 56 O.S. 2001, Section 162, is
2 amended to read as follows:

3 Section 162. A. The Governor shall appoint the Director of
4 Human Services, by and with the advice and consent of the Senate,
5 and that person shall serve at the pleasure of the Governor.

6 B. The Commission shall have the power and it shall be its duty
7 to:

8 ~~(a) Select a Director of Public Welfare who shall not be a~~
9 ~~member of the Commission and who shall serve as executive and~~
10 ~~administrative officer of the Department. The Director shall be~~
11 ~~appointed wholly on the basis of ability, training and experience~~
12 ~~qualifying him or her for public welfare administration. The~~
13 ~~Director shall serve at the pleasure of the Commission. The 1. Set~~
14 ~~the salary of the Director shall be fixed by the Commission;~~

15 ~~(b) 2. Formulate the policies and adopt rules and regulations~~
16 ~~for the effective administration of the duties of the Department;~~

17 ~~(c) 3. Require and set the amount of the bond for employees~~
18 ~~within its discretion;~~

19 ~~(d)~~

20 ~~(e) 4. Cooperate with the Federal Social Security Board,~~
21 ~~created under Title 7 of the Social Security Act, enacted by the~~
22 ~~Seventy-Fourth Congress and approved August 14, 1935, or other like~~
23 ~~agency created by Congress, in any reasonable manner as may be~~
24 ~~necessary to qualify for federal aid to states in providing~~

1 assistance to needy persons in conformity with the provisions of
2 this act, including the making of such reports in such form and
3 containing such information as the Social Security Board or other
4 similar federal agency may from time to time require, and comply
5 with such provisions as the Social Security Board, or other similar
6 federal agency may find necessary to insure the correctness and
7 verification of such reports; ~~and~~

8 ~~(f)~~ 5. Publish an annual report, not later than four (4) months
9 after the close of each fiscal year, showing for such year the total
10 amount paid to needy persons in this state under the provisions of
11 this act, and the total number of such needy persons given
12 assistance, classified by age, sex, race, residence of persons
13 assisted, and such other particulars as may be deemed advisable.
14 Such report shall be presented to the Governor; and

15 ~~(g)~~ 6. Present to the Federal Social Security Board a new or
16 modified plan for old-age assistance, aid to dependent children and
17 aid to needy blind.

18 SECTION 6. AMENDATORY 57 O.S. 2001, Section 506, is
19 amended to read as follows:

20 Section 506. There is hereby created the position of Director
21 of Corrections. The Director shall be qualified for such position
22 by character, personality, ability, education, training and
23 successful administrative experience in the correctional field;
24 shall have earned a Master's Degree from an accredited college or

1 university with a major field of study in at least one of the
2 following: Corrections, criminal justice, police science,
3 criminology, psychology, sociology, administration, education, or a
4 related social science, and five (5) years' work experience in
5 corrections, or a bachelor's degree in the degree areas above
6 specified and six (6) years' progressively responsible work
7 experience in corrections. The Director of Corrections shall be
8 appointed by the ~~Board of Corrections~~ Governor, with the advice and
9 consent of the Senate and shall ~~be subject to removal by a vote of~~
10 ~~the majority of the entire Board or in the manner provided by law~~
11 ~~for the removal of officers not subject to impeachment~~ serve at the
12 pleasure of the Governor.

13 SECTION 7. AMENDATORY 63 O.S. 2001, Section 1-104, is
14 amended to read as follows:

15 Section 1-104. A. The State Board of Health shall elect
16 annually from its membership a President, Vice President and
17 Secretary. The Board shall adopt rules for its government, and may
18 adopt an official seal for the State Department of Health. It shall
19 hold such meetings as it deems necessary. Each member of the Board
20 shall be paid travel expenses, as provided in the State Travel
21 Reimbursement Act.

22 B. The Board shall have the following powers and duties:

23 1. ~~Appoint and fix~~ Fix the compensation of a State Commissioner
24 of Health;

1 2. Adopt such rules and standards as it deems necessary to
2 carry out any of the provisions of this Code;

3 3. Accept and disburse grants, allotments, gifts, devises,
4 bequests, funds, appropriations, and other property made or offered
5 to it; and

6 4. Establish such divisions, sections, bureaus, offices, and
7 positions in the State Department of Health as it deems necessary to
8 carry out the provisions of this Code.

9 C. The Governor shall appoint the State Commissioner of Health,
10 by and with the advice and consent of the Senate, and that person
11 shall serve at the pleasure of the Governor.

12 SECTION 8. AMENDATORY 63 O.S. 2001, Section 1-106, as
13 amended by Section 1, Chapter 456, O.S.L. 2004 (63 O.S. Supp. 2010,
14 Section 1-106), is amended to read as follows:

15 Section 1-106. A. The State Commissioner of Health shall serve
16 at the pleasure of the ~~State Board of Health~~ Governor, and shall
17 have skill and experience in public health duties and sanitary
18 sciences and shall meet at least one of the following
19 qualifications:

20 1. Possession of a Doctor of Medicine Degree and a license to
21 practice medicine in this state;

22 2. Possession of an Osteopathic Medicine Degree and a license
23 to practice medicine in this state;

24

1 3. Possession of a Doctoral degree in Public Health or Public
2 Health Administration; or

3 4. Possession of a Master of Science Degree and a minimum of
4 five (5) years of supervisory experience in the administration of
5 health services.

6 B. The Commissioner shall have the following powers and duties,
7 unless otherwise directed by the State Board of Health:

8 1. Have general supervision of the health of the citizens of
9 the state; make investigations, inquiries and studies concerning the
10 causes of disease and injury, and especially of epidemics, and the
11 causes of mortality, and the effects of localities, employment,
12 conditions and circumstances on the public health; investigate
13 conditions as to health, sanitation and safety of schools, prisons,
14 public institutions, mines, public conveyances, camps, places of
15 group abode, and all buildings and places of public resort, and
16 recommend, prescribe and enforce such measures of health, sanitation
17 and safety for them as the Commissioner deems advisable; take such
18 measures as deemed necessary by the Commissioner to control or
19 suppress, or to prevent the occurrence or spread of, any
20 communicable, contagious or infectious disease, and provide for the
21 segregation and isolation of persons having or suspected of having
22 any such disease; designate places of quarantine or isolation;
23 advise state and local governments on matters pertaining to health,
24 sanitation and safety; and abate any nuisance affecting injuriously

1 the health of the public or any community. Any health information
2 or data acquired by the Commissioner from any public agency, which
3 information or data is otherwise confidential by state or federal
4 law, shall remain confidential notwithstanding the acquisition of
5 this information by the Commissioner.

6 2. Be the executive officer and supervise the activities of the
7 State Department of Health, and act for the Department in all
8 matters except as may be otherwise provided in this Code; administer
9 oaths at any hearing or investigation conducted pursuant to this
10 Code; and enforce rules and standards adopted by the State Board of
11 Health. All rules adopted by the State Board of Health are subject
12 to the terms and conditions of the Administrative Procedures Act.

13 3. Appoint an Assistant State Commissioner of Health and fix
14 the qualifications, duties and compensation of the Assistant State
15 Commissioner of Health; and employ, appoint and contract with, and
16 fix the qualifications, duties and compensation of, such other
17 assistants, doctors, engineers, attorneys, sanitarians, nurses,
18 laboratory personnel, administrative, clerical and technical help,
19 investigators, aides and other personnel and help, either on a full-
20 time, part-time, fee or contractual basis, as shall be deemed by the
21 Commissioner necessary, expedient, convenient or appropriate to the
22 performance or carrying out of any of the purposes, objectives or
23 provisions of this Code, or to assist the Commissioner in the
24 performance of official duties and functions.

1 4. Cause investigations, inquiries and inspections to be made,
2 and hold hearings and issue orders pursuant to the provisions of the
3 Administrative Procedures Act, to enforce and make effective the
4 provisions of this Code, and all rules and standards adopted by the
5 State Board of Health pursuant to law and the Commissioner or the
6 representative of the Commissioner shall have the right of access to
7 any premises for such purpose at any reasonable time, upon
8 presentation of identification.

9 5. Authorize persons in the State Department of Health to
10 conduct investigations, inquiries and hearings, and to perform other
11 acts that the Commissioner is authorized or required to conduct or
12 perform personally.

13 6. Except as otherwise provided by law, all civil and criminal
14 proceedings under this Code shall be initiated and prosecuted by the
15 district attorney where the violation takes place.

16 7. Issue subpoenas for the attendance of witnesses and the
17 production of books and records at any hearing to be conducted by
18 the Commissioner or the State Board of Health; and if a person
19 disobeys any such subpoena, or refuses to give evidence before, or
20 to allow books and records to be examined by, the Commissioner or
21 the Board after such person is directed to do so, the Commissioner
22 may file a contempt proceeding in the district court of the county
23 in which the premises involved are situated, or, if no premises are
24 involved, of the county in which such person resides or has a

1 principal place of business, and a judge of such court, after a
2 trial de novo, may punish the offending person for contempt.

3 8. Unless otherwise required by the terms of a federal grant,
4 sell, exchange or otherwise dispose of personal property that has
5 been acquired by the State Department of Health, or any of its
6 components, when such property becomes obsolete or is no longer
7 needed; any money derived therefrom shall be deposited in the Public
8 Health Special Fund.

9 9. Sell films, educational materials, biological products and
10 other items produced by the State Department of Health; and all
11 proceeds therefrom shall be deposited in the Public Health Special
12 Fund.

13 10. Revoke or cancel, or suspend for any period up to one (1)
14 year, any license or permit issued under or pursuant to this Code,
15 or by the Commissioner, when the Commissioner determines that ground
16 therefor as prescribed by this Code exists, or that the holder of
17 such license or permit has violated any law, or any of the
18 provisions of this Code, or any rules or standards of the State
19 Board of Health filed with the Secretary of State, but the
20 Commissioner shall first afford the holder an opportunity to show
21 cause why the license or permit should not be revoked, canceled or
22 suspended, notice of such opportunity to be given by certified
23 United States Mail to the holder of the license or permit at the
24 last-known address of such holder.

1 11. Accept, use, disburse and administer grants, allotments,
2 gifts, devises, bequests, appropriations and other monies and
3 property offered or given to the State Department of Health, or any
4 component or agency thereof, by any agency of the federal
5 government, or any corporation or individual.

6 12. Be the official agency of the State of Oklahoma in all
7 matters relating to public health which require or authorize
8 cooperation of the State of Oklahoma with the federal government or
9 any agency thereof; coordinate the activities of the State
10 Department of Health with those of the federal government or any
11 department or agency thereof, and with other states, on matters
12 pertaining to public health, and enter into agreements for such
13 purpose, and may accept, use, disburse and administer, for the
14 office of the Commissioner or for the State Department of Health,
15 for any purpose designated and on the terms and conditions thereof,
16 grants of money, personnel and property from the federal government
17 or any department or agency thereof, or from any state or state
18 agency, or from any other source, to promote and carry on in this
19 state any program relating to the public health or the control of
20 disease, and enter into agreements for such purposes.

21 13. The State Commissioner of Health may appoint commissioned
22 peace officers, certified by the Council on Law Enforcement
23 Education and Training, to investigate violations of the Public
24 Health Code and to provide security to Department facilities.

1 SECTION 9. AMENDATORY 69 O.S. 2001, Section 4007, is
2 amended to read as follows:

3 Section 4007. A. The administrative head of the Department of
4 Transportation shall be the Director of the Department of
5 Transportation. The Director shall be an individual with a
6 background of broad experience in the administration and management
7 of complex public works or other comparable organizational
8 structures, and ~~who~~ shall be appointed by the ~~Commission~~ Governor,
9 by and with the advice and consent of the Senate, and serve at the
10 pleasure of the ~~Commission~~ Governor. ~~He~~ The Director shall have
11 the authority and duty to supervise, direct, account for, organize,
12 plan, administer and execute the functions of the Department
13 consistent with the general policies and procedures prescribed and
14 established by the Commission. Any statutory references to the
15 State Highway Director in Title 69 of the Oklahoma Statutes shall
16 mean the Director of the Department of Transportation.

17 B. The Director shall employ a professional civil engineer who
18 shall have broad experience in design and construction of complex
19 highways or other transportation-related projects. This engineer
20 shall be responsible to the Director for the management of all
21 engineering functions of the Department.

22 C. ~~This act~~ Section 4001 et seq. of this title shall not affect
23 the status and rights accrued under the State Merit System of
24 Personnel Administration or the Oklahoma Public Employees Retirement

1 System to persons serving as employees of any Department,
2 Commission, Authority or other state agency who become employees of
3 the Department of Transportation through the passage of this act.

4 SECTION 10. AMENDATORY 72 O.S. 2001, Section 63.3, is
5 amended to read as follows:

6 Section 63.3. A. The War Veterans Commission shall perform all
7 acts necessary or proper to afford emergency, temporary and
8 permanent relief and assistance to all honorably discharged
9 ex-service persons of all wars of the United States of America and
10 to their dependents, and shall perform such other duties as may be
11 prescribed by law. The Commission is authorized to promulgate rules
12 and regulations, in accordance with the Administrative Procedures
13 Act, for the operation and maintenance of the Department of Veterans
14 Affairs; provided, however, in all cases priority and preference
15 shall always be given to disabled or diseased ex-service persons.
16 The members of ~~said~~ the Commission shall be reimbursed for necessary
17 travel as provided in the State Travel Reimbursement Act. In
18 addition to its other powers and duties as herein provided, the
19 Commission shall have the following specific powers and duties which
20 shall, however, not be deemed to be exclusive:

21 1. To organize itself by the election of a ~~Chairman~~ chair, ~~Vice~~
22 ~~Chairman~~ vice-chair and ~~Secretary~~ secretary, who shall perform the
23 duties required of them by the rules and regulations, but shall
24

1 receive no extra compensation therefor, and to provide for the time
2 and place of meetings of the Commission;

3 2. To ~~appoint the Director of the Department of Veterans~~
4 ~~Affairs~~ and provide for the employment of all such other personnel
5 as may be necessary to carry out the provisions of Sections 63.1
6 through 63.4 of this title, and any other duties prescribed by law.
7 The salary and tenure of the Director of the Department shall be
8 determined by the Commission; and

9 3. To approve all claims or expenditures from such
10 appropriations as may be made to the Commission prior to the payment
11 thereof except as may be otherwise provided by law.

12 B. The Director of the Department of Veterans Affairs shall be
13 appointed by the Governor, by and with the advice and consent of the
14 Senate, and that person shall serve at the pleasure of the Governor.

15 SECTION 11. AMENDATORY 74 O.S. 2001, Section 166.2, as
16 amended by Section 2, Chapter 543, O.S.L. 2004 (74 O.S. Supp. 2010,
17 Section 166.2), is amended to read as follows:

18 Section 166.2 A. ~~Effective July 1, 1993, there~~ There is hereby
19 created the Commission for Rehabilitation Services, an agency of the
20 State of Oklahoma, a body corporate and politic, with powers of
21 government and with the authority to exercise the rights, privileges
22 and functions as herein specified, with its lawful operations deemed
23 to be an essential governmental function of the State of Oklahoma
24 with all the attributes thereof.

1 B. The Commission shall ~~appoint and remove the Director of the~~
2 ~~Department of Rehabilitation Services,~~ approve programs, policy and
3 budget, and perform the necessary functions of a governing board for
4 the State Department of Rehabilitation Services. The Governor shall
5 appoint the Director of the Department of Rehabilitation Services,
6 by and with the consent of the Senate, and that person shall serve
7 at the pleasure of the Governor.

8 C. 1. The Commission shall consist of three (3) members, ~~to be~~
9 ~~appointed by June 15, 1993,~~ as follows:

10 a. one member shall be appointed by the President Pro
11 Tempore of the Oklahoma State Senate for a three-year
12 term,

13 b. one member shall be appointed by the Speaker of the
14 Oklahoma House of Representatives for a three-year
15 term, and

16 c. one member shall be appointed by the Governor for a
17 three-year term;

18 2. Thereafter, beginning with the expiration of the terms of
19 the three members initially appointed, the Commission shall consist
20 of three (3) members, appointed as follows:

21 a. one member shall be appointed by the President Pro
22 Tempore of the Oklahoma State Senate and shall serve a
23 term of one (1) year,

24

1 b. one member shall be appointed by the Speaker of the
2 Oklahoma House of Representatives and shall serve a
3 term of two (2) years, and

4 c. one member shall be appointed by the Governor and
5 shall serve a term of three (3) years-; and

6 3. Thereafter, at the expiration of the term, or termination of
7 the member's service for any reason, the original appointing
8 authority shall appoint a successor for a term of three (3) years,
9 or for the remainder of an unexpired term.

10 D. Members of the Commission shall be knowledgeable of and have
11 concern for rehabilitation issues and disability issues; provided,
12 that such requirement shall not exclude participation of lay persons
13 as Commission members. All members shall be residents of the state
14 and qualified electors at the time of their appointment. Before
15 entering upon the duties of their office, members of the Commission
16 shall take the Constitutional oath of office and the same shall be
17 filed with the Secretary of State. A member of the Commission may
18 be reappointed to succeed himself or herself. Commission members
19 shall be reimbursed for travel expenses incurred in the performance
20 of their duties as provided in the State Travel Reimbursement Act.

21 E. The original appointing authority may remove any
22 commissioner for misconduct, incompetency or neglect of duty, after
23 giving such commissioner a written statement of charges, and
24 opportunity for a hearing.

