

1 ENGROSSED SENATE
2 BILL NO. 1908

By: Russell of the Senate

3 and

4 Martin (Scott) and Reynolds
5 of the House

6
7 [executive branch appointments - modifying method of
8 appointment - codification - effective date]
9

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

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

14 Notwithstanding any other section of law, all appropriated
15 agencies of this state set forth in this act that provide for a
16 position of Director or any other such title that designates a
17 person as the primary executive of the agency that is not currently
18 appointed by the Governor or holds the office by statewide election
19 shall have such Director or primary executive position appointed by
20 the Governor, by and with the advice and consent of the Senate, and
21 that person shall serve at the pleasure of the Governor. If a
22 vacancy should occur, the Governor shall appoint a replacement in
23 the same manner as the original appointment.
24

1 SECTION 2. AMENDATORY 10A O.S. 2011, Section 2-7-201, is
2 amended to read as follows:

3 Section 2-7-201. A. ~~The Board of Juvenile Affairs~~ Governor
4 shall appoint the Executive Director of the Office of Juvenile
5 Affairs, by and with the advice and consent of the Senate. The
6 Executive Director shall serve at the pleasure of the ~~Board~~
7 Governor.

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

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

24

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

3 2. Pursuant to legislative authorization employ, discharge,
4 appoint or contract with, and fix the duties and compensation of
5 such assistants, attorneys, law enforcement officers, probation
6 officers, psychologists, social workers, medical professionals,
7 administrative, clerical and technical, investigators, aides and
8 such other personnel, either on a full-time, part-time, fee or
9 contractual basis, as in the judgment and discretion of the
10 Executive Director shall be deemed necessary in the performance or
11 carrying out of any of the purposes, objectives, responsibilities,
12 or statutory provisions relating to the Office of Juvenile Affairs,
13 or to assist the Executive Director of the Office of Juvenile
14 Affairs in the performance of official duties and functions;

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

17 4. Exercise all incidental powers which are necessary and
18 proper to implement the purposes of the Office of Juvenile Affairs
19 pursuant to the Oklahoma Juvenile Code.

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

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

1 E. The Executive Director of the Office of Juvenile Affairs
2 shall have the authority to commission certified employees within
3 the Office of Juvenile Affairs as peace officers. The authority of
4 employees so commissioned shall only include the authority to
5 investigate crimes committed against the Office or crimes committed
6 in the course of any program administered by the Office. Employees
7 so commissioned shall also have the authority to serve and execute
8 process, bench warrants, and other court orders in any judicial or
9 administrative proceeding in which the agency is a party or
10 participant. Use and possession of firearms for this purpose only
11 shall be permitted. To become qualified as peace officers for the
12 commission, employees shall first obtain a certificate as provided
13 for in Section 3311 of Title 70 of the Oklahoma Statutes.

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

22 SECTION 3. AMENDATORY 27A O.S. 2011, Section 2-2-101, is
23 amended to read as follows:
24

1 Section 2-2-101. A. There is hereby created the Environmental
2 Quality Board to represent the interests of the State of Oklahoma
3 which shall consist of thirteen (13) members appointed by the
4 Governor with the advice and consent of the Senate.

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

6 1. Be a citizen of the United States;

7 2. Be a resident of this state;

8 3. Be a qualified elector of this state; and

9 4. Not have been convicted of a felony pursuant to the laws of
10 this state, the laws of any other state or the laws of the United
11 States.

12 C. The Board shall be composed of:

13 1. One member who shall be a certified or registered
14 environmental professional. Such member shall be an environmental
15 professional experienced in matters of pollution control, who shall
16 not be an employee of any unit of government;

17 2. One member who shall be selected from industry in general.
18 Such member shall be employed as a manufacturing executive carrying
19 on a manufacturing business within the state;

20 3. One member who shall be selected from the hazardous waste
21 industry within the state;

22 4. One member who shall be selected from the solid waste
23 industry within this state;

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1 5. One member who shall be well versed in recreational,
2 irrigational, municipal or residential water usage;

3 6. One member who shall be selected from the petroleum
4 industries being regulated by the Department of Environmental
5 Quality;

6 7. One member who shall be selected from the agriculture
7 industries regulated by the Department of Environmental Quality;

8 8. One member who shall be selected from the conservation
9 districts of the state;

10 9. Three members who shall be citizen members of any statewide
11 nonprofit environmental organization;

12 10. One member who shall be a member of the local governing
13 body of a city or town; and

14 11. One member who shall be from a rural water district
15 organized pursuant to the laws of this state.

16 D. The term of office of a member of the Board shall be for
17 five (5) years and until a successor is appointed and qualified.

18 E. 1. An appointment shall be made by the Governor within
19 ninety (90) days after a vacancy has occurred due to resignation,
20 death, or any cause resulting in an unexpired term. In the event of
21 a vacancy on the Board due to resignation, death, or for any cause
22 resulting in an unexpired term, if not filled within ninety (90)
23 days following such vacancy, the Board may appoint a provisional
24 member to serve in the interim until the Governor acts.

1 2. A member may be reappointed.

2 3. In making appointments to the Environmental Quality Board,
3 the Governor shall recognize the geographic diversity of the state
4 and endeavor to appoint members representing each quadrant of the
5 state.

6 F. 1. The Board shall hold meetings as necessary at a place
7 and time to be fixed by the Board. The Board shall select, at its
8 first meeting, one of its members to serve as chair and another of
9 its members to serve as vice-chair. At the first meeting in each
10 calendar year thereafter, the chair and vice-chair for the ensuing
11 year shall be elected. Special meetings may be called by the chair
12 or by five members of the Board by delivery of written notice to
13 each member of the Board. A majority of the Board present at the
14 meeting shall constitute a quorum of the Board.

15 2. Members of the Board shall receive necessary travel expenses
16 according to the provisions of the State Travel Reimbursement Act.

17 G. The Board shall:

18 1. ~~Appoint and fix~~ Fix the compensation of the Executive
19 Director of the Department of Environmental Quality;

20 2. Be the rulemaking body for the Department of Environmental
21 Quality;

22 3. Review and approve the budget request of the Department to
23 the Governor;

1 4. Assist the Department in conducting periodic reviews and
2 planning activities related to the goals, objectives, priorities and
3 policies of the Department;

4 5. In conjunction with each regular meeting of the Board
5 pursuant to subsection F and at such other times as the Board may
6 determine to be necessary and appropriate, provide a public forum
7 for receiving comments and disseminating information to the public
8 and the regulated community regarding goals, objectives, priorities,
9 and policies of the Department. The Board shall have the authority
10 to adopt nonbinding resolutions requesting action by the Department
11 in response to comments received or upon the Board's own initiative;
12 and

13 6. Review and evaluate the need for amendments or additions to
14 the Oklahoma Statutes regarding the programs and functions of the
15 Department and make legislative recommendations to the Legislature.

16 H. As the rulemaking body for the Department of Environmental
17 Quality, the Board is specifically charged with the duty of
18 promulgating rules which will implement the duties and
19 responsibilities of the Department pursuant to this Code. Except as
20 provided in this subsection, rules within the jurisdiction of a
21 Council provided for by this act shall be promulgated with the
22 advice of such Council. Proposed permanent rules within the
23 jurisdiction of a Council shall not be considered by the Board for
24 promulgation until receipt of the appropriate Council's

1 recommendation on such promulgation; however, the Board may
2 promulgate emergency rules without the advice of the appropriate
3 Council when the time constraints of the emergency, as determined by
4 the Board, do not permit the timely development of recommendations
5 by the Council. All actions of the Councils with regard to
6 rulemaking shall be deemed actions of the Board for the purposes of
7 complying with the Administrative Procedures Act.

8 SECTION 4. AMENDATORY 27A O.S. 2011, Section 2-3-201, is
9 amended to read as follows:

10 Section 2-3-201. A. The ~~Environmental Quality Board~~ Governor
11 shall appoint the Executive Director of the Department of
12 Environmental Quality. The Executive Director shall serve at the
13 pleasure of the ~~Board~~ Governor.

14 B. The Executive Director shall have experience in industry,
15 conservation, environmental sciences or such other areas as may be
16 required by the Environmental Quality Board.

17 C. The Executive Director shall provide for the administration
18 of the Department and shall:

19 1. Be the executive officer and supervise the activities of the
20 Department of Environmental Quality;

21 2. Employ, discharge, appoint or contract with, and fix the
22 duties and compensation of such assistants, attorneys, chemists,
23 geologists, environmental professionals, medical professionals,
24 engineers, sanitarians, administrative, clerical and technical,

1 investigators, aides and such other personnel, either on a
2 full-time, part-time, fee or contractual basis, as in his judgment
3 and discretion shall be deemed necessary, expedient, convenient or
4 appropriate to the performance or carrying out of any of the
5 purposes, objectives, responsibilities or statutory provisions
6 relating to the Department of Environmental Quality, or to assist
7 the Executive Director in the performance of his official duties and
8 functions;

9 3. Establish internal policies and procedures for the proper
10 and efficient administration of the Department; and

11 4. Exercise all incidental powers which are necessary and
12 proper to implement the purposes of the Department pursuant to this
13 Code.

14 D. The Executive Director shall not be an owner, stockholder,
15 employee or officer of, nor have any other business relationship
16 with or receive compensation from, any corporation, partnership, or
17 other business or entity which is subject to regulation by the
18 Department of Environmental Quality and, with regard to the exercise
19 of powers and duties associated with the Oklahoma Pollutant
20 Discharge Elimination System Act, shall meet all requirements of
21 Section 304 of the Clean Water Act and applicable federal
22 regulations promulgated thereunder by the United States
23 Environmental Protection Agency regarding conflict of interest.

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1 E. 1. In addition to the powers and duties specified in
2 subsection D of this section, the Executive Director shall have the
3 power and duty to:

4 a. issue, deny, modify, amend, renew, refuse to renew,
5 suspend, reinstate or revoke licenses or permits
6 pursuant to the provisions of this Code, and rules
7 promulgated by the Board, and

8 b. issue final orders and assess administrative penalties
9 according to the Administrative Procedures Act, this
10 Code and rules promulgated by the Board.

11 2. The powers and duties specified in paragraph 1 of this
12 subsection shall be exercised exclusively by the Executive Director
13 and may not be delegated to other employees of the Department except
14 as specifically provided in this Code.

15 3. In the event of the Executive Director's temporary absence,
16 the Executive Director may delegate the exercise of such powers and
17 duties to an acting director during the Executive Director's absence
18 subject to an organizational structure approved by the Board. In
19 the event of a vacancy in the position of Executive Director, the
20 Board may designate an interim or acting Executive Director who is
21 authorized to exercise such powers and duties until a permanent
22 Executive Director is employed.

23 4. Any designee exercising such powers and duties of the
24 Executive Director as authorized or on a temporary, acting or

1 interim basis shall meet the requirements of subsection D of this
2 section for the Executive Director.

3 5. All references in this Code to the Department with respect
4 to the exercise of the powers and duties specified in paragraph 1 of
5 this subsection shall mean the exercise of such powers and duties by
6 the Executive Director or his authorized designee.

7 SECTION 5. AMENDATORY 43A O.S. 2011, Section 2-201, is
8 amended to read as follows:

9 Section 2-201. A. A Commissioner of Mental Health and
10 Substance Abuse Services shall be appointed by the ~~Board of Mental~~
11 ~~Health and Substance Abuse Services. The Commissioner may only be~~
12 ~~removed by the Board for cause~~ Governor, by and with the consent of
13 the Senate, and that person shall serve at the pleasure of the
14 Governor. The Commissioner shall meet at least one of the following
15 qualifications:

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

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

20 3. Possession of a Doctor of Public Health Degree;

21 4. Possession of a Doctoral Degree in Psychology and a license
22 to practice psychology in this state;

23

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1 5. Possession of a Master of Public Health Degree and a minimum
2 of five (5) years of supervisory experience in the administration of
3 health services; or

4 6. Possession of a Master of Arts or Master's Degree in
5 Business Administration, Social Science or a related field and a
6 minimum of five (5) years of supervisory experience in the
7 administration of health services.

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

10 SECTION 6. AMENDATORY 56 O.S. 2011, Section 162, is
11 amended to read as follows:

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

15 B. The Commission shall have the power and it shall be its duty
16 to:

17 ~~(a) Select a Director of Public Welfare who shall not be a~~
18 ~~member of the Commission and who shall serve as executive and~~
19 ~~administrative officer of the Department. The Director shall be~~
20 ~~appointed wholly on the basis of ability, training and experience~~
21 ~~qualifying him or her for public welfare administration. The~~
22 ~~Director shall serve at the pleasure of the Commission. The 1. Set~~
23 the salary of the Director shall be fixed by the Commission;

24

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

3 ~~(e)~~ 3. Require and set the amount of the bond for employees
4 within its discretion;

5 ~~(d)~~

6 ~~(e)~~ 4. Cooperate with the Federal Social Security Board,
7 created under Title 7 of the Social Security Act, enacted by the
8 Seventy-Fourth Congress and approved August 14, 1935, or other like
9 agency created by Congress, in any reasonable manner as may be
10 necessary to qualify for federal aid to states in providing
11 assistance to needy persons in conformity with the provisions of
12 this act, including the making of such reports in such form and
13 containing such information as the Social Security Board or other
14 similar federal agency may from time to time require, and comply
15 with such provisions as the Social Security Board, or other similar
16 federal agency may find necessary to insure the correctness and
17 verification of such reports; ~~and~~

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

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

4 SECTION 7. AMENDATORY 57 O.S. 2011, Section 506, is
5 amended to read as follows:

6 Section 506. There is hereby created the position of Director
7 of Corrections. The Director shall be qualified for such position
8 by character, personality, ability, education, training and
9 successful administrative experience in the correctional field;
10 shall have earned a Master's Degree from an accredited college or
11 university with a major field of study in at least one of the
12 following: Corrections, criminal justice, police science,
13 criminology, psychology, sociology, administration, education, or a
14 related social science, and five (5) years' work experience in
15 corrections, or a bachelor's degree in the degree areas above
16 specified and six (6) years' progressively responsible work
17 experience in corrections. The Director of Corrections shall be
18 appointed by the ~~Board of Corrections~~ Governor, with the advice and
19 consent of the Senate and shall ~~be subject to removal by a vote of~~
20 ~~the majority of the entire Board or in the manner provided by law~~
21 ~~for the removal of officers not subject to impeachment~~ serve at the
22 pleasure of the Governor.

23 SECTION 8. AMENDATORY 63 O.S. 2011, Section 1-104, is
24 amended to read as follows:

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

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

9 1. ~~Appoint and fix~~ Fix the compensation of a State Commissioner
10 of Health;

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

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

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

19 C. The Governor shall appoint the State Commissioner of Health,
20 by and with the advice and consent of the Senate, and that person
21 shall serve at the pleasure of the Governor.

22 SECTION 9. AMENDATORY 63 O.S. 2011, Section 1-106, is
23 amended to read as follows:

24

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

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

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

10 3. Possession of a Doctoral degree in Public Health or Public
11 Health Administration; or

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

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

17 1. Have general supervision of the health of the citizens of
18 the state; make investigations, inquiries and studies concerning the
19 causes of disease and injury, and especially of epidemics, and the
20 causes of mortality, and the effects of localities, employment,
21 conditions and circumstances on the public health; investigate
22 conditions as to health, sanitation and safety of schools, prisons,
23 public institutions, mines, public conveyances, camps, places of
24 group abode, and all buildings and places of public resort, and

1 recommend, prescribe and enforce such measures of health, sanitation
2 and safety for them as the Commissioner deems advisable; take such
3 measures as deemed necessary by the Commissioner to control or
4 suppress, or to prevent the occurrence or spread of, any
5 communicable, contagious or infectious disease, and provide for the
6 segregation and isolation of persons having or suspected of having
7 any such disease; designate places of quarantine or isolation;
8 advise state and local governments on matters pertaining to health,
9 sanitation and safety; and abate any nuisance affecting injuriously
10 the health of the public or any community. Any health information
11 or data acquired by the Commissioner from any public agency, which
12 information or data is otherwise confidential by state or federal
13 law, shall remain confidential notwithstanding the acquisition of
14 this information by the Commissioner.

15 2. Be the executive officer and supervise the activities of the
16 State Department of Health, and act for the Department in all
17 matters except as may be otherwise provided in this Code; administer
18 oaths at any hearing or investigation conducted pursuant to this
19 Code; and enforce rules and standards adopted by the State Board of
20 Health. All rules adopted by the State Board of Health are subject
21 to the terms and conditions of the Administrative Procedures Act.

22 3. Appoint an Assistant State Commissioner of Health and fix
23 the qualifications, duties and compensation of the Assistant State
24 Commissioner of Health; and employ, appoint and contract with, and

1 fix the qualifications, duties and compensation of, such other
2 assistants, doctors, engineers, attorneys, sanitarians, nurses,
3 laboratory personnel, administrative, clerical and technical help,
4 investigators, aides and other personnel and help, either on a full-
5 time, part-time, fee or contractual basis, as shall be deemed by the
6 Commissioner necessary, expedient, convenient or appropriate to the
7 performance or carrying out of any of the purposes, objectives or
8 provisions of this Code, or to assist the Commissioner in the
9 performance of official duties and functions.

10 4. Cause investigations, inquiries and inspections to be made,
11 and hold hearings and issue orders pursuant to the provisions of the
12 Administrative Procedures Act, to enforce and make effective the
13 provisions of this Code, and all rules and standards adopted by the
14 State Board of Health pursuant to law and the Commissioner or the
15 representative of the Commissioner shall have the right of access to
16 any premises for such purpose at any reasonable time, upon
17 presentation of identification.

18 5. Authorize persons in the State Department of Health to
19 conduct investigations, inquiries and hearings, and to perform other
20 acts that the Commissioner is authorized or required to conduct or
21 perform personally.

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

1 7. Issue subpoenas for the attendance of witnesses and the
2 production of books and records at any hearing to be conducted by
3 the Commissioner or the State Board of Health; and if a person
4 disobeys any such subpoena, or refuses to give evidence before, or
5 to allow books and records to be examined by, the Commissioner or
6 the Board after such person is directed to do so, the Commissioner
7 may file a contempt proceeding in the district court of the county
8 in which the premises involved are situated, or, if no premises are
9 involved, of the county in which such person resides or has a
10 principal place of business, and a judge of such court, after a
11 trial de novo, may punish the offending person for contempt.

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

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

22 10. Revoke or cancel, or suspend for any period up to one (1)
23 year, any license or permit issued under or pursuant to this Code,
24 or by the Commissioner, when the Commissioner determines that ground

1 therefor as prescribed by this Code exists, or that the holder of
2 such license or permit has violated any law, or any of the
3 provisions of this Code, or any rules or standards of the State
4 Board of Health filed with the Secretary of State, but the
5 Commissioner shall first afford the holder an opportunity to show
6 cause why the license or permit should not be revoked, canceled or
7 suspended, notice of such opportunity to be given by certified
8 United States Mail to the holder of the license or permit at the
9 last-known address of such holder.

10 11. Accept, use, disburse and administer grants, allotments,
11 gifts, devises, bequests, appropriations and other monies and
12 property offered or given to the State Department of Health, or any
13 component or agency thereof, by any agency of the federal
14 government, or any corporation or individual.

15 12. Be the official agency of the State of Oklahoma in all
16 matters relating to public health which require or authorize
17 cooperation of the State of Oklahoma with the federal government or
18 any agency thereof; coordinate the activities of the State
19 Department of Health with those of the federal government or any
20 department or agency thereof, and with other states, on matters
21 pertaining to public health, and enter into agreements for such
22 purpose, and may accept, use, disburse and administer, for the
23 office of the Commissioner or for the State Department of Health,
24 for any purpose designated and on the terms and conditions thereof,

1 grants of money, personnel and property from the federal government
2 or any department or agency thereof, or from any state or state
3 agency, or from any other source, to promote and carry on in this
4 state any program relating to the public health or the control of
5 disease, and enter into agreements for such purposes.

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

10 SECTION 10. AMENDATORY 69 O.S. 2011, Section 4007, is
11 amended to read as follows:

12 Section 4007. A. The administrative head of the Department of
13 Transportation shall be the Director of the Department of
14 Transportation. The Director shall be an individual with a
15 background of broad experience in the administration and management
16 of complex public works or other comparable organizational
17 structures, and ~~who~~ shall be appointed by the ~~Commission~~ Governor,
18 by and with the advice and consent of the Senate, and serve at the
19 pleasure of the ~~Commission~~ Governor. ~~He~~ The Director shall have
20 the authority and duty to supervise, direct, account for, organize,
21 plan, administer and execute the functions of the Department
22 consistent with the general policies and procedures prescribed and
23 established by the Commission. Any statutory references to the
24

1 State Highway Director in Title 69 of the Oklahoma Statutes shall
2 mean the Director of the Department of Transportation.

3 B. The Director shall employ a professional civil engineer who
4 shall have broad experience in design and construction of complex
5 highways or other transportation-related projects. This engineer
6 shall be responsible to the Director for the management of all
7 engineering functions of the Department.

8 C. ~~This act~~ Section 4001 et seq. of this title shall not affect
9 the status and rights accrued under the State Merit System of
10 Personnel Administration or the Oklahoma Public Employees Retirement
11 System to persons serving as employees of any Department,
12 Commission, Authority or other state agency who become employees of
13 the Department of Transportation through the passage of this act.

14 SECTION 11. AMENDATORY 72 O.S. 2011, Section 63.3, is
15 amended to read as follows:

16 Section 63.3. A. The War Veterans Commission shall perform all
17 acts necessary or proper to afford emergency, temporary and
18 permanent relief and assistance to all honorably discharged ex-
19 service persons of all wars of the United States of America and to
20 their dependents, and shall perform such other duties as may be
21 prescribed by law. The Commission is authorized to promulgate rules
22 and regulations, in accordance with the Administrative Procedures
23 Act, for the operation and maintenance of the Department of Veterans
24 Affairs; provided, however, in all cases priority and preference

1 shall always be given to disabled or diseased ex-service persons.
2 The members of ~~said~~ the Commission shall be reimbursed for necessary
3 travel as provided in the State Travel Reimbursement Act. In
4 addition to its other powers and duties as herein provided, the
5 Commission shall have the following specific powers and duties which
6 shall, however, not be deemed to be exclusive:

7 1. To organize itself by the election of a ~~Chairman~~ chair, ~~Vice~~
8 ~~Chairman~~ vice-chair and ~~Secretary~~ secretary, who shall perform the
9 duties required of them by the rules and regulations, but shall
10 receive no extra compensation therefor, and to provide for the time
11 and place of meetings of the Commission;

12 2. To ~~appoint the Director of the Department of Veterans~~
13 ~~Affairs and~~ provide for the employment of all such other personnel
14 as may be necessary to carry out the provisions of Sections 63.1
15 through 63.4 of this title, and any other duties prescribed by law.
16 The salary and tenure of the Director of the Department shall be
17 determined by the Commission; and

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

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

24

1 SECTION 12. AMENDATORY 74 O.S. 2011, Section 166.2, is
2 amended to read as follows:

3 Section 166.2. A. ~~Effective July 1, 1993, there~~ There is
4 hereby created the Commission for Rehabilitation Services, an agency
5 of the State of Oklahoma, a body corporate and politic, with powers
6 of government and with the authority to exercise the rights,
7 privileges and functions as herein specified, with its lawful
8 operations deemed to be an essential governmental function of the
9 State of Oklahoma with all the attributes thereof.

10 B. The Commission shall ~~appoint and remove the Director of the~~
11 ~~Department of Rehabilitation Services,~~ approve programs, policy and
12 budget, and perform the necessary functions of a governing board for
13 the State Department of Rehabilitation Services. The Governor shall
14 appoint the Director of the Department of Rehabilitation Services,
15 by and with the consent of the Senate, and that person shall serve
16 at the pleasure of the Governor.

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

19 a. one member shall be appointed by the President Pro
20 Tempore of the Oklahoma State Senate for a three-year
21 term,

22 b. one member shall be appointed by the Speaker of the
23 Oklahoma House of Representatives for a three-year
24 term, and

1 c. one member shall be appointed by the Governor for a
2 three-year term~~;~~;

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

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

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

12 c. one member shall be appointed by the Governor and
13 shall serve a term of three (3) years~~;~~ and

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

18 D. Members of the Commission shall be knowledgeable of and have
19 concern for rehabilitation issues and disability issues; provided,
20 that such requirement shall not exclude participation of lay persons
21 as Commission members. All members shall be residents of the state
22 and qualified electors at the time of their appointment. Before
23 entering upon the duties of their office, members of the Commission
24 shall take the Constitutional oath of office and the same shall be

1 filed with the Secretary of State. A member of the Commission may
2 be reappointed to succeed himself or herself. Commission members
3 shall be reimbursed for travel expenses incurred in the performance
4 of their duties as provided in the State Travel Reimbursement Act.

5 E. The original appointing authority may remove any
6 commissioner for misconduct, incompetency or neglect of duty, after
7 giving such commissioner a written statement of charges, and
8 opportunity for a hearing.

9 SECTION 13. This act shall become effective November 1, 2012.
10 Passed the Senate the 13th day of March, 2012.

11
12 _____
13 Presiding Officer of the Senate

14 Passed the House of Representatives the ____ day of _____,
15 2012.

16
17 _____
18 Presiding Officer of the House
19 of Representatives