

# An Act

ENROLLED HOUSE  
BILL NO. 3137

By: Steele, Rousselot, Nelson,  
Ownbey and Peterson of the  
House

and

Treat and Brinkley of the  
Senate

An Act relating to poor persons; amending 56 O.S. 2011, Sections 162 and 162.1a, which relate to the Commission for Human Services; specifying the Governor shall have the powers and duties to oversee the Department of Human Services; specifying duties of Director of Human Services; requiring certain annual report; specifying contents of report; specifying certain references shall apply to the Department or the Director; creating certain Advisory Panels; specifying purpose; providing for appointment to Panels; requiring certain expertise for Panel appointees; prohibiting the appointment of legislators; authorizing certain meetings; requiring certain number of meetings; specifying limitation; providing that meetings shall be open; authorizing certain exceptions; providing for the selection of Panel chairs; specifying limitation; directing Department to provide staff support; directing Attorney General to provide general counsel for Panels; specifying Panels shall have access to certain records and personnel; specifying Panel shall be subject to confidentiality requirements; specifying functions of Panels; directing Panels to make certain recommendations; providing for sunset; amending 74 O.S. 2011, Section 129.7, which relates to authority of the Department of Human Services to lease certain land; specifying Director shall have approval authority; providing for codification; and providing an effective date.

SUBJECT: Human Services

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

SECTION 1. AMENDATORY 56 O.S. 2011, Section 162, is amended to read as follows:

Section 162. A. The ~~Commission~~ Governor shall have the power and ~~it shall be its~~ duty to:

~~(a) Select~~ select a Director of ~~Public Welfare~~ Human Services who shall ~~not be a member of the Commission and who shall~~ serve as executive and administrative officer of the Department of Human Services. The Director shall be appointed wholly on the basis of ability, training and experience qualifying him or her for public welfare administration. The Director shall serve, subject to the confirmation of the Senate, at the pleasure of the ~~Commission~~ Governor. The salary of the Director shall be fixed by the ~~Commission;~~ Governor.

~~(b) Formulate~~ B. The Director shall formulate the policies and adopt rules and regulations for the effective administration of the duties of the Department; .

~~(c) Require~~ C. The Director shall require and set the amount of the bond for employees ~~within its discretion;~~ .

~~(d)~~

~~(e) Cooperate~~ D. The Director shall cooperate with the ~~Federal Social Security Board, created under Title 7 of the Social Security Act, enacted by the Seventy Fourth Congress and approved August 14, 1935 federal Department of Health and Human Services, or other like agency~~ similar agencies created by Congress, in any reasonable manner as may be necessary to qualify for federal aid to states in providing assistance to needy persons in conformity with the provisions of this ~~act title,~~ including the making of ~~such~~ reports in ~~such the~~ form and containing ~~such~~ information as ~~the Social Security Board or other similar~~ a federal agency may from time to time require, and comply with ~~such provisions as the Social Security Board, or any other similar federal agency may find requirements~~ necessary to ~~insure~~ ensure the correctness and verification of ~~such the~~ reports; and.

~~(f) Publish E. The Director shall publish an annual report, not later than four (4) months after the close of each fiscal year, showing for such year the total amount paid to needy persons in this state under the provisions of this act, and the total number of such needy persons given assistance, classified by age, sex, race, residence of persons assisted, and such other particulars as may be deemed advisable. Such~~ The report shall be presented to the Governor, the Speaker of the House of Representatives and the President Pro Tempore of the Senate. Annual reports shall provide information about the operations and programs administered by the Department and shall include, but shall not be limited to:

1. Statistical information regarding services provided and the number of persons served by Department programs;

2. Financial data including a reasonable amount of detailed information regarding revenues and expenditures and a breakdown and comparison of the Department budget with actual expenditures;

3. Status of the workforce and productivity of the Department;

4. Information about Department efforts to ensure program accountability and service delivery quality and integrity;

5. Demographic data and trends and their anticipated impact on demand for services; and

6. Information regarding public and private institution-based services.

F. The Director shall assume the statutory duties of the Commission for Human Services.

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

SECTION 2. AMENDATORY 56 O.S. 2011, Section 162.1a, is amended to read as follows:

Section 162.1a Whenever the name of Department of Institutions, Social and Rehabilitative Services, ~~or~~ appears in any law contract or other document it shall be deemed to refer to the Department of Human Services. Whenever the name of the Commission for Institutions, Social and Rehabilitative Services, or Director of

Institutions, Social and Rehabilitative Services appears in any law, contract or other document, it shall be deemed to refer to ~~Department of Human Services, Commission for Human Services, or the~~ Director of Human Services, respectively.

SECTION 3. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 162.1b of Title 56, unless there is created a duplication in numbering, reads as follows:

A. There are hereby created four Department of Human Services Citizens Advisory Panels to evaluate core program and administrative areas of the Department and to develop recommendations to improve the programs and administration of the Department. These Panels are for Children and Family Issues, Aging Issues, Disability Issues and Administration. Each Panel shall be composed of five (5) members. Each appointee shall demonstrate an interest or expertise in the area of responsibility of the Panel to which the member is appointed. The Panels shall be established as follows:

1. The Citizens Advisory Panel for Children and Family Issues shall be composed of:

- a. one member to be appointed by the Governor,
- b. one member to be appointed by the Speaker of the House,
- c. one member to be appointed by the President Pro Tempore of the Senate,
- d. one member to be appointed by the minority leader of the House of Representatives, and
- e. one member to be appointed by the minority leader of the Senate;

2. The Citizens Advisory Panel for Aging Issues shall be composed of:

- a. one member to be appointed by the Governor,
- b. one member to be appointed by the Speaker of the House of Representatives,

- c. one member to be appointed by the President Pro Tempore of the Senate,
- d. one member to be appointed by the minority leader of the House of Representatives, and
- e. one member to be appointed by the minority leader of the Senate;

3. The Citizens Advisory Panel for Disability Issues shall be composed of:

- a. one member to be appointed by the Governor,
- b. one member to be appointed by the Speaker of the House of Representatives,
- c. one member to be appointed by the President Pro Tempore of the Senate,
- d. one member to be appointed by the minority leader of the House of Representatives, and
- e. one member to be appointed by the minority leader of the Senate; and

4. The Citizens Advisory Panel for Administration shall be composed of:

- a. one member to be appointed by the Governor,
- b. one member to be appointed by the Speaker of the House of Representatives,
- c. one member to be appointed by the President Pro Tempore of the Senate,
- d. one member to be appointed by the minority leader of the House of Representatives, and
- e. one member to be appointed by the minority leader of the Senate.

B. Appointing authorities shall appoint members from diverse backgrounds with specialized interests in public welfare, human

services and the specific area of expertise relevant to the Panel to which the member is appointed. Appointees shall not be members of the Oklahoma Legislature. Panels may meet anywhere in the state and members shall be reimbursed for travel expenses. Panels shall each meet at least four times per year but not more than twelve times per year without prior approval from the Director of Human Services. All Panels shall meet together at least one time per year in a Joint Citizens Advisory Panel meeting to be called by the Director of Human Services. Panel meetings shall be open meetings unless information required by law to be confidential is discussed. The Governor shall appoint one of the members of each Panel as Chairman until each Panel has an organizational meeting and elects a chair. The chair shall be selected for a term of one (1) year and shall not serve as chair for two (2) consecutive years.

C. The Department shall provide staff support for the Panels and the Attorney General shall provide the Panels with general counsel. The Panels shall have access to all Department records and personnel necessary to examine Department policies, practices and outcomes and to provide accurate information, analysis and advice as required by law. The members shall operate under the same confidentiality restrictions as any employee or agent of the Department.

D. The Panels shall function as Advisory Panels to provide advice, information, findings and analysis to the Director on the policies and practices of the Department and their impact on outcomes. The Panels shall study and make recommendations to the Director regarding the management and operation of the Department. The appropriate Panels shall also offer recommendations for the implementation of the Pinnacle Plan. Each Panel, including the Joint Citizens Advisory Panel, shall review the performance of the Department in their specific area and report to the Governor, Speaker of the House of Representatives, the President Pro Tempore of the Senate and the Director by December 31 of each year.

E. The Panels shall sunset July 1, 2016.

SECTION 4. AMENDATORY 74 O.S. 2011, Section 129.7, is amended to read as follows:

Section 129.7 In addition to the land described in Section 129.5 of ~~Title 74 of the Oklahoma Statutes~~ this title, the Department of Human Services, with approval of the ~~Human Services Commission~~ Director, may lease other surplus land and property at

the Southern Oklahoma Resource Center of Pauls Valley to an individual or individuals or to an entity. Revenue from such lease shall be placed in a special agency clearing account to be used for the benefit of the residents of the Southern Oklahoma Resource Center of Pauls Valley.

SECTION 5. This act shall become effective November 7, 2012, if an amendment to the Oklahoma Constitution granting the Legislature authority to abolish the Oklahoma Public Welfare Commission is approved.

Passed the House of Representatives the 22nd day of May, 2012.

\_\_\_\_\_  
Presiding Officer of the House of  
Representatives

Passed the Senate the 24th day of May, 2012.

\_\_\_\_\_  
Presiding Officer of the Senate

**OFFICE OF THE GOVERNOR**

Received by the Governor this \_\_\_\_\_  
day of \_\_\_\_\_, 20\_\_\_\_,  
at \_\_\_\_\_ o'clock \_\_\_\_\_ M.

By: \_\_\_\_\_

Approved by the Governor of the State of Oklahoma the \_\_\_\_\_ day of  
\_\_\_\_\_, 20\_\_\_\_, at \_\_\_\_\_ o'clock \_\_\_\_\_ M.

\_\_\_\_\_  
Governor of the State of Oklahoma

**OFFICE OF THE SECRETARY OF STATE**

Received by the Secretary of State this \_\_\_\_\_  
\_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_,  
at \_\_\_\_\_ o'clock \_\_\_\_\_ M.

By: \_\_\_\_\_