

1 STATE OF OKLAHOMA

2 2nd Session of the 53rd Legislature (2012)

3 SENATE BILL 1908

By: Russell

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5  
6 AS INTRODUCED

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 10A O.S. 2011, Section 2-7-201,  
11 which relates to the Office of Juvenile Affairs;  
12 modifying appointment method for certain position;  
13 amending 40 O.S. 2011, Section 4-108, which relates  
14 to the Oklahoma Employment Security Commission;  
15 modifying appointment method for certain position;  
16 amending 43A O.S. 2011, Section 2-201, which relates  
17 to the Department of Mental Health and Substance  
18 Abuse Services; authorizing the Governor to appoint  
19 Commissioner position; amending 56 O.S. 2011, Section  
20 162, which relates to the Department of Human  
21 Services; modifying method of appointment for the  
22 Director position; amending 57 O.S. 2011, Section  
23 506, which relates to the Department of Corrections;  
24 modifying method of appointment for the Director  
position; amending 63 O.S. 2011, Sections 1-104 and  
1-106, which relate to the Department of Health;  
modifying method of appointment for the Commissioner  
position; amending 69 O.S. 2011, Section 4007, which  
relates to the Department of Transportation;  
modifying method of appointment for Director  
position; amending 72 O.S. 2011, Section 63.3, which  
relates to the Department of Veterans Affairs;  
modifying method of appointment for the Director  
position; amending 74 O.S. 2011, Section 166.2, which  
relates to the Department of Rehabilitation Services;  
modifying method of appointment for the Director  
position; 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 1.1 of Title 74, unless there is  
4 created a duplication in numbering, reads as follows:

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

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

17 Section 2-7-201. A. ~~The Board of Juvenile Affairs~~ Governor  
18 shall appoint the Executive Director of the Office of Juvenile  
19 Affairs, by and with the advice and consent of the Senate. The  
20 Executive Director shall serve at the pleasure of the ~~Board~~  
21 Governor.

22 B. ~~The~~ Considerations to be made in appointing the Executive  
23 Director of the Office of Juvenile Affairs ~~shall~~ are that the person  
24 be qualified for such position by character, ability, education,

1 training, and successful administrative experience in the  
2 corrections or juvenile justice field; shall have earned a master's  
3 degree or other advanced degree from an accredited college or  
4 university with a major field of study in at least one of the  
5 following: Corrections, juvenile justice, juvenile delinquency,  
6 criminal justice, law, police science, criminology, psychology,  
7 sociology, administration, education, or a related social science,  
8 and three (3) years' work experience in corrections or juvenile  
9 justice, or a bachelor's degree in the degree areas specified in  
10 this subsection and four (4) years' progressively responsible work  
11 experience in corrections or juvenile justice.

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

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

16 2. Pursuant to legislative authorization employ, discharge,  
17 appoint or contract with, and fix the duties and compensation of  
18 such assistants, attorneys, law enforcement officers, probation  
19 officers, psychologists, social workers, medical professionals,  
20 administrative, clerical and technical, investigators, aides and  
21 such other personnel, either on a full-time, part-time, fee or  
22 contractual basis, as in the judgment and discretion of the  
23 Executive Director shall be deemed necessary in the performance or  
24 carrying out of any of the purposes, objectives, responsibilities,

1 or statutory provisions relating to the Office of Juvenile Affairs,  
2 or to assist the Executive Director of the Office of Juvenile  
3 Affairs in the performance of official duties and functions;

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

6 4. Exercise all incidental powers which are necessary and  
7 proper to implement the purposes of the Office of Juvenile Affairs  
8 pursuant to the Oklahoma Juvenile Code.

9 D. The Executive Director shall employ an attorney to be  
10 designated the "General Counsel" who shall be the legal advisor for  
11 the Office of Juvenile Affairs. Except as provided in this  
12 subsection, the General Counsel is authorized to appear for and  
13 represent the Board and Office in any litigation that may arise in  
14 the discharge of the duties of the Board and Office.

15 It shall continue to be the duty of the Attorney General to give  
16 an official opinion to the Executive Director of the Office of  
17 Juvenile Affairs and the Office of Juvenile Affairs and to prosecute  
18 and defend actions therefor, if requested to do so. The Attorney  
19 General may levy and collect costs, expenses of litigation and a  
20 reasonable attorney fee for such legal services from the Office.  
21 The Office shall not contract for representation by private legal  
22 counsel unless approved by the Attorney General. Such contract for  
23 private legal counsel shall be in the best interests of the state.  
24 The Attorney General shall be notified by the Office of Juvenile

1 Affairs or its counsel of all lawsuits against the Office of  
2 Juvenile Affairs or officers or employees thereof, that seek  
3 injunctive relief which would impose obligations requiring the  
4 expenditure of funds in excess of unencumbered monies in the  
5 agency's appropriations or beyond the current fiscal year. The  
6 Attorney General shall review any such cases and may represent the  
7 interests of the state, if the Attorney General considers it to be  
8 in the best interest of the state to do so, in which case the  
9 Attorney General shall be paid as provided in this subsection.  
10 Representation of multiple defendants in such actions may, at the  
11 discretion of the Attorney General, be divided with counsel for the  
12 Office as necessary to avoid conflicts of interest.

13 E. The Executive Director of the Office of Juvenile Affairs  
14 shall have the authority to commission certified employees within  
15 the Office of Juvenile Affairs as peace officers. The authority of  
16 employees so commissioned shall only include the authority to  
17 investigate crimes committed against the Office or crimes committed  
18 in the course of any program administered by the Office. Employees  
19 so commissioned shall also have the authority to serve and execute  
20 process, bench warrants, and other court orders in any judicial or  
21 administrative proceeding in which the agency is a party or  
22 participant. Use and possession of firearms for this purpose only  
23 shall be permitted. To become qualified as peace officers for the

24

1 commission, employees shall first obtain a certificate as provided  
2 for in Section 3311 of Title 70 of the Oklahoma Statutes.

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

11 SECTION 3. AMENDATORY 40 O.S. 2011, Section 4-108, is  
12 amended to read as follows:

13 Section 4-108. EXECUTIVE DIRECTOR. A. The chief executive  
14 officer of the Oklahoma Employment Security Commission shall be the  
15 Executive Director who shall be appointed by the Governor, by and  
16 with the advice and consent of the Senate, and shall serve at the  
17 pleasure of the ~~Commission~~ Governor. The Executive Director shall  
18 have such compensation and further duties as the Commission may  
19 establish. The Executive Director may appoint in the unclassified  
20 service a Deputy Director and an Associate Director, and shall fix  
21 the qualifications and duties of such position. The Executive  
22 Director may also appoint in the unclassified service secretaries to  
23 the Executive Director, Deputy Director, and Associate Director.

24

1 B. If a person has acquired grade, rank and career status under  
2 the merit system of personnel administration within the Oklahoma  
3 Employment Security Commission before being appointed as Executive  
4 Director, Deputy Director, Associate Director, or unclassified  
5 secretary, that person shall:

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

13 2. Be entitled during the unclassified appointment to continue  
14 to participate without interruption in any fringe benefit programs  
15 available to career employees, including, but not limited to,  
16 retirement and insurance programs.

17 SECTION 4. AMENDATORY 43A O.S. 2011, Section 2-201, is  
18 amended to read as follows:

19 Section 2-201. A. A Commissioner of Mental Health and  
20 Substance Abuse Services shall be appointed by the ~~Board of Mental~~  
21 ~~Health and Substance Abuse Services. The Commissioner may only be~~  
22 ~~removed by the Board for cause~~ Governor, by and with the consent of  
23 the Senate, and that person shall serve at the pleasure of the  
24

1 Governor. The Commissioner shall meet at least one of the following  
2 qualifications:

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

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

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

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

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

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

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

19 SECTION 5. AMENDATORY 56 O.S. 2011, Section 162, is  
20 amended to read as follows:

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

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1        B. The Commission shall have the power and it shall be its duty  
2 to:

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

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

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

14        ~~(d)~~

15        ~~(e) 4. Cooperate with the Federal Social Security Board,~~  
16 created under Title 7 of the Social Security Act, enacted by the  
17 Seventy-Fourth Congress and approved August 14, 1935, or other like  
18 agency created by Congress, in any reasonable manner as may be  
19 necessary to qualify for federal aid to states in providing  
20 assistance to needy persons in conformity with the provisions of  
21 this act, including the making of such reports in such form and  
22 containing such information as the Social Security Board or other  
23 similar federal agency may from time to time require, and comply  
24 with such provisions as the Social Security Board, or other similar

1 federal agency may find necessary to insure the correctness and  
2 verification of such reports; ~~and~~

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

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

13 SECTION 6. AMENDATORY 57 O.S. 2011, Section 506, is  
14 amended to read as follows:

15 Section 506. There is hereby created the position of Director  
16 of Corrections. The Director shall be qualified for such position  
17 by character, personality, ability, education, training and  
18 successful administrative experience in the correctional field;  
19 shall have earned a Master's Degree from an accredited college or  
20 university with a major field of study in at least one of the  
21 following: Corrections, criminal justice, police science,  
22 criminology, psychology, sociology, administration, education, or a  
23 related social science, and five (5) years' work experience in  
24 corrections, or a bachelor's degree in the degree areas above

1 specified and six (6) years' progressively responsible work  
2 experience in corrections. The Director of Corrections shall be  
3 appointed by the ~~Board of Corrections~~ Governor, with the advice and  
4 consent of the Senate and shall ~~be subject to removal by a vote of~~  
5 ~~the majority of the entire Board or in the manner provided by law~~  
6 ~~for the removal of officers not subject to impeachment~~ serve at the  
7 pleasure of the Governor.

8 SECTION 7. AMENDATORY 63 O.S. 2011, Section 1-104, is  
9 amended to read as follows:

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

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

18 1. ~~Appoint and fix~~ Fix the compensation of a State Commissioner  
19 of Health;

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

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

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

4 C. The Governor shall appoint the State Commissioner of Health,  
5 by and with the advice and consent of the Senate, and that person  
6 shall serve at the pleasure of the Governor.

7 SECTION 8. AMENDATORY 63 O.S. 2011, Section 1-106, is  
8 amended to read as follows:

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

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

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

18 3. Possession of a Doctoral degree in Public Health or Public  
19 Health Administration; or

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

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

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

23           2. Be the executive officer and supervise the activities of the  
24 State Department of Health, and act for the Department in all

1 matters except as may be otherwise provided in this Code; administer  
2 oaths at any hearing or investigation conducted pursuant to this  
3 Code; and enforce rules and standards adopted by the State Board of  
4 Health. All rules adopted by the State Board of Health are subject  
5 to the terms and conditions of the Administrative Procedures Act.

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

18 4. Cause investigations, inquiries and inspections to be made,  
19 and hold hearings and issue orders pursuant to the provisions of the  
20 Administrative Procedures Act, to enforce and make effective the  
21 provisions of this Code, and all rules and standards adopted by the  
22 State Board of Health pursuant to law and the Commissioner or the  
23 representative of the Commissioner shall have the right of access to  
24

1 any premises for such purpose at any reasonable time, upon  
2 presentation of identification.

3 5. Authorize persons in the State Department of Health to  
4 conduct investigations, inquiries and hearings, and to perform other  
5 acts that the Commissioner is authorized or required to conduct or  
6 perform personally.

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

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

21 8. Unless otherwise required by the terms of a federal grant,  
22 sell, exchange or otherwise dispose of personal property that has  
23 been acquired by the State Department of Health, or any of its  
24 components, when such property becomes obsolete or is no longer

1 needed; any money derived therefrom shall be deposited in the Public  
2 Health Special Fund.

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

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

19 11. Accept, use, disburse and administer grants, allotments,  
20 gifts, devises, bequests, appropriations and other monies and  
21 property offered or given to the State Department of Health, or any  
22 component or agency thereof, by any agency of the federal  
23 government, or any corporation or individual.

24

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

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

20           SECTION 9.           AMENDATORY           69 O.S. 2011, Section 4007, is  
21 amended to read as follows:

22           Section 4007. A. The administrative head of the Department of  
23 Transportation shall be the Director of the Department of  
24 Transportation. The Director shall be an individual with a

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

12 B. The Director shall employ a professional civil engineer who  
13 shall have broad experience in design and construction of complex  
14 highways or other transportation-related projects. This engineer  
15 shall be responsible to the Director for the management of all  
16 engineering functions of the Department.

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

23 SECTION 10. AMENDATORY 72 O.S. 2011, Section 63.3, is  
24 amended to read as follows:

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

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

21 2. To ~~appoint the Director of the Department of Veterans~~  
22 ~~Affairs and~~ provide for the employment of all such other personnel  
23 as may be necessary to carry out the provisions of Sections 63.1  
24 through 63.4 of this title, and any other duties prescribed by law.

1 The salary and tenure of the Director of the Department shall be  
2 determined by the Commission; and

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

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

9 SECTION 11. AMENDATORY 74 O.S. 2011, Section 166.2, is  
10 amended to read as follows:

11 Section 166.2 A. ~~Effective July 1, 1993, there~~ There is hereby  
12 created the Commission for Rehabilitation Services, an agency of the  
13 State of Oklahoma, a body corporate and politic, with powers of  
14 government and with the authority to exercise the rights, privileges  
15 and functions as herein specified, with its lawful operations deemed  
16 to be an essential governmental function of the State of Oklahoma  
17 with all the attributes thereof.

18 B. The Commission shall ~~appoint and remove the Director of the~~  
19 ~~Department of Rehabilitation Services,~~ approve programs, policy and  
20 budget, and perform the necessary functions of a governing board for  
21 the State Department of Rehabilitation Services. The Governor shall  
22 appoint the Director of the Department of Rehabilitation Services,  
23 by and with the consent of the Senate, and that person shall serve  
24 at the pleasure of the Governor.

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

3 a. one member shall be appointed by the President Pro  
4 Tempore of the Oklahoma State Senate for a three-year  
5 term,

6 b. one member shall be appointed by the Speaker of the  
7 Oklahoma House of Representatives for a three-year  
8 term, and

9 c. one member shall be appointed by the Governor for a  
10 three-year term;i

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

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

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

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

22 3. Thereafter, at the expiration of the term, or termination of  
23 the member's service for any reason, the original appointing  
24

1 authority shall appoint a successor for a term of three (3) years,  
2 or for the remainder of an unexpired term.

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

14 E. The original appointing authority may remove any  
15 commissioner for misconduct, incompetency or neglect of duty, after  
16 giving such commissioner a written statement of charges, and  
17 opportunity for a hearing.

18 SECTION 12. This act shall become effective November 1, 2012.

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