

05/21/2012 02:56:24 PM

HOUSE OF REPRESENTATIVES
CONFERENCE COMMITTEE REPORT

Mr. President:
Mr. Speaker:

The Conference Committee, to which was referred

HB3137

By: Steele of the House and Treat of the Senate

Title: Poor persons; relating to the powers and duties of the Commission for human Services;
specifying Commission shall be subject to modification by Legislature; effective date.

Together with Engrossed Senate Amendments thereto, beg leave to report that we have had the same under consideration and herewith return the same with the following recommendations:

1. That the Senate recede from Amendments No. 1, 2 and 3 and that the attached Conference Committee Substitute be adopted.

Respectfully submitted,

House Action _____ Date _____ Senate Action _____ Date _____

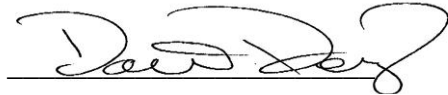
HOUSE CONFEREES

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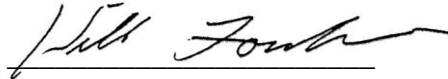
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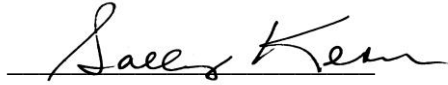
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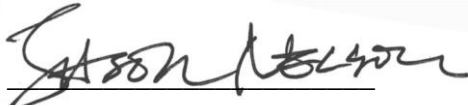
Fourkiller



Kern



Nelson



Peterson



Pruett

Roberts (Sean)



Sanders

Scott

HB3137 CCR A

SENATE CONFEREES

Treat

Johnson (Rob)

Crain

Bingman

Burrage

Ballenger

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Dress
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House Action _____ Date _____ Senate Action _____ Date _____

House Action _____ Date _____ Senate Action _____ Date _____

STATE OF OKLAHOMA

2nd Session of the 53rd Legislature (2012)

CONFERENCE COMMITTEE
SUBSTITUTE
FOR ENGROSSED
HOUSE BILL NO. 3137

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

and

Treat of the Senate

CONFERENCE COMMITTEE SUBSTITUTE

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

1 approval authority; providing for codification; and
2 providing an effective date.

3
4 BE IT ENACTED BY THE PEOPLE OF THE STATE OF OKLAHOMA:

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

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

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

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

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

23 ~~(d)~~
24

1 ~~(e) Cooperate~~ D. The Director shall cooperate with the Federal
2 ~~Social Security Board, created under Title 7 of the Social Security~~
3 ~~Act, enacted by the Seventy-Fourth Congress and approved August 14,~~
4 ~~1935 federal Department of Health and Human Services, or other like~~
5 ~~agency~~ similar agencies created by Congress, in any reasonable
6 manner as may be necessary to qualify for federal aid to states in
7 providing assistance to needy persons in conformity with the
8 provisions of this ~~act~~ title, including the making of ~~such~~ reports
9 in ~~such~~ the form and containing ~~such~~ information as ~~the Social~~
10 ~~Security Board or other similar~~ a federal agency may from time to
11 time require, and comply with ~~such provisions as the Social Security~~
12 ~~Board, or any~~ other similar federal agency ~~may find~~ requirements
13 necessary to ~~insure~~ ensure the correctness and verification of ~~such~~
14 the reports; ~~and.~~

15 ~~(f) Publish~~ E. The Director shall publish an annual report, not
16 later than four (4) months after the close of each fiscal year, ~~7~~
17 ~~showing for such year the total amount paid to needy persons in this~~
18 ~~state under the provisions of this act, and the total number of such~~
19 ~~needy persons given assistance, classified by age, sex, race,~~
20 ~~residence of persons assisted, and such other particulars as may be~~
21 ~~deemed advisable. Such~~ The report shall be presented to the
22 Governor, the Speaker of the House of Representatives and the
23 President Pro Tempore of the Senate. Annual reports shall provide
24

1 information about the operations and programs administered by the
2 Department and shall include, but shall not be limited to:

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

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

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

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

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

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

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

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

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

22 Section 162.1a Whenever the name of Department of Institutions,
23 Social and Rehabilitative Services, ~~or~~ appears in any law contract
24 or other document it shall be deemed to refer to the Department of

1 Human Services. Whenever the name of the Commission for
2 Institutions, Social and Rehabilitative Services, or Director of
3 Institutions, Social and Rehabilitative Services appears in any law,
4 contract or other document, it shall be deemed to refer to
5 Department of Human Services, Commission for Human Services, or the
6 Director of Human Services, respectively.

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

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

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

- 21 a. one member to be appointed by the Governor,
- 22 b. one member to be appointed by the Speaker of the
- 23 House,
- 24

- 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,

1 d. one member to be appointed by the minority leader of
2 the House of Representatives, and

3 e. one member to be appointed by the minority leader of
4 the Senate; and

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

7 a. one member to be appointed by the Governor,

8 b. one member to be appointed by the Speaker of the House
9 of Representatives,

10 c. one member to be appointed by the President Pro
11 Tempore of the Senate,

12 d. one member to be appointed by the minority leader of
13 the House of Representatives, and

14 e. one member to be appointed by the minority leader of
15 the Senate.

16 B. Appointing authorities shall appoint members from diverse
17 backgrounds with specialized interests in public welfare, human
18 services and the specific area of expertise relevant to the Panel to
19 which the member is appointed. Appointees shall not be members of
20 the Oklahoma Legislature. Panels may meet anywhere in the state and
21 members shall be reimbursed for travel expenses. Panels shall each
22 meet at least four times per year but not more than twelve times per
23 year without prior approval from the Director of Human Services.
24 All Panels shall meet together at least one time per year in a Joint

1 Citizens Advisory Panel meeting to be called by the Director of
2 Human Services. Panel meetings shall be open meetings unless
3 information required by law to be confidential is discussed. The
4 Governor shall appoint one of the members of each Panel as Chairman
5 until each Panel has an organizational meeting and elects a chair.
6 The chair shall be selected for a term of one (1) year and shall not
7 serve as chair for two (2) consecutive years.

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

16 D. The Panels shall function as Advisory Panels to provide
17 advice, information, findings and analysis to the Director on the
18 policies and practices of the Department and their impact on
19 outcomes. The Panels shall study and make recommendations to the
20 Director regarding the management and operation of the Department.
21 The appropriate Panels shall also offer recommendations for the
22 implementation of the Pinnacle Plan. Each Panel, including the
23 Joint Citizens Advisory Panel, shall review the performance of the
24 Department in their specific area and report to the Governor,

1 Speaker of the House of Representatives, the President Pro Tempore
2 of the Senate and the Director by December 31 of each year.

3 E. The Panels shall sunset July 1, 2016.

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

6 Section 129.7 In addition to the land described in Section
7 129.5 of ~~Title 74 of the Oklahoma Statutes~~ this title, the
8 Department of Human Services, with approval of the ~~Human Services~~
9 ~~Commission~~ Director, may lease other surplus land and property at
10 the Southern Oklahoma Resource Center of Pauls Valley to an
11 individual or individuals or to an entity. Revenue from such lease
12 shall be placed in a special agency clearing account to be used for
13 the benefit of the residents of the Southern Oklahoma Resource
14 Center of Pauls Valley.

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

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20 53-2-10533 SDR 05/16/12
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