

OKLAHOMA STATE SENATE
JOINT

COMMITTEE REPORT

May 10, 2017

JOINT COMMITTEE ON APPROPRIATIONS AND BUDGET

SB 871

By: David of the Senate and Osborn (Leslie) and Wallace of the House

Title: Agency consolidation; consolidating OCCY and ODC; effective date; emergency.

Recommendation: **DO PASS**

Aye: Allen, Bass, Bergstrom, Bice, Boggs, Brecheen, Brown, Dahm, Daniels, Dossett, Dugger, Floyd, Fry, Griffin, Jech, Leewright, Marlatt, Matthews, McCortney, Newberry, Newhouse, Paxton, Pederson, Pemberton, Pittman, Pugh, Quinn, Rader, Shaw, Silk, Simpson, Smalley, Sparks, Standridge, Stanislawski, Thompson, Yen, Fields, David

Nay: Scott

Pass:

Senator Kim David, Chair

OKLAHOMA HOUSE OF REPRESENTATIVES
COMMITTEE REPORT

JOINT COMMITTEE ON APPROPRIATIONS AND BUDGET

SB871

By: Osborn (Leslie) et al of the House

David et al of the Senate

Title: Agency consolidation; consolidating OCCY and ODC; effective date; emergency.

Coauthored By:

Recommendation: **DO PASS**

Amendments:

 Chr.
Representative Leslie Osborn

YEAS: 19

Bennett (J), Caldwell, Calvey, Casey, Cockroft, Henke, Loring, Martin, Murphey, O'Donnell, Ortega, Osborn (L), Ownbey, Pfeiffer, Roberts (D), Russ, Sanders, Sears, Wallace

NAYS: 6

Dunnington, Inman, Kouplen, Proctor, Stone, Virgin

CONSTITUTIONAL PRIVILEGE: 0

STATE OF OKLAHOMA

1st Session of the 56th Legislature (2017)

SENATE BILL 871

By: David and Fields of the
Senate

and

Osborn (Leslie) and Wallace
of the House

AS INTRODUCED

An Act relating to agency consolidation;
consolidating the Office of Disability Concerns and
the Oklahoma Commission on Children and Youth; naming
consolidated agency; providing for interpretation of
certain statutory references; transferring certain
powers, duties, functions and responsibilities;
transferring certain funds, records, encumbrances,
equipment, and other items; transferring certain
accrued monies; providing for succession of certain
contractual rights and responsibilities; directing
certain coordination; providing requirements
pertaining to transfer of employees; directing
certain actions be taken; transferring certain rules;
directing promulgation of rules; amending 74 O.S.
2011, Section 9.21, which relates to the Office of
Disability Concerns; consolidating the Office of
Disability Concerns and the Oklahoma Commission on
Children and Youth; naming consolidated agency;
providing for interpretation of certain statutory
references; providing for noncodification; providing
for codification; providing effective date; and
declaring an emergency.

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

SECTION 1. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 601.1a of Title 10, unless there is created a duplication in numbering, reads as follows:

A. The Office of Disability Concerns is hereby consolidated with the Oklahoma Commission on Children and Youth. The consolidated agency is hereby named the Oklahoma Commission on Children, Youth and Disabilities. Any reference in the Oklahoma Statutes to the Oklahoma Commission on Children and Youth shall be deemed to be a reference to the Oklahoma Commission on Children, Youth and Disabilities unless otherwise required by the context of the reference.

B. All powers, duties, functions, and responsibilities of the Office of Disability Concerns and of the Oklahoma Commission on Children and Youth are hereby transferred to the Oklahoma Commission on Children, Youth and Disabilities.

C. All assets, funds, liabilities, allotments, purchase orders, outstanding financial obligations, encumbrances, records, vehicles, equipment, and other property of the Office of Disability Concerns and of the Oklahoma Commission on Children and Youth are hereby transferred to the Oklahoma Commission on Children, Youth and Disabilities.

D. Any monies accruing to or in the name of the Office of Disability Concerns or of the Oklahoma Commission on Children and Youth on and after the effective date of this act, or any monies

1 that accrue in any funds or accounts or are maintained for the
2 benefit of the Office of Disability Concerns or the Oklahoma
3 Commission on Children and Youth on and after the effective date of
4 this act are hereby transferred to the Oklahoma Commission on
5 Children, Youth and Disabilities.

6 E. The Oklahoma Commission on Children, Youth and Disabilities
7 shall succeed to any contractual rights and responsibilities
8 incurred by the Office of Disability Concerns or by the Oklahoma
9 Commission on Children and Youth.

10 F. The Director of the Office of Management and Enterprise
11 Services is hereby directed to coordinate the transfer of funds,
12 allotments, purchase orders, and outstanding financial obligations
13 or encumbrances as provided for in this section.

14 G. Personnel employed by the Office of Disability Concerns and
15 the Oklahoma Commission on Children and Youth on July 1, 2017, shall
16 be transferred to the Oklahoma Commission on Children, Youth and
17 Disabilities and shall be subject to the following provisions:

18 1. Classified employees shall remain subject to the provisions
19 of the Merit System of Personnel Administration, as provided in the
20 Oklahoma Personnel Act;

21 2. Unclassified employees transferred to Oklahoma Commission on
22 Children, Youth and Disabilities shall remain in the unclassified
23 service and shall serve at the pleasure of the Director of the
24 Oklahoma Commission on Children, Youth and Disabilities;

1 3. All employees who are transferred pursuant to this act shall
2 retain leave, sick and annual time earned and any retirement and
3 longevity benefits which have accrued during their employment with
4 the state. The salaries of employees who are transferred shall not
5 be reduced as a direct and immediate result of the transfer;

6 4. If the Oklahoma Commission on Children, Youth and
7 Disabilities should implement a reduction in force, all employees
8 transferred pursuant to this act shall be credited for the time they
9 were employed by the Office of Disability Concerns and the Oklahoma
10 Commission on Children and Youth; and

11 5. The transfer of personnel shall be coordinated with the
12 Office of Management and Enterprise Services.

13 SECTION 2. NEW LAW A new section of law not to be
14 codified in the Oklahoma Statutes reads as follows:

15 The Director of the Oklahoma Commission on Children and Youth
16 and the Director of the Office of Disability Concerns shall take all
17 such action as may be reasonably necessary and appropriate to
18 achieve the orderly transition of functions as provided by this act.

19 SECTION 3. NEW LAW A new section of law to be codified in
20 the Oklahoma Statutes as Section 601.1b of Title 10, unless there is
21 created a duplication in numbering, reads as follows:

22 A. Effective July 1, 2017, all administrative rules promulgated
23 by the Oklahoma Commission on Children and Youth and the Office of
24 Disability Concerns shall be transferred to and become a part of the

1 administrative rules of the Oklahoma Commission on Children, Youth
2 and Disabilities. The Office of Administrative Rules in the
3 Secretary of State's office shall provide adequate notice in the
4 Oklahoma Register of the transfer of such rules, and shall place the
5 transferred rules under the Administrative Code section of the
6 Oklahoma Commission on Children, Youth and Disabilities. Such rules
7 shall continue in force and effect as rules of the office of the
8 Oklahoma Commission on Children, Youth and Disabilities from and
9 after July 1, 2017, and any amendment, repeal or addition to the
10 transferred rules shall be under the jurisdiction of the Oklahoma
11 Commission on Children, Youth and Disabilities.

12 B. The Oklahoma Commission on Children, Youth and Disabilities
13 shall promulgate rules to implement the provisions of this act.

14 SECTION 4. AMENDATORY 74 O.S. 2011, Section 9.21, is
15 amended to read as follows:

16 Section 9.21. ~~There is hereby established an agency of the~~
17 ~~executive branch of state government to be known as the~~ The Office
18 of Disability Concerns is hereby consolidated with the Oklahoma
19 Commission on Children and Youth. The consolidated agency is hereby
20 named the Oklahoma Commission on Children, Youth and Disabilities.
21 All references in the Oklahoma Statutes to the Office of Disability
22 Concerns shall be deemed to refer to the Oklahoma Commission on
23 Children, Youth and Disabilities unless otherwise required by the
24 context of the reference.

1 SECTION 5. This act shall become effective July 1, 2017.

2 SECTION 6. It being immediately necessary for the preservation
3 of the public peace, health or safety, an emergency is hereby
4 declared to exist, by reason whereof this act shall take effect and
5 be in full force from and after its passage and approval.

6
7 56-1-1808 LB 5/10/2017 4:00:16 PM