

1 STATE OF OKLAHOMA

2 1st Session of the 57th Legislature (2019)

3 SENATE BILL NO. 214

By: Boggs

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5
6 AS INTRODUCED

7 An Act relating to state agency directors; amending
8 10A O.S. 2011, Sections 2-7-101 and 2-7-201, as last
9 amended by Section 1, Chapter 386, O.S.L. 2016 (10A
10 O.S. Supp. 2018, Section 2-7-201), which relate to
11 the Office of Juvenile Affairs; amending 43A O.S.
12 2011, Sections 1-103, as last amended by Section 1,
13 Chapter 246, O.S.L. 2017 and 2-201 (43A O.S. Supp.
14 2018, Section 1-103), which relate to the Department
15 of Mental Health and Substance Abuse Services;
16 amending 57 O.S. 2011, Sections 504 and 506, as last
17 amended by Section 2, Chapter 386, O.S.L. 2016 (57
18 O.S. Supp. 2018, Section 506), which relate to the
19 Department of Corrections; amending 63 O.S. 2011,
20 Section 5007, which relates to the Oklahoma Health
21 Care Authority; amending 69 O.S. 2011, Section 4007,
22 which relates to the Oklahoma Department of
23 Transportation; amending 70 O.S. 2011, Section 14-
24 103, which relates to the Department of Career and
Technology Education; requiring that certain agency
directors be appointed by Governor with advice and
consent of the Senate and serve at the pleasure of
the Governor; modifying powers and duties of certain
boards and commissions; clarifying language; updating
statutory references; and providing an effective
date.

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

SECTION 1. AMENDATORY 10A O.S. 2011, Section 2-7-101, is
amended to read as follows:

1 Section 2-7-101. A. There is hereby created, effective
2 February 1, 1995, the Board of Juvenile Affairs which shall consist
3 of seven (7) members who shall be appointed by the Governor with the
4 advice and consent of the Senate.

5 B. One member shall be appointed from each congressional
6 district and any remaining members shall be appointed from the state
7 at large. However, when congressional districts are redrawn each
8 member appointed prior to July 1 of the year in which such
9 modification becomes effective shall complete the current term of
10 office and appointments made after July 1 of the year in which such
11 modification becomes effective shall be based on the redrawn
12 districts. Appointments made after July 1 of the year in which the
13 modification becomes effective shall be from any redrawn districts
14 which are not represented by a board member until such time as each
15 of the modified congressional districts are represented by a board
16 member. No appointments may be made after July 1 of the year in
17 which the modification becomes effective if such appointment would
18 result in more than two members serving from the same modified
19 district. The terms of office of the members serving on the Board
20 on ~~the effective date of this act~~ June 4, 2004, shall expire at the
21 end of the current term of the member.

22 C. 1. All appointments made by the Governor pursuant to this
23 ~~act~~ section shall be as follows:

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- 1 a. one member appointed by the Governor shall be a
2 resident of the First Congressional District,
3 b. one member appointed by the Governor shall be a
4 resident of the Second Congressional District,
5 c. one member appointed by the Governor shall be a
6 resident of the Third Congressional District,
7 d. one member appointed by the Governor shall be a
8 resident of the Fourth Congressional District,
9 e. one member appointed by the Governor shall be a
10 resident of the Fifth Congressional District,
11 f. one member appointed by the Governor shall be
12 appointed at large, and
13 g. one member appointed by the Governor shall be
14 appointed at large.

15 All members shall be appointed for terms of four (4) years. All
16 terms shall expire on the first day of July of the year in which the
17 terms of each member expire.

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

3 3. A member may be reappointed to succeed himself or herself
4 for one additional term.

5 D. 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 E. Members appointed pursuant to this paragraph shall include
13 persons having experience in social work, juvenile justice, criminal
14 justice, community-based youth services, criminal-justice-related
15 behavioral sciences, indigent defense, and education. In making the
16 appointments, the Governor shall also give consideration to urban,
17 rural, gender, and minority representation.

18 F. Any member of the Board may be removed from office in the
19 manner provided by law for the removal of officers not subject to
20 impeachment.

21 G. 1. The Board shall hold meetings as necessary at a place
22 and time to be fixed by the Board. The Board shall elect, at its
23 first meeting, one of its members to serve as chair and another of
24 its members to serve as vice-chair. At the first meeting in each

1 calendar year thereafter, the chair and vice-chair for the ensuing
2 year shall be elected. Special meetings may be called by the chair
3 or by five members of the Board by delivery of written notice to
4 each member of the Board. A majority of members serving on the
5 Board shall constitute a quorum of the Board.

6 2. Members of the Board shall receive necessary travel expenses
7 according to the provisions of the State Travel Reimbursement Act,
8 but shall receive no other compensation. Travel expenses shall be
9 paid from funds available to the Office of Juvenile Affairs.

10 H. The Board shall:

11 1. Adopt and promulgate rules for its government and may adopt
12 an official seal for the Office of Juvenile Affairs;

13 2. ~~Appoint and fix~~ Fix the compensation of the Executive
14 Director of the Office of Juvenile Affairs;

15 3. Be the rulemaking body for the Office of Juvenile Affairs;

16 4. Review and approve the budget request of the Office of
17 Juvenile Affairs to the Governor;

18 5. Assist the Office of Juvenile Affairs in conducting periodic
19 reviews and planning activities related to the goals, objectives,
20 priorities, and policies of the Office;

21 6. Provide a public forum for receiving comments and
22 disseminating information to the public and the regulated community
23 regarding goals, objectives, priorities, and policies of the Office
24 of Juvenile Affairs at least quarterly. The Board shall have the

1 authority to adopt nonbinding resolutions requesting action by the
2 Office of Juvenile Affairs in response to comments received or upon
3 the Board's own initiative; and

4 7. Establish contracting procedures for the Office of Juvenile
5 Affairs and guidelines for rates of payment for services provided by
6 contract.

7 I. 1. As the rulemaking body of the Office of Juvenile
8 Affairs, the Board is specifically charged with the duty of
9 promulgating rules which will implement the duties and
10 responsibilities of the Office pursuant to the Oklahoma Juvenile
11 Code.

12 2. Effective July 1, 1995, any administrative policies adopted
13 by the Commission for Human Services related to personnel and other
14 administrative issues and any rules promulgated relating to the
15 custody, care and supervision of children adjudicated to be
16 delinquent or in need of supervision shall be and remain in effect
17 until amended or new rules are promulgated by the Board of Juvenile
18 Affairs.

19 3. Any rules adopted by the Commission for Human Services
20 related to personnel and other administrative issues and the
21 custody, care and supervision of children adjudicated to be
22 delinquent or in need of supervision and subject to review by the
23 Legislature during the 1st Session of the 45th Oklahoma Legislature
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1 may be finally adopted and promulgated by the Board of Juvenile
2 Affairs pursuant to the Administrative Procedures Act.

3 4. Starting April 1, 1995, the Board of Juvenile Affairs shall
4 conduct an internal review of current permanent and emergency rules
5 relating to the custody, care and supervision of children
6 adjudicated to be delinquent or in need of supervision to determine
7 whether such rules need to be amended, or repealed, reinstated, or
8 recodified. By January 1, 1997, the Board shall have adopted
9 permanent rules to implement the programs and functions within its
10 jurisdiction and shall submit such rules for legislative review
11 pursuant to Article I of the Administrative Procedures Act.

12 5. The Board of Juvenile Affairs shall develop performance
13 standards for programs implemented, either directly or pursuant to
14 contract, by the Office of Juvenile Affairs.

15 SECTION 2. AMENDATORY 10A O.S. 2011, Section 2-7-201, as
16 last amended by Section 1, Chapter 386, O.S.L. 2016 (10A O.S. Supp.
17 2018, Section 2-7-201), is amended to read as follows:

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

22 B. The Executive Director of the Office of Juvenile Affairs
23 shall be qualified for such position by character, ability,
24 education, training, and successful administrative experience in one

1 of the following: Corrections, juvenile justice, juvenile
2 delinquency, criminal justice, law, police science, criminology,
3 psychology, sociology, administration, education, or a related
4 social science.

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

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

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

21 3. Establish internal policies and procedures for the proper
22 and efficient administration of the Office of Juvenile Affairs; and
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1 4. Exercise all incidental powers which are necessary and
2 proper to implement the purposes of the Office of Juvenile Affairs
3 pursuant to the Oklahoma Juvenile Code.

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

10 It shall continue to be the duty of the Attorney General to give
11 an official opinion to the Executive Director of the Office of
12 Juvenile Affairs and the Office of Juvenile Affairs and to prosecute
13 and defend actions therefor, if requested to do so. The Attorney
14 General may levy and collect costs, expenses of litigation and a
15 reasonable attorney fee for such legal services from the Office.
16 The Office shall not contract for representation by private legal
17 counsel unless approved by the Attorney General. Such contract for
18 private legal counsel shall be in the best interests of the state.
19 The Attorney General shall be notified by the Office of Juvenile
20 Affairs or its counsel of all lawsuits against the Office of
21 Juvenile Affairs or officers or employees thereof, that seek
22 injunctive relief which would impose obligations requiring the
23 expenditure of funds in excess of unencumbered monies in the
24 agency's appropriations or beyond the current fiscal year. The

1 Attorney General shall review any such cases and may represent the
2 interests of the state, if the Attorney General considers it to be
3 in the best interest of the state to do so, in which case the
4 Attorney General shall be paid as provided in this subsection.
5 Representation of multiple defendants in such actions may, at the
6 discretion of the Attorney General, be divided with counsel for the
7 Office as necessary to avoid conflicts of interest.

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

21 F. The Executive Director of the Office of Juvenile Affairs,
22 based upon rules established by the Board of Juvenile Affairs, shall
23 have the authority to appoint and commission campus police for
24 secure juvenile facilities and their adjacent grounds under the

1 jurisdiction of the Office of Juvenile Affairs in the same manner
2 and with the same powers as campus police appointed by governing
3 boards of state institutions for higher education under the
4 provisions of Section 360.15 et seq. of Title 74 of the Oklahoma
5 Statutes.

6 G. In the event of the Executive Director's temporary absence,
7 the Executive Director may delegate the exercise of such powers and
8 duties to a designee during the Executive Director's absence. In
9 the event of a vacancy in the position of Executive Director, the
10 ~~Board of Juvenile Affairs~~ Governor, with the advice and consent of
11 the Senate, shall appoint a new Executive Director. The ~~Board~~
12 Governor may designate an interim or acting Executive Director who
13 is authorized to exercise such powers and duties until a permanent
14 Executive Director is employed.

15 SECTION 3. AMENDATORY 43A O.S. 2011, Section 1-103, as
16 last amended by Section 1, Chapter 246, O.S.L. 2017 (43A O.S. Supp.
17 2018, Section 1-103), is amended to read as follows:

18 Section 1-103. When used in this title, unless otherwise
19 expressly stated, or unless the context or subject matter otherwise
20 requires:

21 1. "Department" means the Department of Mental Health and
22 Substance Abuse Services;

23 2. "Chair" means the chair of the Board of Mental Health and
24 Substance Abuse Services;

1 3. "Mental illness" means a substantial disorder of thought,
2 mood, perception, psychological orientation or memory that
3 significantly impairs judgment, behavior, capacity to recognize
4 reality or ability to meet the ordinary demands of life;

5 4. "Board" means the Board of Mental Health and Substance Abuse
6 Services as established by the Mental Health Law;

7 5. "Commissioner" means the individual selected and appointed
8 by the ~~Board~~ Governor to serve as Commissioner of Mental Health and
9 Substance Abuse Services;

10 6. "Indigent person" means a person who has not sufficient
11 assets or resources to support the person and to support members of
12 the family of the person lawfully dependent on the person for
13 support;

14 7. "Facility" means any hospital, school, building, house or
15 retreat, authorized by law to have the care, treatment or custody of
16 an individual with mental illness, or drug or alcohol dependency,
17 gambling addiction, eating disorders, an opioid substitution
18 treatment program, including, but not limited to, public or private
19 hospitals, community mental health centers, clinics, satellites or
20 facilities; provided, that facility shall not mean a child guidance
21 center operated by the State Department of Health;

22 8. "Consumer" means a person under care or treatment in a
23 facility pursuant to the Mental Health Law, or in an outpatient
24 status;

1 9. "Care and treatment" means medical care and behavioral
2 health services, as well as food, clothing and maintenance,
3 furnished to a person;

4 10. Whenever in this law or in any other law, or in any rule or
5 order made or promulgated pursuant to this law or to any other law,
6 or in the printed forms prepared for the admission of consumers or
7 for statistical reports, the words "insane", "insanity", "lunacy",
8 "mentally sick", "mental disease" or "mental disorder" are used,
9 such terms shall have equal significance to the words "mental
10 illness";

11 11. "Licensed mental health professional" means:

- 12 a. a psychiatrist who is a diplomate of the American
13 Board of Psychiatry and Neurology,
- 14 b. a psychiatrist who is a diplomate of the American
15 Osteopathic Board of Neurology and Psychiatry,
- 16 c. a physician licensed pursuant to the Oklahoma
17 Allopathic Medical and Surgical Licensure and
18 Supervision Act or the Oklahoma Osteopathic Medicine
19 Act,
- 20 d. a clinical psychologist who is duly licensed to
21 practice by the State Board of Examiners of
22 Psychologists,
- 23 e. a professional counselor licensed pursuant to the
24 Licensed Professional Counselors Act,

- f. a person licensed as a clinical social worker pursuant to the provisions of the Social Worker's Licensing Act,
- g. a licensed marital and family therapist as defined in the Marital and Family Therapist Licensure Act,
- h. a licensed behavioral practitioner as defined in the Licensed Behavioral Practitioner Act,
- i. an advanced practice nurse as defined in the Oklahoma Nursing Practice Act,
- j. a physician's assistant who is licensed in good standing in this state, or
- k. a licensed drug and alcohol counselor/mental health (LADC/MH) as defined in the Licensed Alcohol and Drug Counselors Act;

12. "Mentally incompetent person" means any person who has been adjudicated mentally or legally incompetent by an appropriate district court;

13. a. "Person requiring treatment" means a person who because of his or her mental illness or drug or alcohol dependency:

- (1) poses a substantial risk of immediate physical harm to self as manifested by evidence or serious threats of or attempts at suicide or other significant self-inflicted bodily harm,

1 (2) poses a substantial risk of immediate physical
2 harm to another person or persons as manifested
3 by evidence of violent behavior directed toward
4 another person or persons,

5 (3) has placed another person or persons in a
6 reasonable fear of violent behavior directed
7 towards such person or persons or serious
8 physical harm to them as manifested by serious
9 and immediate threats,

10 (4) is in a condition of severe deterioration such
11 that, without immediate intervention, there
12 exists a substantial risk that severe impairment
13 or injury will result to the person, or

14 (5) poses a substantial risk of immediate serious
15 physical injury to self or death as manifested by
16 evidence that the person is unable to provide for
17 and is not providing for his or her basic
18 physical needs.

19 b. The mental health or substance abuse history of the
20 person may be used as part of the evidence to
21 determine whether the person is a person requiring
22 treatment or an assisted outpatient. The mental
23 health or substance abuse history of the person shall
24 not be the sole basis for this determination.

1 c. Unless a person also meets the criteria established in
2 subparagraph a or b of this paragraph, person
3 requiring treatment or an assisted outpatient shall
4 not mean:

5 (1) a person whose mental processes have been
6 weakened or impaired by reason of advanced years,
7 dementia, or Alzheimer's disease,

8 (2) a mentally retarded or developmentally disabled
9 person as defined in Title 10 of the Oklahoma
10 Statutes,

11 (3) a person with seizure disorder,

12 (4) a person with a traumatic brain injury, or

13 (5) a person who is homeless.

14 d. A person who meets the criteria established in this
15 section, but who is medically unstable, or the
16 facility holding the person is unable to treat the
17 additional medical conditions of that person should be
18 discharged and transported in accordance with Section
19 1-110 of this title;

20 14. "Petitioner" means a person who files a petition alleging
21 that an individual is a person requiring treatment or an assisted
22 outpatient;

23 15. "Executive director" means the person in charge of a
24 facility as defined in this section;

1 16. "Private hospital or facility" means any general hospital
2 maintaining a neuro-psychiatric unit or ward, or any private
3 hospital or facility for care and treatment of a person having a
4 mental illness, which is not supported by the state or federal
5 government. The term "private hospital" or "facility" shall not
6 include nursing homes or other facilities maintained primarily for
7 the care of elderly and disabled persons;

8 17. "Individualized treatment plan" means a proposal developed
9 during the stay of an individual in a facility, under the provisions
10 of this title, which is specifically tailored to the treatment needs
11 of the individual. Each plan shall clearly include the following:

- 12 a. a statement of treatment goals or objectives, based
13 upon and related to a clinical evaluation, which can
14 be reasonably achieved within a designated time
15 interval,
- 16 b. treatment methods and procedures to be used to obtain
17 these goals, which methods and procedures are related
18 to each of these goals and which include specific
19 prognosis for achieving each of these goals,
- 20 c. identification of the types of professional personnel
21 who will carry out the treatment procedures, including
22 appropriate medical or other professional involvement
23 by a physician or other health professional properly

1 qualified to fulfill legal requirements mandated under
2 state and federal law,

3 d. documentation of involvement by the individual
4 receiving treatment and, if applicable, the accordance
5 of the individual with the treatment plan, and

6 e. a statement attesting that the executive director of
7 the facility or clinical director has made a
8 reasonable effort to meet the plan's individualized
9 treatment goals in the least restrictive environment
10 possible closest to the home community of the
11 individual;

12 18. "Telemedicine" means the practice of health care delivery,
13 diagnosis, consultation, evaluation, treatment, transfer of medical
14 data, or exchange of medical education information by means of
15 audio, video, or data communications. Telemedicine uses audio and
16 video multimedia telecommunication equipment which permits two-way
17 real-time communication between a health care practitioner and a
18 patient who are not in the same physical location. Telemedicine
19 shall not include consultation provided by telephone or facsimile
20 machine;

21 19. "Recovery and recovery support" means nonclinical services
22 that assist individuals and families to recover from alcohol or drug
23 problems. They include social support, linkage to and coordination
24 among allied service providers, including but not limited to

1 transportation to and from treatment or employment, employment
2 services and job training, case management and individual services
3 coordination, life skills education, relapse prevention, housing
4 assistance, child care, and substance abuse education;

5 20. "Assisted outpatient" means a person who:

6 a. is either currently under the care of a facility
7 certified by the Department of Mental Health and
8 Substance Abuse Services as a Community Mental Health
9 Center, or is being discharged from the custody of the
10 Oklahoma Department of Corrections, or is being
11 discharged from a residential placement by the Office
12 of Juvenile Affairs,

13 b. is suffering from a mental illness,

14 c. is unlikely to survive safely in the community without
15 supervision, based on a clinical determination,

16 d. has a history of lack of compliance with treatment for
17 mental illness that has:

18 (1) prior to the filing of a petition, at least twice
19 within the last thirty-six (36) months been a
20 significant factor in necessitating
21 hospitalization or treatment in a hospital or
22 residential facility, or receipt of services in a
23 forensic or other mental health unit of a
24 correctional facility, or a specialized treatment

1 plan for treatment of mental illness in a secure
2 juvenile facility or placement in a specialized
3 residential program for juveniles, or

4 (2) prior to the filing of the petition, resulted in
5 one or more acts of serious violent behavior
6 toward self or others or threats of, or attempts
7 at, serious physical harm to self or others
8 within the last twenty-four (24) months,

9 e. is, as a result of his or her mental illness, unlikely
10 to voluntarily participate in outpatient treatment
11 that would enable him or her to live safely in the
12 community,

13 f. in view of his or her treatment history and current
14 behavior, is in need of assisted outpatient treatment
15 in order to prevent a relapse or deterioration which
16 would be likely to result in serious harm to the
17 person or persons as defined in this section, and

18 g. is likely to benefit from assisted outpatient
19 treatment; and

20 21. "Assisted outpatient treatment" means outpatient services
21 which have been ordered by the court pursuant to a treatment plan
22 approved by the court to treat an assisted outpatient's mental
23 illness and to assist the person in living and functioning in the
24 community, or to attempt to prevent a relapse or deterioration that

1 may reasonably be predicted to result in suicide or the need for
2 hospitalization.

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

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

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

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

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

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

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

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

3 B. The salary of the Commissioner shall be fixed by the Board.

4 SECTION 5. AMENDATORY 57 O.S. 2011, Section 504, is
5 amended to read as follows:

6 Section 504. ~~(a)~~ A. The State Board of Corrections shall
7 elect from its members a ~~chairman~~ chair, vice ~~chairman~~ chair and a
8 secretary. It shall adopt rules and regulations for its government
9 and may adopt an official seal for the Department. Members shall be
10 reimbursed for travel expenses, as provided in the State Travel
11 Reimbursement Act while attending meetings of the Board or while
12 performing other official duties.

13 ~~(b)~~ B. The Board shall have the following powers and duties:

14 ~~(1)~~ 1. To establish policies for the operation of the
15 Department of Corrections;

16 ~~(2)~~ 2. To establish and maintain such institutions as are
17 necessary or convenient for the operation of programs for the
18 education, training, vocational education and rehabilitation of
19 prisoners under the jurisdiction of the Department;

20 ~~(3)~~ 3. To lease, from time to time, without restriction as to
21 terms, any property which ~~said~~ the Board shall determine advisable
22 to more fully carry into effect the operation of prison industries;

23 ~~(4)~~ 4. To acquire, construct, extend, improve, maintain and
24 operate any and all facilities of all kinds which in the judgment of

1 the Board shall be necessary or convenient to foster the prison
2 industries program;

3 ~~(5)~~ 5. To require the Director and any other personnel of the
4 Department, when deemed necessary by the Board, to give bond for the
5 faithful performance of their duties;

6 ~~(6)~~ 6. To ~~appoint and~~ fix the salary of the Director;

7 ~~(7)~~ 7. To enter into contracts with private prison contractors;

8 and

9 ~~(8)~~ 8. To provide training to employees of private prison
10 contractors and other governmental entities on a fee basis.

11 SECTION 6. AMENDATORY 57 O.S. 2011, Section 506, as last
12 amended by Section 2, Chapter 386, O.S.L. 2016 (57 O.S. Supp. 2018,
13 Section 506), is amended to read as follows:

14 Section 506. There is hereby created the position of Director
15 of Corrections. The Director shall be qualified for such position
16 by character, knowledge, skill, ability, education, training and
17 successful administrative experience and shall have five (5) years
18 of professional level work. The Director of Corrections shall be
19 appointed by the ~~Board of Corrections~~ Governor, with the advice and
20 consent of the Senate and shall ~~be subject to removal by a vote of~~
21 ~~the majority of the entire Board or in the manner provided by law~~
22 ~~for the removal of officers not subject to impeachment~~ serve at the
23 pleasure of the Governor.

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1 SECTION 7. AMENDATORY 63 O.S. 2011, Section 5007, is
2 amended to read as follows:

3 Section 5007. A. There is hereby created the Oklahoma Health
4 Care Authority Board. On and after July 1, 1994, as the terms of
5 the initially appointed members expire, the Board shall be composed
6 of seven appointed members who shall serve for terms of four (4)
7 years and shall be appointed as follows:

8 1. Two members shall be appointed by the President Pro Tempore
9 of the Senate;

10 2. Two members shall be appointed by the Speaker of the House
11 of Representatives; and

12 3. Three members shall be appointed by the Governor. Two of
13 the members appointed by the Governor shall be consumers.

14 B. Members appointed pursuant to this paragraph, with the
15 exception of the consumer members, shall include persons having
16 experience in medical care, health care services, health care
17 delivery, health care finance, health insurance and managed health
18 care. Consumer members shall have no financial or professional
19 interest in medical care, health care services, health care
20 delivery, health finance, health insurance or managed care. In
21 making the appointments, the appointing authority shall also give
22 consideration to urban, rural, gender and minority representation.

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1 C. 1. As the terms of office of members appointed before July
2 1, 1995, expire, appointments made on or after July 1, 1995, shall
3 be subject to the following requirements:

4 a. One member appointed by the Governor shall be a
5 resident of the First Congressional District. The
6 term of office of the member appointed by the Governor
7 and serving as of ~~the effective date of this act~~ July
8 1, 1998, shall expire on September 1, 2003;

9 b. One member appointed by the President Pro Tempore of
10 the Senate shall be a resident of the Second
11 Congressional District and a consumer. The term of
12 office of the member appointed by the President Pro
13 Tempore of the Senate and serving as of ~~the effective~~
14 ~~date of this act~~ July 1, 1998, shall expire on
15 September 1, 1999;

16 c. One member appointed by the President Pro Tempore of
17 the Senate shall be a resident of the Third
18 Congressional District. The term of office of the
19 member appointed by the President Pro Tempore of the
20 Senate and serving as of ~~the effective date of this~~
21 ~~act~~ July 1, 1998, shall expire on September 1, 2004;

22 d. One member appointed by the Speaker of the House of
23 Representatives shall be a resident of the Fourth
24 Congressional District. The term of office of the

1 member appointed by the Speaker of the House of
2 Representatives and serving as of ~~the effective date~~
3 ~~of this act~~ July 1, 1998, shall expire on September 1,
4 2001;

5 e. One member appointed by the Speaker of the House of
6 Representatives shall be a resident of the Fifth
7 Congressional District and a consumer. The term of
8 office of the member appointed by the Speaker of the
9 House of Representatives and serving as of ~~the~~
10 ~~effective date of this act~~ July 1, 1998, shall expire
11 on September 1, 1998;

12 f. One member appointed by the Governor shall be a
13 resident of the Sixth Congressional District and a
14 consumer. The term of office of the member appointed
15 by the Governor and serving as of ~~the effective date~~
16 ~~of this act~~ July 1, 1998, shall expire on September 1,
17 2000; and

18 g. The second consumer member appointed by the Governor
19 shall be appointed at large. The term of office of
20 the member appointed by the Governor and serving as of
21 ~~the effective date of this act~~ July 1, 1998, shall
22 expire on September 1, 2002.

23 2. Appointments made subsequent to ~~the effective date of this~~
24 ~~act~~ November 5, 2002, shall not be restricted to any particular

1 congressional district. Appointments made after July 1 of the year
2 in which a redrawing of a congressional district becomes effective
3 shall be from the state at large. However, no appointments may be
4 made after July 1 of the year in which such modification becomes
5 effective if such appointment would result in more than two members
6 serving from the same modified district.

7 D. The terms of the members serving on the Board as of ~~the~~
8 ~~effective date of this act~~ July 1, 1998, shall expire on September 1
9 of the year in which the respective terms expire. Thereafter, as
10 new terms begin, members shall be appointed to four-year staggered
11 terms which shall expire on September 1. Should a member serve less
12 than a four-year term, the term of office of the member subsequently
13 appointed shall be for the remainder of the four-year term.

14 E. ~~On and after July 1, 1994, any subsequently appointed~~
15 ~~administrator of the Authority shall be appointed by the Board~~ The
16 administrator of the Authority shall be appointed by the Governor,
17 with the advice and consent of the Senate, and shall serve at the
18 pleasure of the Governor. The administrator shall have the training
19 and experience necessary for the administration of the Authority, as
20 determined by the Board, including, but not limited to, prior
21 experience in the administration of managed health care. ~~The~~
22 ~~administrator shall serve at the pleasure of the Board.~~

23 F. The Board shall have the power and duty to:
24

1 1. Establish the policies of the Oklahoma Health Care
2 Authority;

3 2. ~~Appoint the Administrator of the Authority;~~

4 ~~3.~~ Adopt and promulgate rules as necessary and appropriate to
5 carry out the duties and responsibilities of the Authority. The
6 Board shall be the rulemaking body for the Authority; and

7 4. 3. Adopt, publish and submit by January 1 of each year to
8 the Governor, the President Pro Tempore of the Senate, and the
9 Speaker of the House of Representatives appropriate administrative
10 policies and the business plan for that year. All actions governed
11 by ~~said~~ the administrative policies and annual business plan shall
12 be examined annually in an independent audit.

13 G. 1. A vacancy in a position shall be filled in the same
14 manner as provided in subsection A of this section.

15 2. A majority of the members of the Board shall constitute a
16 quorum for the transaction of business and for taking any official
17 action. Official action of the Board must have a favorable vote by
18 a majority of the members present.

19 3. Members appointed pursuant to subsection A of this section
20 shall serve without compensation but shall be reimbursed for
21 expenses incurred in the performance of their duties in accordance
22 with the State Travel Reimbursement Act.

23

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1 H. The Board and the Authority shall act in accordance with the
2 provisions of the Oklahoma Open Meeting Act, the Oklahoma Open
3 Records Act and the Administrative Procedures Act.

4 SECTION 8. AMENDATORY 69 O.S. 2011, Section 4007, is
5 amended to read as follows:

6 Section 4007. A. The administrative head of the Department of
7 Transportation shall be the Director of the Department of
8 Transportation. The Director shall be an individual with a
9 background of broad experience in the administration and management
10 of complex public works or other comparable organizational
11 structures, and ~~who~~ shall be appointed by the ~~Commission~~ Governor,
12 with the advice and consent of the Senate, and serve at the pleasure
13 of the ~~Commission~~ Governor. ~~He~~ The Director shall have the
14 authority and duty to supervise, direct, account for, organize,
15 plan, administer and execute the functions of the Department
16 consistent with the general policies and procedures prescribed and
17 established by the Commission. Any statutory references to the
18 State Highway Director in ~~Title 69 of the Oklahoma Statutes~~ this
19 title shall mean the Director of the Department of Transportation.

20 B. The Director shall employ a professional civil engineer who
21 shall have broad experience in design and construction of complex
22 highways or other transportation-related projects. This engineer
23 shall be responsible to the Director for the management of all
24 engineering functions of the Department.

1 C. ~~This act~~ Section 4001 et seq. of this title shall not affect
2 the status and rights accrued under the State Merit System of
3 Personnel Administration or the Oklahoma Public Employees Retirement
4 System to persons serving as employees of any Department,
5 Commission, Authority or other state agency who become employees of
6 the Department of Transportation through the passage of ~~this act~~
7 Section 4001 et seq. of this title.

8 SECTION 9. AMENDATORY 70 O.S. 2011, Section 14-103, is
9 amended to read as follows:

10 Section 14-103. A. The State Board of Career and Technology
11 Education shall have the following powers and duties:

12 1. Have the supervision of the Oklahoma Department of Career
13 and Technology Education of the State Board of Career and Technology
14 Education, which department shall keep its principal offices at
15 Stillwater, and ~~appoint and~~ fix the compensation and duties of the
16 Director and appoint and fix the compensation and duties of other
17 personnel of such Department;

18 2. Have the supervision of the technology center schools and
19 colleges of Oklahoma, except Oklahoma State University Institute of
20 Technology-Okmulgee and the Oklahoma State University Technical
21 Institutes at Oklahoma City and Stillwater, which, however, shall be
22 eligible to participate in federal programs administered by the
23 State Board of Career and Technology Education as hereinafter
24 provided;

1 3. Cooperate with, and enter into agreements with, and
2 administer programs of, and receive federal funds from, the United
3 States Department of Education and other federal agencies in matters
4 relating to vocational and technical education, youth apprenticeship
5 programs, and manpower training, and be the sole state agency for
6 such purposes. Provided that, programs and funds made available
7 through the Job Training Partnership Act, or its successor programs,
8 shall be excluded;

9 4. Provide for the formulation and adoption of curricula,
10 courses of study, and other instructional aids necessary for the
11 adequate instruction of students in the technology center schools
12 and colleges of this state. It is the intent of the Legislature
13 that instructional models for vocational students should include
14 higher standards of academic work with increased emphasis on
15 communication, computation and applied science;

16 5. Develop a plan to provide adequate vocational offerings
17 accessible to all students having the ability to benefit;

18 6. Purchase or otherwise acquire equipment, materials, supplies
19 and other property, real or personal, as may be necessary for the
20 operation of the technology center schools of this state, and
21 provide for the maximum utilization of such property through a
22 coordinated and cooperative use thereof, including transfer of title
23 to real and personal property to a technology center school district
24 for a reasonable cash consideration if ~~said~~ the property is to be

1 utilized in a vocational-technical program administered by the
2 technology center district board of education. Any conveyance of
3 real property for a reasonable consideration shall contain a
4 reversionary clause by which the real property shall revert to the
5 State Board of Career and Technology Education if the property
6 ceases to be used in a vocational-technical program administered by
7 the technology center district board of education;

8 7. Enter into such agreements and contracts with the State
9 Board of Education, boards of trustees of community junior colleges,
10 boards of education of independent and elementary school districts,
11 boards of education of school districts for technology center
12 schools, private educational or training institutions, public or
13 private industry, and boards of directors of community action
14 programs, as may be necessary or feasible for the furtherance of
15 vocational and technical training within this state;

16 8. Cooperate and enter into agreements with the Oklahoma State
17 Regents for Higher Education;

18 9. Cooperate with the State Department of Education in
19 developing hands-on career exploration activities for students in
20 grades 6 through 10, integrating academic competencies into
21 vocational instruction, and ensuring counseling of all students in
22 order to minimize the number of students graduating from high school
23 without having completed either a vocational-technical program or
24 college preparation;

- 1 10. Develop and periodically update a plan to allow teacher
2 training and the purchase and installation of technological
3 equipment necessary to modernize vocational educational programs;
- 4 11. Accept and provide for the administration of any land,
5 money, buildings, gifts, funds, donations or other things of value
6 which may be offered or bequeathed to the schools or colleges under
7 the supervision or control of ~~said~~ the Board;
- 8 12. Enter into cooperative arrangements with one or more other
9 states for the conduct and administration of programs, services and
10 activities;
- 11 13. Cooperate whenever possible, to avoid any duplication of
12 training programs with any established training program registered
13 by the Bureau of Apprenticeship and Training, United States
14 Department of Labor;
- 15 14. Accept and expend funds from any source in order to market,
16 advertise or promote programs and services available through the
17 Career and Technology Education system; and
- 18 15. Participate in activities pertaining to the recruitment of
19 companies to locate or expand operations in the state, and
20 participate in activities that will increase the competitiveness of
21 companies with headquarters or branch operations located in the
22 state. These activities may require agency staff to travel, train,
23 or provide technical assistance outside the State of Oklahoma.
- 24

1 B. The Director of the Department shall be appointed by the
2 Governor, with the advice and consent of the Senate, and shall serve
3 at the pleasure of the Governor.

4 SECTION 10. This act shall become effective November 1, 2019.

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