

1 STATE OF OKLAHOMA

2 2nd Session of the 56th Legislature (2018)

3 HOUSE BILL 3209

By: Lepak

4
5 AS INTRODUCED

6 An Act relating to state government; amending 10A
7 O.S. 2011, Sections 2-7-101 and 2-7-201, as last
8 amended by Section 1, Chapter 386, O.S.L. 2016 (10A
9 O.S. Supp. 2017, Section 2-7-201), which relate to
10 the Board of Juvenile Affairs and the Executive
11 Director of the Office of Juvenile Affairs;
12 transferring authority to appoint the Executive
13 Director from the Board to the Governor; amending 43A
14 O.S. 2011, Sections 1-103, as last amended by Section
15 1, Chapter 246, O.S.L. 2017 and 2-201 (43A O.S. Supp.
16 2017, Section 1-103), which relate to mental health
17 and substance abuse; transferring authority to
18 appoint the Commissioner of Mental Health and
19 Substance Abuse Services from the Board of Mental
20 Health and Substance Abuse Services to the Governor;
21 amending 57 O.S. 2011, Sections 504 and 506, as last
22 amended by Section 2, Chapter 386, O.S.L. 2016 (57
23 O.S. Supp. 2017, Section 506), which relate to the
24 Oklahoma Corrections Act of 1967; transferring
authority to appoint the Director of Corrections from
the State Board of Corrections to the Governor;
amending 63 O.S. 2011, Sections 1-104 and 1-106,
which relate to the Oklahoma Public Health Code;
transferring authority to appoint the State
Commissioner of Health from the State Board of Health
to the Governor; amending 63 O.S. 2011, Sections 5007
and 5008, which relate to the Oklahoma Health Care
Authority Act; transferring authority to appoint the
Administrator from the Health Care Authority Board to
the Governor; amending 69 O.S. 2011, Section 305,
which relates to the Director of the Department of
Transportation; transferring authority to appoint the
Director from the State Transportation Commission to
the Governor; amending 70 O.S. 2011, Sections 14-103
and 14-104, which relate to career and technical
education; transferring authority to appoint the
Director from the State Board of Career and Technical

1 Education to the Governor; amending 74 O.S. 2011,
2 Sections 2204 and 2206, which relate to the Oklahoma
3 Tourism, Parks and Recreation Enhancement Act;
4 transferring authority to appoint the Executive
5 Director from the Oklahoma Tourism and Recreation
6 Commission to the Governor; and providing an
7 effective date.

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

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

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

15 B. One member shall be appointed from each congressional
16 district and any remaining members shall be appointed from the state
17 at large. However, when congressional districts are redrawn each
18 member appointed prior to July 1 of the year in which such
19 modification becomes effective shall complete the current term of
20 office and appointments made after July 1 of the year in which such
21 modification becomes effective shall be based on the redrawn
22 districts. Appointments made after July 1 of the year in which the
23 modification becomes effective shall be from any redrawn districts
24 which are not represented by a board member until such time as each
of the modified congressional districts are represented by a board
member. No appointments may be made after July 1 of the year in

1 which the modification becomes effective if such appointment would
2 result in more than two members serving from the same modified
3 district. The terms of office of the members serving on the Board
4 on the effective date of this act shall expire at the end of the
5 current term of the member.

6 C. 1. All appointments made by the Governor pursuant to this
7 act shall be as follows:

- 8 a. one member appointed by the Governor shall be a
9 resident of the First Congressional District,
- 10 b. one member appointed by the Governor shall be a
11 resident of the Second Congressional District,
- 12 c. one member appointed by the Governor shall be a
13 resident of the Third Congressional District,
- 14 d. one member appointed by the Governor shall be a
15 resident of the Fourth Congressional District,
- 16 e. one member appointed by the Governor shall be a
17 resident of the Fifth Congressional District,
- 18 f. one member appointed by the Governor shall be
19 appointed at large, and
- 20 g. one member appointed by the Governor shall be
21 appointed at large.

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

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

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

11 D. To be eligible for appointment to the Board a person shall:

12 1. Be a citizen of the United States;

13 2. Be a resident of this state;

14 3. Be a qualified elector of this state; and

15 4. Not have been convicted of a felony pursuant to the laws of
16 this state, the laws of any other state, or the laws of the United
17 States.

18 E. Members appointed pursuant to this paragraph shall include
19 persons having experience in social work, juvenile justice, criminal
20 justice, community-based youth services, criminal-justice-related
21 behavioral sciences, indigent defense, and education. In making the
22 appointments, the Governor shall also give consideration to urban,
23 rural, gender, and minority representation.

24

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

4 G. 1. The Board shall hold meetings as necessary at a place
5 and time to be fixed by the Board. The Board shall elect, at its
6 first meeting, one of its members to serve as chair and another of
7 its members to serve as vice-chair. At the first meeting in each
8 calendar year thereafter, the chair and vice-chair for the ensuing
9 year shall be elected. Special meetings may be called by the chair
10 or by five members of the Board by delivery of written notice to
11 each member of the Board. A majority of members serving on the
12 Board shall constitute a quorum of the Board.

13 2. Members of the Board shall receive necessary travel expenses
14 according to the provisions of the State Travel Reimbursement Act,
15 but shall receive no other compensation. Travel expenses shall be
16 paid from funds available to the Office of Juvenile Affairs.

17 H. The Board shall:

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

20 ~~2. Appoint and fix the compensation of the Executive Director~~
21 ~~of the Office of Juvenile Affairs;~~

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

23 ~~4.~~ 3. Review and approve the budget request of the Office of
24 Juvenile Affairs to the Governor;

1 ~~5.~~ 4. Assist the Office of Juvenile Affairs in conducting
2 periodic reviews and planning activities related to the goals,
3 objectives, priorities, and policies of the Office;

4 ~~6.~~ 5. Provide a public forum for receiving comments and
5 disseminating information to the public and the regulated community
6 regarding goals, objectives, priorities, and policies of the Office
7 of Juvenile Affairs at least quarterly. The Board shall have the
8 authority to adopt nonbinding resolutions requesting action by the
9 Office of Juvenile Affairs in response to comments received or upon
10 the Board's own initiative; and

11 ~~7.~~ 6. Establish contracting procedures for the Office of
12 Juvenile Affairs and guidelines for rates of payment for services
13 provided by contract.

14 I. 1. As the rulemaking body of the Office of Juvenile
15 Affairs, the Board is specifically charged with the duty of
16 promulgating rules which will implement the duties and
17 responsibilities of the Office pursuant to the Oklahoma Juvenile
18 Code.

19 2. Effective July 1, 1995, any administrative policies adopted
20 by the Commission for Human Services related to personnel and other
21 administrative issues and any rules promulgated relating to the
22 custody, care and supervision of children adjudicated to be
23 delinquent or in need of supervision shall be and remain in effect
24

1 until amended or new rules are promulgated by the Board of Juvenile
2 Affairs.

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

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

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

22 SECTION 2. AMENDATORY 10A O.S. 2011, Section 2-7-201, as
23 last amended by Section 1, Chapter 386, O.S.L. 2016 (10A O.S. Supp.
24 2017, Section 2-7-201), is amended to read as follows:

1 Section 2-7-201. A. The ~~Board of Juvenile Affairs~~ Governor
2 shall appoint, with the advice and consent of the Senate, the
3 Executive Director of the Office of Juvenile Affairs and shall
4 establish the compensation for the Executive Director. The
5 Executive Director shall serve at the pleasure of the ~~Board~~
6 Governor.

7 B. The Executive Director of the Office of Juvenile Affairs
8 shall be qualified for such position by character, ability,
9 education, training, and successful administrative experience in one
10 of the following: Corrections, juvenile justice, juvenile
11 delinquency, criminal justice, law, police science, criminology,
12 psychology, sociology, administration, education, or a related
13 social science.

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

16 1. Be the executive officer and supervise the activities of the
17 Office of Juvenile Affairs;

18 2. Pursuant to legislative authorization employ, discharge,
19 appoint or contract with, and fix the duties and compensation of
20 such assistants, attorneys, law enforcement officers, probation
21 officers, psychologists, social workers, medical professionals,
22 administrative, clerical and technical, investigators, aides and
23 such other personnel, either on a full-time, part-time, fee or
24 contractual basis, as in the judgment and discretion of the

1 Executive Director shall be deemed necessary in the performance or
2 carrying out of any of the purposes, objectives, responsibilities,
3 or statutory provisions relating to the Office of Juvenile Affairs,
4 or to assist the Executive Director of the Office of Juvenile
5 Affairs in the performance of official duties and functions;

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

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

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

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

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

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

1 shall be permitted. To become qualified as peace officers for the
2 commission, employees shall first obtain a certificate as provided
3 for in Section 3311 of Title 70 of the Oklahoma Statutes.

4 F. The Executive Director of the Office of Juvenile Affairs,
5 based upon rules established by the Board of Juvenile Affairs, shall
6 have the authority to appoint and commission campus police for
7 secure juvenile facilities and their adjacent grounds under the
8 jurisdiction of the Office of Juvenile Affairs in the same manner
9 and with the same powers as campus police appointed by governing
10 boards of state institutions for higher education under the
11 provisions of Section 360.15 et seq. of Title 74 of the Oklahoma
12 Statutes.

13 G. In the event of the Executive Director's temporary absence,
14 the Executive Director may delegate the exercise of such powers and
15 duties to a designee during the Executive Director's absence. In
16 the event of a vacancy in the position of Executive Director, the
17 ~~Board of Juvenile Affairs~~ Governor shall appoint a new Executive
18 Director. The ~~Board~~ Governor may designate an interim or acting
19 Executive Director who is authorized to exercise such powers and
20 duties until a permanent Executive Director is employed.

21 SECTION 3. AMENDATORY 43A O.S. 2011, Section 1-103, as
22 last amended by Section 1, Chapter 246, O.S.L. 2017 (43A O.S. Supp.
23 2017, Section 1-103), is amended to read as follows:
24

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

4 1. "Department" means the Department of Mental Health and
5 Substance Abuse Services;

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

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

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

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

17 6. "Indigent person" means a person who has not sufficient
18 assets or resources to support the person and to support members of
19 the family of the person lawfully dependent on the person for
20 support;

21 7. "Facility" means any hospital, school, building, house or
22 retreat, authorized by law to have the care, treatment or custody of
23 an individual with mental illness, or drug or alcohol dependency,
24 gambling addiction, eating disorders, an opioid substitution

1 treatment program, including, but not limited to, public or private
2 hospitals, community mental health centers, clinics, satellites or
3 facilities; provided, that facility shall not mean a child guidance
4 center operated by the State Department of Health;

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

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

11 10. Whenever in this law or in any other law, or in any rule or
12 order made or promulgated pursuant to this law or to any other law,
13 or in the printed forms prepared for the admission of consumers or
14 for statistical reports, the words "insane", "insanity", "lunacy",
15 "mentally sick", "mental disease" or "mental disorder" are used,
16 such terms shall have equal significance to the words "mental
17 illness";

18 11. "Licensed mental health professional" means:

19 a. a psychiatrist who is a diplomate of the American
20 Board of Psychiatry and Neurology,

21 b. a psychiatrist who is a diplomate of the American
22 Osteopathic Board of Neurology and Psychiatry,

23 c. a physician licensed pursuant to the Oklahoma
24 Allopathic Medical and Surgical Licensure and

1 Supervision Act or the Oklahoma Osteopathic Medicine
2 Act,

3 d. a clinical psychologist who is duly licensed to
4 practice by the State Board of Examiners of
5 Psychologists,

6 e. a professional counselor licensed pursuant to the
7 Licensed Professional Counselors Act,

8 f. a person licensed as a clinical social worker pursuant
9 to the provisions of the Social Worker's Licensing
10 Act,

11 g. a licensed marital and family therapist as defined in
12 the Marital and Family Therapist Licensure Act,

13 h. a licensed behavioral practitioner as defined in the
14 Licensed Behavioral Practitioner Act,

15 i. an advanced practice nurse as defined in the Oklahoma
16 Nursing Practice Act,

17 j. a physician's assistant who is licensed in good
18 standing in this state, or

19 k. a licensed drug and alcohol counselor/mental health
20 (LADC/MH) as defined in the Licensed Alcohol and Drug
21 Counselors Act;

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

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

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

8 (2) poses a substantial risk of immediate physical
9 harm to another person or persons as manifested
10 by evidence of violent behavior directed toward
11 another person or persons,

12 (3) has placed another person or persons in a
13 reasonable fear of violent behavior directed
14 towards such person or persons or serious
15 physical harm to them as manifested by serious
16 and immediate threats,

17 (4) is in a condition of severe deterioration such
18 that, without immediate intervention, there
19 exists a substantial risk that severe impairment
20 or injury will result to the person, or

21 (5) poses a substantial risk of immediate serious
22 physical injury to self or death as manifested by
23 evidence that the person is unable to provide for
24

1 and is not providing for his or her basic
2 physical needs.

3 b. The mental health or substance abuse history of the
4 person may be used as part of the evidence to
5 determine whether the person is a person requiring
6 treatment or an assisted outpatient. The mental
7 health or substance abuse history of the person shall
8 not be the sole basis for this determination.

9 c. Unless a person also meets the criteria established in
10 subparagraph a or b of this paragraph, person
11 requiring treatment or an assisted outpatient shall
12 not mean:

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

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

19 (3) a person with seizure disorder,

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

21 (5) a person who is homeless.

22 d. A person who meets the criteria established in this
23 section, but who is medically unstable, or the
24 facility holding the person is unable to treat the

1 additional medical conditions of that person should be
2 discharged and transported in accordance with Section
3 1-110 of this title;

4 14. "Petitioner" means a person who files a petition alleging
5 that an individual is a person requiring treatment or an assisted
6 outpatient;

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

9 16. "Private hospital or facility" means any general hospital
10 maintaining a neuro-psychiatric unit or ward, or any private
11 hospital or facility for care and treatment of a person having a
12 mental illness, which is not supported by the state or federal
13 government. The term "private hospital" or "facility" shall not
14 include nursing homes or other facilities maintained primarily for
15 the care of elderly and disabled persons;

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

- 20 a. a statement of treatment goals or objectives, based
21 upon and related to a clinical evaluation, which can
22 be reasonably achieved within a designated time
23 interval,

- 1 b. treatment methods and procedures to be used to obtain
2 these goals, which methods and procedures are related
3 to each of these goals and which include specific
4 prognosis for achieving each of these goals,
5 c. identification of the types of professional personnel
6 who will carry out the treatment procedures, including
7 appropriate medical or other professional involvement
8 by a physician or other health professional properly
9 qualified to fulfill legal requirements mandated under
10 state and federal law,
11 d. documentation of involvement by the individual
12 receiving treatment and, if applicable, the accordance
13 of the individual with the treatment plan, and
14 e. a statement attesting that the executive director of
15 the facility or clinical director has made a
16 reasonable effort to meet the plan's individualized
17 treatment goals in the least restrictive environment
18 possible closest to the home community of the
19 individual;

20 18. "Telemedicine" means the practice of health care delivery,
21 diagnosis, consultation, evaluation, treatment, transfer of medical
22 data, or exchange of medical education information by means of
23 audio, video, or data communications. Telemedicine uses audio and
24 video multimedia telecommunication equipment which permits two-way

1 real-time communication between a health care practitioner and a
2 patient who are not in the same physical location. Telemedicine
3 shall not include consultation provided by telephone or facsimile
4 machine;

5 19. "Recovery and recovery support" means nonclinical services
6 that assist individuals and families to recover from alcohol or drug
7 problems. They include social support, linkage to and coordination
8 among allied service providers, including but not limited to
9 transportation to and from treatment or employment, employment
10 services and job training, case management and individual services
11 coordination, life skills education, relapse prevention, housing
12 assistance, child care, and substance abuse education;

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

- 14 a. is either currently under the care of a facility
15 certified by the Department of Mental Health and
16 Substance Abuse Services as a Community Mental Health
17 Center, or is being discharged from the custody of the
18 Oklahoma Department of Corrections, or is being
19 discharged from a residential placement by the Office
20 of Juvenile Affairs,
- 21 b. is suffering from a mental illness,
- 22 c. is unlikely to survive safely in the community without
23 supervision, based on a clinical determination,

24

1 d. has a history of lack of compliance with treatment for
2 mental illness that has:

3 (1) prior to the filing of a petition, at least twice
4 within the last thirty-six (36) months been a
5 significant factor in necessitating
6 hospitalization or treatment in a hospital or
7 residential facility, or receipt of services in a
8 forensic or other mental health unit of a
9 correctional facility, or a specialized treatment
10 plan for treatment of mental illness in a secure
11 juvenile facility or placement in a specialized
12 residential program for juveniles, or

13 (2) prior to the filing of the petition, resulted in
14 one or more acts of serious violent behavior
15 toward self or others or threats of, or attempts
16 at, serious physical harm to self or others
17 within the last twenty-four (24) months,

18 e. is, as a result of his or her mental illness, unlikely
19 to voluntarily participate in outpatient treatment
20 that would enable him or her to live safely in the
21 community,

22 f. in view of his or her treatment history and current
23 behavior, is in need of assisted outpatient treatment
24 in order to prevent a relapse or deterioration which

1 would be likely to result in serious harm to the
2 person or persons as defined in this section, and
3 g. is likely to benefit from assisted outpatient
4 treatment; and

5 21. "Assisted outpatient treatment" means outpatient services
6 which have been ordered by the court pursuant to a treatment plan
7 approved by the court to treat an assisted outpatient's mental
8 illness and to assist the person in living and functioning in the
9 community, or to attempt to prevent a relapse or deterioration that
10 may reasonably be predicted to result in suicide or the need for
11 hospitalization.

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

14 Section 2-201. ~~A.~~ A Commissioner of Mental Health and
15 Substance Abuse Services shall be appointed by the ~~Board of Mental~~
16 ~~Health and Substance Abuse Services. The Commissioner may only be~~
17 ~~removed by the Board for cause~~ Governor, with the advice and consent
18 of the Senate, and shall serve at the pleasure of the Governor. The
19 Governor shall establish the compensation for the Commissioner. The
20 Commissioner shall meet at least one of the following
21 qualifications:

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

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

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

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

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

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

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

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

16 Section 504. (a) The State Board of Corrections shall elect
17 from its members a chairman, vice-chairman and a secretary. It
18 shall adopt rules and regulations for its government and may adopt
19 an official seal for the Department of Corrections. Members shall
20 be reimbursed for travel expenses, as provided in the State Travel
21 Reimbursement Act while attending meetings of the Board or while
22 performing other official duties.

23 (b) The Board shall have the following powers and duties:

24 (1) To establish policies for the operation of the Department;

1 (2) To establish and maintain such institutions as are
2 necessary or convenient for the operation of programs for the
3 education, training, vocational education and rehabilitation of
4 prisoners under the jurisdiction of the Department;

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

8 (4) To acquire, construct, extend, improve, maintain and
9 operate any and all facilities of all kinds which in the judgment of
10 the Board shall be necessary or convenient to foster the prison
11 industries program;

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

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

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

17 and

18 ~~(8)~~ (7) To provide training to employees of private prison
19 contractors and other governmental entities on a fee basis.

20 SECTION 6. AMENDATORY 57 O.S. 2011, Section 506, as last
21 amended by Section 2, Chapter 386, O.S.L. 2016 (57 O.S. Supp. 2017,
22 Section 506), is amended to read as follows:

23 Section 506. There is hereby created the position of Director
24 of Corrections. The Director shall be qualified for such position

1 by character, knowledge, skill, ability, education, training and
2 successful administrative experience and shall have five (5) years
3 of professional level work. The Director of Corrections shall be
4 appointed by the ~~Board of Corrections~~ Governor, with the advice and
5 consent of the Senate, and shall ~~be subject to removal by a vote of~~
6 ~~the majority of the entire Board or in~~ serve at the pleasure of the
7 Governor. The Governor shall establish the salary of the Director.
8 The Director may be removed from office in the manner provided by
9 law for the removal of officers not subject to impeachment.

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

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

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

20 1. ~~Appoint and fix the compensation of a State Commissioner of~~
21 ~~Health;~~

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

24

1 ~~3.~~ 2. Accept and disburse grants, allotments, gifts, devises,
2 bequests, funds, appropriations, and other property made or offered
3 to it; and

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

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 be
10 appointed by the Governor, with the advice and consent of the
11 Senate, and shall serve at the pleasure of the ~~State Board of~~
12 ~~Health, and~~ Governor and shall receive compensation as established
13 by the Governor.

14 B. The Commissioner shall have skill and experience in public
15 health duties and sanitary sciences and shall meet at least one of
16 the following qualifications:

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

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

21 3. Possession of a Doctoral degree in Public Health or Public
22 Health Administration; or

1 4. Possession of a Master of Science Degree and a minimum of
2 five (5) years of supervisory experience in the administration of
3 health services.

4 ~~B.~~ C. The Commissioner shall have the following powers and
5 duties, unless otherwise directed by the State Board of Health:

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

1 information or data is otherwise confidential by state or federal
2 law, shall remain confidential notwithstanding the acquisition of
3 this information by the Commissioner.

4 2. Be the executive officer and supervise the activities of the
5 State Department of Health, and act for the Department in all
6 matters except as may be otherwise provided in this Code; administer
7 oaths at any hearing or investigation conducted pursuant to this
8 Code; and enforce rules and standards adopted by the State Board of
9 Health. All rules adopted by the State Board of Health are subject
10 to the terms and conditions of the Administrative Procedures Act.

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

23 4. Cause investigations, inquiries and inspections to be made,
24 and hold hearings and issue orders pursuant to the provisions of the

1 Administrative Procedures Act, to enforce and make effective the
2 provisions of this Code, and all rules and standards adopted by the
3 State Board of Health pursuant to law and the Commissioner or the
4 representative of the Commissioner shall have the right of access to
5 any premises for such purpose at any reasonable time, upon
6 presentation of identification.

7 5. Authorize persons in the State Department of Health to
8 conduct investigations, inquiries and hearings, and to perform other
9 acts that the Commissioner is authorized or required to conduct or
10 perform personally.

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

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

1 8. Unless otherwise required by the terms of a federal grant,
2 sell, exchange or otherwise dispose of personal property that has
3 been acquired by the State Department of Health, or any of its
4 components, when such property becomes obsolete or is no longer
5 needed; any money derived therefrom shall be deposited in the Public
6 Health Special Fund.

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

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

23 11. Accept, use, disburse and administer grants, allotments,
24 gifts, devises, bequests, appropriations and other monies and

1 property offered or given to the State Department of Health, or any
2 component or agency thereof, by any agency of the federal
3 government, or any corporation or individual.

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

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

23 SECTION 9. AMENDATORY 63 O.S. 2011, Section 5007, is
24 amended to read as follows:

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

6 1. Two members shall be appointed by the President Pro Tempore
7 of the Senate;

8 2. Two members shall be appointed by the Speaker of the House
9 of Representatives; and

10 3. Three members shall be appointed by the Governor. Two of
11 the members appointed by the Governor shall be consumers.

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

21 C. 1. As the terms of office of members appointed before July
22 1, 1995, expire, appointments made on or after July 1, 1995, shall
23 be subject to the following requirements:

24

- 1 a. One member appointed by the Governor shall be a
2 resident of the First Congressional District. The
3 term of office of the member appointed by the Governor
4 and serving as of the effective date of this act shall
5 expire on September 1, 2003;
- 6 b. One member appointed by the President Pro Tempore of
7 the Senate shall be a resident of the Second
8 Congressional District and a consumer. The term of
9 office of the member appointed by the President Pro
10 Tempore of the Senate and serving as of the effective
11 date of this act shall expire on September 1, 1999;
- 12 c. One member appointed by the President Pro Tempore of
13 the Senate shall be a resident of the Third
14 Congressional District. The term of office of the
15 member appointed by the President Pro Tempore of the
16 Senate and serving as of the effective date of this
17 act shall expire on September 1, 2004;
- 18 d. One member appointed by the Speaker of the House of
19 Representatives shall be a resident of the Fourth
20 Congressional District. The term of office of the
21 member appointed by the Speaker of the House of
22 Representatives and serving as of the effective date
23 of this act shall expire on September 1, 2001;
- 24

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

8 f. One member appointed by the Governor shall be a
9 resident of the Sixth Congressional District and a
10 consumer. The term of office of the member appointed
11 by the Governor and serving as of the effective date
12 of this act shall expire on September 1, 2000; and

13 g. The second consumer member appointed by the Governor
14 shall be appointed at large. The term of office of
15 the member appointed by the Governor and serving as of
16 the effective date of this act shall expire on
17 September 1, 2002.

18 2. Appointments made subsequent to the effective date of this
19 act shall not be restricted to any particular congressional
20 district. Appointments made after July 1 of the year in which a
21 redrawing of a congressional district becomes effective shall be
22 from the state at large. However, no appointments may be made after
23 July 1 of the year in which such modification becomes effective if
24

1 such appointment would result in more than two members serving from
2 the same modified district.

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

10 E. On and after July 1, 1994, any subsequently appointed
11 administrator of the Authority shall be appointed by the Board. The
12 administrator shall have the training and experience necessary for
13 the administration of the Authority, as determined by the Board,
14 including, but not limited to, prior experience in the
15 administration of managed health care. The administrator shall
16 serve at the pleasure of the Board.

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

18 1. Establish the policies of the Oklahoma Health Care
19 Authority;

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

21 3. Adopt and promulgate rules as necessary and appropriate to
22 carry out the duties and responsibilities of the Authority. The
23 Board shall be the rulemaking body for the Authority; and
24

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

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

9 2. A majority of the members of the Board shall constitute a
10 quorum for the transaction of business and for taking any official
11 action. Official action of the Board must have a favorable vote by
12 a majority of the members present.

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

17 H. The Board and the Authority shall act in accordance with the
18 provisions of the Oklahoma Open Meeting Act, the Oklahoma Open
19 Records Act and the Administrative Procedures Act.

20 SECTION 10. AMENDATORY 63 O.S. 2011, Section 5008, is
21 amended to read as follows:

22 Section 5008. A. The Administrator of the Authority shall have
23 the training and experience necessary for the administration of the
24 Authority, as determined by the ~~Oklahoma Health Care Authority Board~~

1 Governor, including, but not limited to, prior experience in the
2 administration of managed health care. The Administrator shall be
3 appointed by the Governor, with the advice and consent of the
4 Senate, and shall serve at the pleasure of the ~~Board~~ Governor. The
5 Governor shall establish the compensation of the Administrator.

6 B. The Administrator of the Oklahoma Health Care Authority
7 shall be the chief executive officer of the Authority and shall act
8 for the Authority in all matters except as may be otherwise provided
9 by law. The powers and duties of the Administrator shall include
10 but not be limited to:

- 11 1. Supervision of the activities of the Authority;
- 12 2. Formulation and recommendation of rules for approval or
13 rejection by the Oklahoma Health Care Authority Board and
14 enforcement of rules and standards promulgated by the Board;
- 15 3. Preparation of the plans, reports and proposals required by
16 the Oklahoma Health Care Authority Act, Section 5003 et seq. of this
17 title, other reports as necessary and appropriate, and an annual
18 budget for the review and approval of the Board;
- 19 4. Employment of such staff as may be necessary to perform the
20 duties of the Authority including but not limited to an attorney to
21 provide legal assistance to the Authority for the state Medicaid
22 program; and
- 23 5. Establishment of a contract bidding process which:
- 24

- 1 a. encourages competition among entities contracting with
2 the Authority for state-purchased and state-subsidized
3 health care; provided, however, the Authority may make
4 patient volume adjustments to any managed care plan
5 whose prime contractor is a state-sponsored,
6 nationally accredited medical school. The Authority
7 may also make education or research supplemental
8 payments to state-sponsored, nationally accredited
9 medical schools based on the level of participation in
10 any managed care plan by managed care plan
11 participants,
- 12 b. coincides with the state budgetary process, and
- 13 c. specifies conditions for awarding contracts to any
14 insuring entity.

15 C. The Administrator may appoint advisory committees as
16 necessary to assist the Authority with the performance of its duties
17 or to provide the Authority with expertise in technical matters.

18 SECTION 11. AMENDATORY 69 O.S. 2011, Section 305, is
19 amended to read as follows:

20 Section 305. There is hereby created the office of the Director
21 of the Department of Transportation, who shall be ~~elected by a~~
22 ~~majority vote of the entire Commission~~ appointed by the Governor,
23 with the advice and consent of the Senate, and who shall serve at
24 the pleasure of the ~~Commission~~ Governor. The Director shall receive

1 an annual salary to be fixed by ~~a majority vote of the entire~~
2 ~~Commission~~ the Governor from appropriations made by the Legislature.

3 SECTION 12. AMENDATORY 70 O.S. 2011, Section 14-103, is
4 amended to read as follows:

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

7 1. Have the supervision of the Oklahoma Department of Career
8 and Technology Education of the State Board of Career and Technology
9 Education, which department shall keep its principal offices at
10 Stillwater, and appoint and fix the compensation and duties of ~~the~~
11 ~~Director and other~~ personnel of such Department, other than the
12 Director;

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

20 3. Cooperate with, and enter into agreements with, and
21 administer programs of, and receive federal funds from, the United
22 States Department of Education and other federal agencies in matters
23 relating to vocational and technical education, youth apprenticeship
24 programs, and manpower training, and be the sole state agency for

1 such purposes. Provided that, programs and funds made available
2 through the Job Training Partnership Act, or its successor programs,
3 shall be excluded;

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

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

13 6. Purchase or otherwise acquire equipment, materials, supplies
14 and other property, real or personal, as may be necessary for the
15 operation of the technology center schools of this state, and
16 provide for the maximum utilization of such property through a
17 coordinated and cooperative use thereof, including transfer of title
18 to real and personal property to a technology center school district
19 for a reasonable cash consideration if said property is to be
20 utilized in a vocational-technical program administered by the
21 technology center district board of education. Any conveyance of
22 real property for a reasonable consideration shall contain a
23 reversionary clause by which the real property shall revert to the
24 State Board of Career and Technology Education if the property

1 ceases to be used in a vocational-technical program administered by
2 the technology center district board of education;

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

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

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

20 10. Develop and periodically update a plan to allow teacher
21 training and the purchase and installation of technological
22 equipment necessary to modernize vocational educational programs;

23 11. Accept and provide for the administration of any land,
24 money, buildings, gifts, funds, donations or other things of value

1 which may be offered or bequeathed to the schools or colleges under
2 the supervision or control of said Board;

3 12. Enter into cooperative arrangements with one or more other
4 states for the conduct and administration of programs, services and
5 activities;

6 13. Cooperate whenever possible, to avoid any duplication of
7 training programs with any established training program registered
8 by the Bureau of Apprenticeship and Training, United States
9 Department of Labor;

10 14. Accept and expend funds from any source in order to market,
11 advertise or promote programs and services available through the
12 Career and Technology Education system; and

13 15. Participate in activities pertaining to the recruitment of
14 companies to locate or expand operations in the state, and
15 participate in activities that will increase the competitiveness of
16 companies with headquarters or branch operations located in the
17 state. These activities may require agency staff to travel, train,
18 or provide technical assistance outside the State of Oklahoma.

19 SECTION 13. AMENDATORY 70 O.S. 2011, Section 14-104, is
20 amended to read as follows:

21 Section 14-104. A. There is hereby created the Oklahoma
22 Department of Career and Technology Education, which shall consist
23 of such divisions, units and positions as may be established by the
24 State Board of Career and Technology Education. The department

1 shall be under the control of the State Board of Career and
2 Technology Education, which shall formulate policies and adopt rules
3 for the administration and operation of the department.

4 B. The chief executive officer of the Department shall be the
5 Director of Career and Technical Education, who shall be appointed
6 by the Governor, with the advice and consent of the Senate. The
7 Governor shall establish the compensation for the Director.

8 C. The official name of the state agency which is known as
9 "State Department of Vocational and Technical Education" or the
10 "Oklahoma Department of Vocational and Technical Education" shall be
11 designated in all future references as the "Oklahoma Department of
12 Career and Technology Education". Any references in the statutes to
13 the State Department of Vocational and Technical Education or the
14 Oklahoma Department of Vocational and Technical Education shall be
15 deemed references to the Oklahoma Department of Career and
16 Technology Education.

17 SECTION 14. AMENDATORY 74 O.S. 2011, Section 2204, is
18 amended to read as follows:

19 Section 2204. There are hereby granted to and imposed in the
20 Commission, and in any commission or body which may hereafter
21 succeed to the powers, rights and duties of the Commission, the
22 following additional powers, rights and duties:

- 23 1. Sue and be sued;
- 24 2. Adopt, use, and alter an official seal;

1 3. Make bylaws for the management and regulation of its
2 affairs;

3 4. Appoint, prescribe the duties, and fix the compensation for
4 officers, agents, and employees, other than the Executive Director;

5 5. Make contracts and execute instruments as in the judgment of
6 the Commission are necessary or convenient to the exercise of the
7 powers conferred upon it by law; and

8 6. Promulgate rules and policies necessary and convenient to
9 the exercise of the powers conferred upon it by law.

10 SECTION 15. AMENDATORY 74 O.S. 2011, Section 2206, is
11 amended to read as follows:

12 Section 2206. The chief executive officer of the Oklahoma
13 Tourism and Recreation Department shall be the Executive Director,
14 who shall be appointed by the ~~Commission~~ Governor, with the advice
15 and consent of the Senate, and who shall serve at the pleasure of
16 said ~~Commission~~ Governor. The Executive Director shall be chosen
17 with regard to knowledge, training, experience, and ability to
18 administer the functions of the Department. The ~~Commission~~ Governor
19 shall establish the salary of the Executive Director.

20 SECTION 16. This act shall become effective November 1, 2018.

21

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