

STATE OF OKLAHOMA

1st Session of the 57th Legislature (2019)

SENATE BILL 343

By: Murdock

AS INTRODUCED

<StartFT>An Act relating to state agency directors; amending 27A O.S. 2011, Sections 2-2-101 and 2-3-201, which relate to the Department of Environmental Quality; amending Section 8, Chapter 366, O.S.L. 2016 (37A O.S. Supp. 2018, Section 1-108), which relates to the Alcoholic Beverage Laws Enforcement Commission; amending 43A O.S. 2011, Sections 1-103, as last amended by Section 1, Chapter 246, O.S.L. 2017 and 2-201 (43A O.S. Supp. 2018, Section 1-103), which relate to the Department of Mental Health and Substance Abuse Services; amending 57 O.S. 2011, Section 332.1, which relates to the Pardon and Parole Board; amending 57 O.S. 2011, Sections 504 and 506, as last amended by Section 2, Chapter 386, O.S.L. 2016 (57 O.S. Supp. 2018, Section 506), which relate to the Department of Corrections; amending 63 O.S. 2011, Section 2-103, as last amended by Section 1, Chapter 390, O.S.L. 2017 (63 O.S. Supp. 2018, Section 2-103), which relates to the State Bureau of Narcotics and Dangerous Drugs Control; amending 63 O.S. 2011, Sections 5007 and 5008, which relate to the Oklahoma Health Care Authority; amending 69 O.S. 2011, Section 4007, which relates to the Department of Transportation; amending 72 O.S. 2011, Section 63.3, as amended by Section 4, Chapter 262, O.S.L. 2014 (72 O.S. Supp. 2018, Section 63.3), which relates to the Department of Veterans Affairs; amending 74 O.S. 2011, Sections 150.4 and 150.6, which relate to the Oklahoma State Bureau of Investigation; amending 82 O.S. 2011, Section 1085.12, which relates to the Oklahoma Water Resources Board; requiring Governor to appoint certain agency directors with advice and consent of Senate; providing that certain agency directors serve at pleasure of Governor; modifying duties of certain boards and commissions; amending 51 O.S. 2011, Sections 51 and 55, which relate to removal from office; modifying positions subject to impeachment; providing that certain provisions not restrict ability to

remove certain appointees; deleting obsolete language; making language gender neutral; and providing an effective date. <EndFT>

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

SECTION 1. AMENDATORY 27A O.S. 2011, Section 2-2-101, is amended to read as follows:

Section 2-2-101. A. There is hereby created the Environmental Quality Board to represent the interests of the State of Oklahoma which shall consist of thirteen (13) members appointed by the Governor with the advice and consent of the Senate.

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

1. Be a citizen of the United States;
2. Be a resident of this state;
3. Be a qualified elector of this state; and
4. Not have been convicted of a felony pursuant to the laws of this state, the laws of any other state or the laws of the United States.

C. The Board shall be composed of:

1. One member who shall be a certified or registered environmental professional. Such member shall be an environmental professional experienced in matters of pollution control, who shall not be an employee of any unit of government;

2. One member who shall be selected from industry in general. Such member shall be employed as a manufacturing executive carrying on a manufacturing business within the state;

3. One member who shall be selected from the hazardous waste industry within the state;

4. One member who shall be selected from the solid waste industry within this state;

5. One member who shall be well versed in recreational, irrigational, municipal or residential water usage;

6. One member who shall be selected from the petroleum industries being regulated by the Department of Environmental Quality;

7. One member who shall be selected from the agriculture industries regulated by the Department of Environmental Quality;

8. One member who shall be selected from the conservation districts of the state;

9. Three members who shall be citizen members of any statewide nonprofit environmental organization;

10. One member who shall be a member of the local governing body of a city or town; and

11. One member who shall be from a rural water district organized pursuant to the laws of this state.

D. The term of office of a member of the Board shall be for five (5) years and until a successor is appointed and qualified.

E. 1. An appointment shall be made by the Governor within ninety (90) days after a vacancy has occurred due to resignation, death, or any cause resulting in an unexpired term. In the event of a vacancy on the Board due to resignation, death, or for any cause resulting in an unexpired term, if not filled within ninety (90) days following such vacancy, the Board may appoint a provisional member to serve in the interim until the Governor acts.

2. A member may be reappointed.

3. In making appointments to the Environmental Quality Board, the Governor shall recognize the geographic diversity of the state and endeavor to appoint members representing each quadrant of the state.

F. 1. The Board shall hold meetings as necessary at a place and time to be fixed by the Board. The Board shall select, at its first meeting, one of its members to serve as chair and another of its members to serve as vice-chair. At the first meeting in each calendar year thereafter, the chair and vice-chair for the ensuing year shall be elected. Special meetings may be called by the chair or by five members of the Board by delivery of written notice to each member of the Board. A majority of the Board present at the meeting shall constitute a quorum of the Board.

2. Members of the Board shall receive necessary travel expenses according to the provisions of the State Travel Reimbursement Act.

G. The Board shall:

1. ~~Appoint and fix~~ Fix the compensation of the Executive Director of the Department of Environmental Quality;

2. Be the rulemaking body for the Department of Environmental Quality;

3. Review and approve the budget request of the Department to the Governor;

4. Assist the Department in conducting periodic reviews and planning activities related to the goals, objectives, priorities and policies of the Department;

5. In conjunction with each regular meeting of the Board pursuant to subsection F and at such other times as the Board may determine to be necessary and appropriate, provide a public forum for receiving comments and disseminating information to the public and the regulated community regarding goals, objectives, priorities, and policies of the Department. The Board shall have the authority to adopt nonbinding resolutions requesting action by the Department in response to comments received or upon the Board's own initiative; and

6. Review and evaluate the need for amendments or additions to the Oklahoma Statutes regarding the programs and functions of the Department and make legislative recommendations to the Legislature.

H. As the rulemaking body for the Department of Environmental Quality, the Board is specifically charged with the duty of promulgating rules which will implement the duties and responsibilities of the Department pursuant to ~~this Code~~ Section 2-1-101 et seq. of this title.

Except as provided in this subsection, rules within the jurisdiction of a Council provided for by ~~this act~~ Section 1-1-101 et seq. of this title shall be promulgated with the advice of such Council. Proposed permanent rules within the jurisdiction of a Council shall not be considered by the Board for promulgation until receipt of the appropriate Council's recommendation on such promulgation; however, the Board may promulgate emergency rules without the advice of the appropriate Council when the time constraints of the emergency, as determined by the Board, do not permit the timely development of recommendations by the Council. All actions of the Councils with regard to rulemaking shall be deemed actions of the Board for the purposes of complying with the Administrative Procedures Act.

SECTION 2. AMENDATORY 27A O.S. 2011, Section 2-3-201, is amended to read as follows:

Section 2-3-201. A. The ~~Environmental Quality Board~~ Governor shall appoint the Executive Director of the Department of Environmental Quality, with the advice and consent of the Senate. The Executive Director shall serve at the pleasure of the ~~Board~~ Governor.

B. The Executive Director shall have experience in industry, conservation, environmental sciences or such other areas as may be required by the Environmental Quality Board.

C. The Executive Director shall provide for the administration of the Department and shall:

1. Be the executive officer and supervise the activities of the Department of Environmental Quality;

2. Employ, discharge, appoint or contract with, and fix the duties and compensation of such assistants, attorneys, chemists, geologists, environmental professionals, medical professionals, engineers, sanitarians, administrative, clerical and technical, investigators, aides and such other personnel, either on a full-time, part-time, fee or contractual basis, as in his judgment and discretion shall be deemed necessary, expedient, convenient or appropriate to the performance or carrying out of any of the purposes, objectives, responsibilities or statutory provisions relating to the Department of Environmental Quality, or to assist the Executive Director in the performance of his official duties and functions;

3. Establish internal policies and procedures for the proper and efficient administration of the Department; and

4. Exercise all incidental powers which are necessary and proper to implement the purposes of the Department pursuant to this Code.

D. The Executive Director shall not be an owner, stockholder, employee or officer of, nor have any other business relationship with or receive compensation from, any corporation, partnership, or other business or entity which is subject to regulation by the Department of Environmental Quality and, with regard to the exercise of powers and duties associated with the Oklahoma Pollutant Discharge Elimination System Act, shall meet all requirements of Section 304 of the Clean Water

Act and applicable federal regulations promulgated thereunder by the United States Environmental Protection Agency regarding conflict of interest.

E. 1. In addition to the powers and duties specified in subsection D of this section, the Executive Director shall have the power and duty to:

- a. issue, deny, modify, amend, renew, refuse to renew, suspend, reinstate or revoke licenses or permits pursuant to the provisions of this Code, and rules promulgated by the Board, and
- b. issue final orders and assess administrative penalties according to the Administrative Procedures Act, this Code and rules promulgated by the Board.

2. The powers and duties specified in paragraph 1 of this subsection shall be exercised exclusively by the Executive Director and may not be delegated to other employees of the Department except as specifically provided in this Code.

3. In the event of the Executive Director's temporary absence, the Executive Director may delegate the exercise of such powers and duties to an acting director during the Executive Director's absence subject to an organizational structure approved by the Board. In the event of a vacancy in the position of Executive Director, the Board may designate an interim or acting Executive Director who is authorized to exercise such powers and duties until a permanent Executive Director is employed.

4. Any designee exercising such powers and duties of the Executive Director as authorized or on a temporary, acting or interim basis shall meet the requirements of subsection D of this section for the Executive Director.

5. All references in this Code to the Department with respect to the exercise of the powers and duties specified in paragraph 1 of this subsection shall mean the exercise of such powers and duties by the Executive Director or his authorized designee.

SECTION 3. AMENDATORY Section 8, Chapter 366, O.S.L. 2016 (37A O.S. Supp. 2018, Section 1-108), is amended to read as follows:

Section 1-108. A. The ~~ABLE Commission~~ Governor shall appoint a Director, ~~who~~ of the ABLE Commission, with the advice and consent of the Senate. The Director shall serve at the pleasure of the Governor. The Director shall employ an Assistant Director and such other personnel as are necessary to properly enforce and administer the Oklahoma Alcoholic Beverage Control Act. The Director shall require bonds in such instances and amounts as the ABLE Commission may direct, and shall be in direct charge of all records. The Director shall further have the following specific powers and duties:

1. To issue licenses provided for in the Oklahoma Alcoholic Beverage Control Act, and to approve or reject any official bond required to be filed with the Director or the ABLE Commission;

2. To appoint and employ, supervise and discharge such employees as may be determined necessary for the proper discharge of the duties of the

office of Director, upon duties and salary fixed and determined by the ABLE Commission and subject to all the rules that may be promulgated by the ABLE Commission. The Director and the ABLE Commission, in appointing and employing personnel, shall give preference to honorably discharged members of the Armed Forces of the United States;

3. To conduct such investigations and make such reports as may be necessary to keep the ABLE Commission advised concerning any violations of the provisions of the Oklahoma Alcoholic Beverage Control Act and make orders for its enforcement;

4. To make recommendations to the ABLE Commission concerning the suspension or revocation of any licenses, the levying of fines against licensees for violations of the provisions of the Oklahoma Alcoholic Beverage Control Act or rules of the ABLE Commission or any action that should be filed or commenced against any official bond theretofore approved by the Director or the ABLE Commission;

5. To regularly inspect all places of business of licensees, and all other persons, firms or corporations dealing in the manufacture, distribution, transportation, sale or service of alcoholic beverages under the provisions of the Oklahoma Alcoholic Beverage Control Act and report to the ABLE Commission concerning any and all violations with a recommendation to the ABLE Commission for its determination;

6. To refer any evidence of a violation of any provision of the Oklahoma Alcoholic Beverage Control Act which carries a criminal penalty to the appropriate law enforcement authority for action;

7. To aid the enforcement authorities of this state or any county or municipality of the state, or the federal government, in prosecutions of violations of the Oklahoma Alcoholic Beverage Control Act; and

8. To enforce the provisions of the Prevention of Youth Access to Tobacco Act including but not limited to the levying of administrative fines against persons violating the provisions of the Prevention of Youth Access to Tobacco Act, and to at least annually conduct random unannounced inspections at locations where tobacco products are sold or distributed and conduct targeted inspections at those locations which have been in violation of the provisions of the Prevention of Youth Access to Tobacco Act.

B. The Director may employ or contract with attorneys, as needed, to advise the Director and the ABLE Commission on all legal matters and shall appear for and represent the Director and the ABLE Commission in all administrative hearings and all litigation or other proceedings which may arise in the discharge of their duties. At the request of the ABLE Commission, such attorneys shall assist district attorneys in prosecuting charges of violators of the Oklahoma Alcoholic Beverage Control Act.

SECTION 4. AMENDATORY 43A O.S. 2011, Section 1-103, as last amended by Section 1, Chapter 246, O.S.L. 2017 (43A O.S. Supp. 2018, Section 1-103), is amended to read as follows:

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

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

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

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

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

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

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

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

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

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

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

11. "Licensed mental health professional" means:

- a. a psychiatrist who is a diplomate of the American Board of Psychiatry and Neurology,
- b. a psychiatrist who is a diplomate of the American Osteopathic Board of Neurology and Psychiatry,
- c. a physician licensed pursuant to the Oklahoma Allopathic Medical and Surgical Licensure and Supervision Act or the Oklahoma Osteopathic Medicine Act,
- d. a clinical psychologist who is duly licensed to practice by the State Board of Examiners of Psychologists,
- e. a professional counselor licensed pursuant to the 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,
 - (2) poses a substantial risk of immediate physical harm to another person or persons as manifested by evidence of

violent behavior directed toward another person or persons,

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

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

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

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

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

- (1) a person whose mental processes have been weakened or impaired by reason of advanced years, dementia, or Alzheimer's disease,
- (2) a mentally retarded or developmentally disabled person as defined in Title 10 of the Oklahoma Statutes,
- (3) a person with seizure disorder,
- (4) a person with a traumatic brain injury, or
- (5) a person who is homeless.

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

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

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

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

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

- a. a statement of treatment goals or objectives, based upon and related to a clinical evaluation, which can be reasonably achieved within a designated time interval,
- b. treatment methods and procedures to be used to obtain these goals, which methods and procedures are related to each of these goals and which include specific prognosis for achieving each of these goals,
- c. identification of the types of professional personnel who will carry out the treatment procedures, including appropriate medical or other professional involvement by a physician or other health professional properly qualified to fulfill legal requirements mandated under state and federal law,
- d. documentation of involvement by the individual receiving treatment and, if applicable, the accordence of the individual with the treatment plan, and
- e. a statement attesting that the executive director of the facility or clinical director has made a reasonable effort to meet the plan's individualized treatment goals in the

least restrictive environment possible closest to the home community of the individual;

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

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

20. "Assisted outpatient" means a person who:

- a. is either currently under the care of a facility certified by the Department of Mental Health and Substance Abuse Services as a Community Mental Health Center, or is being discharged from the custody of the Oklahoma Department of

Corrections, or is being discharged from a residential placement by the Office of Juvenile Affairs,

- b. is suffering from a mental illness,
- c. is unlikely to survive safely in the community without supervision, based on a clinical determination,
- d. has a history of lack of compliance with treatment for mental illness that has:
 - (1) prior to the filing of a petition, at least twice within the last thirty-six (36) months been a significant factor in necessitating hospitalization or treatment in a hospital or residential facility, or receipt of services in a forensic or other mental health unit of a correctional facility, or a specialized treatment plan for treatment of mental illness in a secure juvenile facility or placement in a specialized residential program for juveniles, or
 - (2) prior to the filing of the petition, resulted in one or more acts of serious violent behavior toward self or others or threats of, or attempts at, serious physical harm to self or others within the last twenty-four (24) months,
- e. is, as a result of his or her mental illness, unlikely to voluntarily participate in outpatient treatment that would enable him or her to live safely in the community,

- f. in view of his or her treatment history and current behavior, is in need of assisted outpatient treatment in order to prevent a relapse or deterioration which would be likely to result in serious harm to the person or persons as defined in this section, and
- g. is likely to benefit from assisted outpatient treatment;
and

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

SECTION 5. AMENDATORY 43A O.S. 2011, Section 2-201, is amended to read as follows:

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

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

2. Possession of an Osteopathic Medicine Degree and a license to practice medicine in this state;
3. Possession of a Doctor of Public Health Degree;
4. Possession of a Doctoral Degree in Psychology and a license to practice psychology in this state;
5. Possession of a Master of Public Health Degree and a minimum of five (5) years of supervisory experience in the administration of health services; or
6. Possession of a Master of Arts or Master's Degree in Business Administration, Social Science or a related field and a minimum of five (5) years of supervisory experience in the administration of health services.

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

SECTION 6. AMENDATORY 57 O.S. 2011, Section 332.1, is amended to read as follows:

Section 332.1. The Pardon and Parole Board created by Section 10 of Article VI, ~~Section 10,~~ of the Oklahoma Constitution is authorized to employ professional investigators and such clerical and administrative personnel as may be required to carry out the duties and responsibilities under the provisions of ~~this act~~ Section 332 et seq. of this title; provided, the Governor shall appoint the Executive Director of the Pardon and Parole Board, with the advice and consent of the Senate. The Executive Director shall serve at the pleasure of the Governor.

SECTION 7. AMENDATORY 57 O.S. 2011, Section 504, is amended to read as follows:

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

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

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

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

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

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

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

- ~~(6)~~ 6. To ~~appoint and~~ fix the salary of the Director;
- ~~(7)~~ 7. To enter into contracts with private prison contractors; and
- ~~(8)~~ 8. To provide training to employees of private prison contractors and other governmental entities on a fee basis.

SECTION 8. AMENDATORY 57 O.S. 2011, Section 506, as last amended by Section 2, Chapter 386, O.S.L. 2016 (57 O.S. Supp. 2018, Section 506), is amended to read as follows:

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

SECTION 9. AMENDATORY 63 O.S. 2011, Section 2-103, as last amended by Section 1, Chapter 390, O.S.L. 2017 (63 O.S. Supp. 2018, Section 2-103), is amended to read as follows:

Section 2-103. A. The Director of the State Bureau of Narcotics and Dangerous Drugs Control shall be appointed by the ~~Oklahoma State Bureau of Narcotics and Dangerous Drugs Control Commission.~~ The Director of ~~Narcotics and Dangerous Drugs Control on January 1, 1984,~~ shall be ~~initially appointed as Director~~ Governor, with the advice and consent of

the Senate, and shall serve at the pleasure of the Governor. The ~~succeeding~~ Director shall, at the time of the appointment, have a Bachelor's Degree from an accredited college or university and at least five (5) years of experience in drug law enforcement. The Director may appoint necessary assistants, agents, and other personnel to perform the work of the office and may prescribe their titles and duties and fix their compensation pursuant to Merit System rules. The Director may appoint employees to the positions of Chief of Law Enforcement Information and Technology, Public Information/Education Officer, Training Officer, Program Administrators, Grants Administrator, Criminal Analysts, Legal Secretary, and Typist Clerk/Spanish Transcriptionists. The positions shall be unclassified and exempt from the rules and procedures of the Office of Management and Enterprise Services, except leave regulations. The office of the Director shall be located at a suitable place in Oklahoma City, Oklahoma.

B. 1. Agents appointed by the Director shall have the powers of peace officers generally; provided, the Director may appoint special agents and reserve special agents, who shall be unclassified employees of the state, to meet specific investigatory needs. Special agents and reserve special agents shall not be required to meet the age and educational requirements as specified in this section.

2. Agents appointed on and after November 1, 1998, shall be at least twenty-one (21) years of age and shall have a Bachelor's Degree from an accredited college or university.

3. Each entering agent, with the exception of special agents, shall be required to serve one (1) year in a probationary status as a prerequisite to being placed on permanent status.

C. Agents appointed pursuant to the provisions of this section shall have the responsibility of investigating alleged violations and shall have the authority to arrest those suspected of having violated the provisions of the Uniform Controlled Dangerous Substances Act, as well as the crimes of money laundering and human trafficking, as otherwise set forth by laws of this state.

D. The Director may appoint reserve special agents who shall not be considered employees of the state and shall serve at the will of the Director. Reserve special agents shall complete a minimum of two hundred forty (240) hours of training pursuant to Section 3311 of Title 70 of the Oklahoma Statutes and may not serve more than one hundred forty (140) hours per calendar month. Upon completion of training, reserve special agents appointed by the Director shall have general peace officer powers and the authority to arrest those suspected of having violated the provisions of the Uniform Controlled Dangerous Substances Act. The agency may expend funds related to training and special reserve agents may receive travel expenses pursuant to the State Travel Reimbursement Act.

E. A commissioned employee of the Oklahoma State Bureau of Narcotics and Dangerous Drugs Control shall be entitled to receive, upon retirement by reason of length of service, the continued custody and possession of

the sidearm and badge carried by such employee immediately prior to retirement.

F. A commissioned employee of the Bureau may be entitled to receive, upon retirement by reason of disability, the continued custody and possession of the sidearm and badge carried by such employee immediately prior to retirement upon written approval of the Director.

G. Custody and possession of the sidearm and badge of a commissioned employee killed in the line of duty may be awarded by the Director to the spouse or next of kin of the deceased employee.

H. Custody and possession of the sidearm and badge of a commissioned employee who dies while employed at the Oklahoma State Bureau of Narcotics and Dangerous Drugs Control may be awarded by the Director to the spouse or next of kin of the deceased employee.

I. Any Director appointed on or after July 1, 2003, shall be eligible to participate in either the Oklahoma Public Employees Retirement System or in the Oklahoma Law Enforcement Retirement System and shall make an irrevocable election in writing to participate in one of the two retirement systems.

J. Any employee of the Oklahoma State Bureau of Narcotics and Dangerous Drugs Control in a classified position under the Merit System of the Personnel Administration who is appointed Director, Deputy Director, Acting Director or Acting Deputy Director shall have a right to return to the highest previously held classified position without any loss of rights, privileges or benefits immediately upon completion of the

duties of the employee, provided the employee is not otherwise disqualified.

SECTION 10. AMENDATORY 63 O.S. 2011, Section 5007, is amended to read as follows:

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

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

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

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

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

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

- a. One member appointed by the Governor shall be a resident of the First Congressional District. The term of office of the member appointed by the Governor and serving as of ~~the effective date of this act~~ July 1, 1998, shall expire on September 1, 2003;
- b. One member appointed by the President Pro Tempore of the Senate shall be a resident of the Second Congressional District and a consumer. The term of office of the member appointed by the President Pro Tempore of the Senate and serving as of ~~the effective date of this act~~ July 1, 1998, shall expire on September 1, 1999;
- c. One member appointed by the President Pro Tempore of the Senate shall be a resident of the Third Congressional District. The term of office of the member appointed by the President Pro Tempore of the Senate and serving as of ~~the effective date of this act~~ July 1, 1998, shall expire on September 1, 2004;
- d. One member appointed by the Speaker of the House of Representatives shall be a resident of the Fourth Congressional District. The term of office of the member appointed by the Speaker of the House of Representatives

and serving as of ~~the effective date of this act~~ July 1, 1998, shall expire on September 1, 2001;

- e. One member appointed by the Speaker of the House of Representatives shall be a resident of the Fifth Congressional District and a consumer. The term of office of the member appointed by the Speaker of the House of Representatives and serving as of ~~the effective date of this act~~ July 1, 1998, shall expire on September 1, 1998;
- f. One member appointed by the Governor shall be a resident of the Sixth Congressional District and a consumer. The term of office of the member appointed by the Governor and serving as of ~~the effective date of this act~~ July 1, 1998, shall expire on September 1, 2000; and
- g. The second consumer member appointed by the Governor shall be appointed at large. The term of office of the member appointed by the Governor and serving as of ~~the effective date of this act~~ July 1, 1998, shall expire on September 1, 2002.

2. Appointments made subsequent to ~~the effective date of this act~~ August 23, 2002, shall not be restricted to any particular congressional district. Appointments made after July 1 of the year in which a redrawing of a congressional district becomes effective shall be from the state at large. However, no appointments may be made after July 1 of the year in which such modification becomes effective if such appointment

would result in more than two members serving from the same modified district.

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

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

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

1. Establish the policies of the Oklahoma Health Care Authority;
2. ~~Appoint the Administrator of the Authority;~~
3. Adopt and promulgate rules as necessary and appropriate to carry out the duties and responsibilities of the Authority. The Board shall be the rulemaking body for the Authority; and

4. 3. Adopt, publish and submit by January 1 of each year to the Governor, the President Pro Tempore of the Senate, and the Speaker of the House of Representatives appropriate administrative policies and the

business plan for that year. All actions governed by said administrative policies and annual business plan shall be examined annually in an independent audit.

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

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

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

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

SECTION 11. AMENDATORY 63 O.S. 2011, Section 5008, is amended to read as follows:

Section 5008. A. The Administrator of the Oklahoma Health Care Authority shall be appointed by the Governor, with the advice and consent of the Senate. The Administrator shall have the training and experience necessary for the administration of the Authority, as determined by the Oklahoma Health Care Authority Board, including, but not limited to,

prior experience in the administration of managed health care. The Administrator shall serve at the pleasure of the ~~Board~~ Governor.

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

1. Supervision of the activities of the Authority;
2. Formulation and recommendation of rules for approval or rejection by the Oklahoma Health Care Authority Board and enforcement of rules and standards promulgated by the Board;
3. Preparation of the plans, reports and proposals required by the Oklahoma Health Care Authority Act, Section 5003 et seq. of this title, other reports as necessary and appropriate, and an annual budget for the review and approval of the Board;
4. Employment of such staff as may be necessary to perform the duties of the Authority including but not limited to an attorney to provide legal assistance to the Authority for the state Medicaid program; and
5. Establishment of a contract bidding process which:
 - a. encourages competition among entities contracting with the Authority for state-purchased and state-subsidized health care; provided, however, the Authority may make patient volume adjustments to any managed care plan whose prime

contractor is a state-sponsored, nationally accredited medical school. The Authority may also make education or research supplemental payments to state-sponsored, nationally accredited medical schools based on the level of participation in any managed care plan by managed care plan participants,

- b. coincides with the state budgetary process, and
- c. specifies conditions for awarding contracts to any insuring entity.

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

SECTION 12. AMENDATORY 69 O.S. 2011, Section 4007, is amended to read as follows:

Section 4007. A. The administrative head of the Department of Transportation shall be the Director of the Department of Transportation. The Director shall be an individual with a background of broad experience in the administration and management of complex public works or other comparable organizational structures, ~~and who.~~ The Director shall be appointed by the ~~Commission~~ Governor, with the advice and consent of the Senate, and shall serve at the pleasure of the ~~Commission~~ Governor. ~~He~~ The Director shall have the authority and duty to supervise, direct, account for, organize, plan, administer and execute the functions of the Department consistent with the general policies and procedures prescribed

and established by the Commission. Any statutory references to the State Highway Director in ~~Title 69 of the Oklahoma Statutes~~ this title shall mean the Director of the Department of Transportation.

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

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

SECTION 13. AMENDATORY 72 O.S. 2011, Section 63.3, as amended by Section 4, Chapter 262, O.S.L. 2014 (72 O.S. Supp. 2018, Section 63.3), is amended to read as follows:

Section 63.3. A. The Oklahoma Veterans Commission shall perform all acts necessary or proper to afford emergency, temporary and permanent relief and assistance to all honorably discharged ex-service persons of all wars of the United States of America and to their dependents, and shall perform such other duties as may be prescribed by law. The Commission shall promulgate rules and regulations, in accordance with the

Administrative Procedures Act, for the operation and maintenance of the Department of Veterans Affairs; provided, however, in all cases priority and preference shall always be given to disabled or diseased ex-service persons. The members of the Commission shall be reimbursed for necessary travel as provided in the State Travel Reimbursement Act. In addition to its other powers and duties as herein provided, the Commission shall have the following specific powers and duties which shall, however, not be deemed to be exclusive:

1. To organize itself by the election of a ~~Chairman~~ Chair, Vice ~~Chairman~~ Chair and Secretary, who shall perform the duties required of them by the rules and regulations, but shall receive no extra compensation therefor, and to provide for the time and place of meetings of the Commission;

2. To ~~appoint the Director of the Department of Veterans Affairs and~~ provide for the employment of all such ~~other~~ personnel as may be necessary to carry out the provisions of Sections 63.1 through 63.4 of this title, and any other duties prescribed by law. The salary ~~and tenure~~ of the Director of the Department shall be determined by the Commission; and

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

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

SECTION 14. AMENDATORY 74 O.S. 2011, Section 150.4, is amended to read as follows:

Section 150.4. The Oklahoma State Bureau of Investigation Commission shall have the following powers ~~and,~~ duties and responsibilities:

1. ~~To appoint the Director of the Oklahoma State Bureau of Investigation, whose compensation shall be determined by the Legislature.~~

~~2.~~ To hear any complaint against the Bureau or any of its employees according to the following procedure:

- a. ~~Only~~ only those complaints which have been submitted in writing and are signed will be acted upon by the Commission~~.,~~
- b. ~~All~~ all hearings on complaints shall be conducted in executive sessions, and shall not be open to the public~~.,~~
and
- c. ~~The~~ the Commission shall have limited access to pertinent investigative files when investigating a complaint. The Director shall provide a procedure whereby the identification of all persons named in any investigative file except the subject of the complaint and the complaining witness shall not be revealed to the members of the Commission. Any consideration of files shall be in

executive session not open to the public. No information or evidence received in connection with the hearings shall be revealed to any person or agency. Any violation hereof shall be grounds for removal from the Commission, and shall constitute a misdemeanor;i

~~3.~~ 2. To make recommendations to the Director of any needed disciplinary action necessary as a result of an investigation conducted upon a complaint received;i

~~4.~~ 3. To establish general procedures with regard to assisting law enforcement officers and district attorneys;i

~~5.~~ 4. To establish a program of training for agents utilizing such courses as the National Police Academy conducted by the Federal Bureau of Investigation;i and

~~6.~~ 5. To require the Director to advise the Commission on the progress of pending investigations. All discussions of pending investigations shall be conducted in executive session not open to the public and no minutes of such sessions shall be kept. The Director shall not reveal the identity of any witnesses interviewed or the substance of their statements. No information received by the Commission shall be revealed to any person or agency by any Commission member. Any violation of this paragraph by a Commission member shall be grounds for removal from the Commission and shall constitute a misdemeanor.

SECTION 15. AMENDATORY 74 O.S. 2011, Section 150.6, is amended to read as follows:

Section 150.6. A. The Oklahoma State Bureau of Investigation shall be under the operational control of a Director. The Director shall be appointed ~~or dismissed by a majority vote of the total membership of the Commission~~ by the Governor, with the advice and consent of the Senate, and shall serve at the pleasure of the Governor. The compensation of the Director shall be determined by the Legislature. The Director shall be a professional law enforcement officer who possesses a bachelor's degree from an accredited college or university and who shall have a minimum of five (5) years' experience in criminal investigation and/or law enforcement or five (5) years' experience as an agent with said Bureau and must have at least two (2) years' experience in an administrative position.

B. Any Director appointed on or after July 1, 2003, may participate in either the Oklahoma Public Employees Retirement System or in the Oklahoma Law Enforcement Retirement System and shall make an irrevocable election in writing to participate in one of the two retirement systems.

SECTION 16. AMENDATORY 82 O.S. 2011, Section 1085.12, is amended to read as follows:

Section 1085.12. ~~The Oklahoma Water Resources Board~~ Governor, with the advice and consent of the Senate, shall appoint an Executive Director of the Oklahoma Water Resources Board, who shall have had at least six (6) years practical and administrative experience in water resource management, ~~and.~~ The Executive Director shall serve at the pleasure of the Governor. The Oklahoma Water Resources Board shall fix his the

duties and compensation of the Executive Director. The Oklahoma Water Resources Board is specifically authorized to delegate to such Executive Director such of its powers and duties as it may deem proper, including powers and duties involving the exercise of official discretion. The authority hereby granted to the Oklahoma Water Resources Board to delegate powers and duties to the Executive Director shall extend to any powers and duties given or transferred to the Oklahoma Water Resources Board under ~~this act~~ Section 1085.1 et seq. of this title, or under any other law conferring powers or imposing duties upon the Oklahoma Water Resources Board, and shall also extend to any powers conferred or duties imposed upon the Oklahoma Water Resources Board by any future law, unless such future laws shall expressly negate the authority to make such delegation. Any other part of ~~this act~~ Section 1085.1 et seq. of this title, or any other law granting authority to the Oklahoma Water Resources Board to delegate any powers or duties, shall not be deemed to be a limitation upon the authority conferred by this section. The Executive Director shall exercise any such delegated powers and perform such delegated duties, in accordance with any rules, regulations or orders made by the Oklahoma Water Resources Board which are applicable thereto. Provided, however, the Oklahoma Water Resources Board shall not delegate to such director any power of determining policy, the execution of any contract or the final adjudication of any claims, applications or controversies, all of which powers and duties shall be exercised solely by the Oklahoma Water Resources Board.

SECTION 17. AMENDATORY 51 O.S. 2011, Section 51, is amended to read as follows:

Section 51. The Governor and other elective state officers~~7~~ including the Justices of the Supreme Court~~7~~ and any chief administrative officer of a state board or commission shall be liable and subject to impeachment for willful neglect of duty, corruption in office, habitual drunkenness, incompetency, or any offense involving moral turpitude committed while in office. The provisions of this section shall not operate to restrict the ability of an appointing authority to remove an appointee as otherwise provided by law.

SECTION 18. AMENDATORY 51 O.S. 2011, Section 55, is amended to read as follows:

Section 55. An impeachment is the prosecution, by the House of Representatives, before the Senate, of the Governor or other elective state officer or any chief administrative officer of a state board or commission, under the Constitution, for willful neglect of duty, corruption in office, drunkenness, incompetency, or any offense involving moral turpitude committed while in office.

SECTION 19. This act shall become effective November 1, 2019.