

STATE OF OKLAHOMA

1st Session of the 57th Legislature (2019)

SENATE BILL 343

By: Murdock

AS INTRODUCED

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

1 boards and commissions; amending 51 O.S. 2011,
2 Sections 51 and 55, which relate to removal from
3 office; modifying positions subject to impeachment;
4 providing that certain provisions not restrict
5 ability to remove certain appointees; deleting
6 obsolete language; making language gender neutral;
7 and providing an effective date.

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

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

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

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

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

22 C. The Board shall be composed of:

- 23 1. One member who shall be a certified or registered
24 environmental professional. Such member shall be an environmental

1 professional experienced in matters of pollution control, who shall
2 not be an employee of any unit of government;

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

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

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

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

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

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

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

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

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

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

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

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

10 2. A member may be reappointed.

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

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

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

3 G. The Board shall:

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

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

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

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

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

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

1 H. As the rulemaking body for the Department of Environmental
2 Quality, the Board is specifically charged with the duty of
3 promulgating rules which will implement the duties and
4 responsibilities of the Department pursuant to ~~this Code~~ Section 2-
5 1-101 et seq. of this title. Except as provided in this subsection,
6 rules within the jurisdiction of a Council provided for by ~~this act~~
7 Section 1-1-101 et seq. of this title shall be promulgated with the
8 advice of such Council. Proposed permanent rules within the
9 jurisdiction of a Council shall not be considered by the Board for
10 promulgation until receipt of the appropriate Council's
11 recommendation on such promulgation; however, the Board may
12 promulgate emergency rules without the advice of the appropriate
13 Council when the time constraints of the emergency, as determined by
14 the Board, do not permit the timely development of recommendations
15 by the Council. All actions of the Councils with regard to
16 rulemaking shall be deemed actions of the Board for the purposes of
17 complying with the Administrative Procedures Act.

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

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

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

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

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

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

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

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

1 D. The Executive Director shall not be an owner, stockholder,
2 employee or officer of, nor have any other business relationship
3 with or receive compensation from, any corporation, partnership, or
4 other business or entity which is subject to regulation by the
5 Department of Environmental Quality and, with regard to the exercise
6 of powers and duties associated with the Oklahoma Pollutant
7 Discharge Elimination System Act, shall meet all requirements of
8 Section 304 of the Clean Water Act and applicable federal
9 regulations promulgated thereunder by the United States
10 Environmental Protection Agency regarding conflict of interest.

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

14 a. issue, deny, modify, amend, renew, refuse to renew,
15 suspend, reinstate or revoke licenses or permits
16 pursuant to the provisions of this Code, and rules
17 promulgated by the Board, and

18 b. issue final orders and assess administrative penalties
19 according to the Administrative Procedures Act, this
20 Code and rules promulgated by the Board.

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

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

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

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

17 SECTION 3. AMENDATORY Section 8, Chapter 366, O.S.L.
18 2016 (37A O.S. Supp. 2018, Section 1-108), is amended to read as
19 follows:

20 Section 1-108. A. The ~~ABLE Commission~~ Governor shall appoint a
21 Director, ~~who~~ of the ABLE Commission, with the advice and consent of
22 the Senate. The Director shall serve at the pleasure of the
23 Governor. The Director shall employ an Assistant Director and such
24 other personnel as are necessary to properly enforce and administer

1 the Oklahoma Alcoholic Beverage Control Act. The Director shall
2 require bonds in such instances and amounts as the ABLE Commission
3 may direct, and shall be in direct charge of all records. The
4 Director shall further have the following specific powers and
5 duties:

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

9 2. To appoint and employ, supervise and discharge such
10 employees as may be determined necessary for the proper discharge of
11 the duties of the office of Director, upon duties and salary fixed
12 and determined by the ABLE Commission and subject to all the rules
13 that may be promulgated by the ABLE Commission. The Director and
14 the ABLE Commission, in appointing and employing personnel, shall
15 give preference to honorably discharged members of the Armed Forces
16 of the United States;

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

21 4. To make recommendations to the ABLE Commission concerning
22 the suspension or revocation of any licenses, the levying of fines
23 against licensees for violations of the provisions of the Oklahoma
24 Alcoholic Beverage Control Act or rules of the ABLE Commission or

1 any action that should be filed or commenced against any official
2 bond theretofore approved by the Director or the ABLE Commission;

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

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

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

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

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

9 SECTION 4. AMENDATORY 43A O.S. 2011, Section 1-103, as
10 last amended by Section 1, Chapter 246, O.S.L. 2017 (43A O.S. Supp.
11 2018, Section 1-103), is amended to read as follows:

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

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

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

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

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

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

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

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

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

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

22 10. Whenever in this law or in any other law, or in any rule or
23 order made or promulgated pursuant to this law or to any other law,
24 or in the printed forms prepared for the admission of consumers or

1 for statistical reports, the words "insane", "insanity", "lunacy",
2 "mentally sick", "mental disease" or "mental disorder" are used,
3 such terms shall have equal significance to the words "mental
4 illness";

5 11. "Licensed mental health professional" means:

- 6 a. a psychiatrist who is a diplomate of the American
7 Board of Psychiatry and Neurology,
- 8 b. a psychiatrist who is a diplomate of the American
9 Osteopathic Board of Neurology and Psychiatry,
- 10 c. a physician licensed pursuant to the Oklahoma
11 Allopathic Medical and Surgical Licensure and
12 Supervision Act or the Oklahoma Osteopathic Medicine
13 Act,
- 14 d. a clinical psychologist who is duly licensed to
15 practice by the State Board of Examiners of
16 Psychologists,
- 17 e. a professional counselor licensed pursuant to the
18 Licensed Professional Counselors Act,
- 19 f. a person licensed as a clinical social worker pursuant
20 to the provisions of the Social Worker's Licensing
21 Act,
- 22 g. a licensed marital and family therapist as defined in
23 the Marital and Family Therapist Licensure Act,
- 24

- 1 h. a licensed behavioral practitioner as defined in the
- 2 Licensed Behavioral Practitioner Act,
- 3 i. an advanced practice nurse as defined in the Oklahoma
- 4 Nursing Practice Act,
- 5 j. a physician's assistant who is licensed in good
- 6 standing in this state, or
- 7 k. a licensed drug and alcohol counselor/mental health
- 8 (LADC/MH) as defined in the Licensed Alcohol and Drug
- 9 Counselors Act;

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

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

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

20 (2) poses a substantial risk of immediate physical
21 harm to another person or persons as manifested
22 by evidence of violent behavior directed toward
23 another person or persons,

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

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

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

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

21 c. Unless a person also meets the criteria established in
22 subparagraph a or b of this paragraph, person
23 requiring treatment or an assisted outpatient shall
24 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

1 government. The term "private hospital" or "facility" shall not
2 include nursing homes or other facilities maintained primarily for
3 the care of elderly and disabled persons;

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

- 8 a. a statement of treatment goals or objectives, based
9 upon and related to a clinical evaluation, which can
10 be reasonably achieved within a designated time
11 interval,
- 12 b. treatment methods and procedures to be used to obtain
13 these goals, which methods and procedures are related
14 to each of these goals and which include specific
15 prognosis for achieving each of these goals,
- 16 c. identification of the types of professional personnel
17 who will carry out the treatment procedures, including
18 appropriate medical or other professional involvement
19 by a physician or other health professional properly
20 qualified to fulfill legal requirements mandated under
21 state and federal law,
- 22 d. documentation of involvement by the individual
23 receiving treatment and, if applicable, the accordence
24 of the individual with the treatment plan, and

1 e. a statement attesting that the executive director of
2 the facility or clinical director has made a
3 reasonable effort to meet the plan's individualized
4 treatment goals in the least restrictive environment
5 possible closest to the home community of the
6 individual;

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

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

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

- 1 a. is either currently under the care of a facility
2 certified by the Department of Mental Health and
3 Substance Abuse Services as a Community Mental Health
4 Center, or is being discharged from the custody of the
5 Oklahoma Department of Corrections, or is being
6 discharged from a residential placement by the Office
7 of Juvenile Affairs,
8 b. is suffering from a mental illness,
9 c. is unlikely to survive safely in the community without
10 supervision, based on a clinical determination,
11 d. has a history of lack of compliance with treatment for
12 mental illness that has:

13 (1) prior to the filing of a petition, at least twice
14 within the last thirty-six (36) months been a
15 significant factor in necessitating
16 hospitalization or treatment in a hospital or
17 residential facility, or receipt of services in a
18 forensic or other mental health unit of a
19 correctional facility, or a specialized treatment
20 plan for treatment of mental illness in a secure
21 juvenile facility or placement in a specialized
22 residential program for juveniles, or

23 (2) prior to the filing of the petition, resulted in
24 one or more acts of serious violent behavior

1 toward self or others or threats of, or attempts
2 at, serious physical harm to self or others
3 within the last twenty-four (24) months,

4 e. is, as a result of his or her mental illness, unlikely
5 to voluntarily participate in outpatient treatment
6 that would enable him or her to live safely in the
7 community,

8 f. in view of his or her treatment history and current
9 behavior, is in need of assisted outpatient treatment
10 in order to prevent a relapse or deterioration which
11 would be likely to result in serious harm to the
12 person or persons as defined in this section, and

13 g. is likely to benefit from assisted outpatient
14 treatment; and

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

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

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

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

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

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

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

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

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

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

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

1 Section 332.1. The Pardon and Parole Board created by Section
2 10 of Article VI, ~~Section 10,~~ of the Oklahoma Constitution is
3 authorized to employ professional investigators and such clerical
4 and administrative personnel as may be required to carry out the
5 duties and responsibilities under the provisions of ~~this act~~ Section
6 332 et seq. of this title; provided, the Governor shall appoint the
7 Executive Director of the Pardon and Parole Board, with the advice
8 and consent of the Senate. The Executive Director shall serve at
9 the pleasure of the Governor.

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

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

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

20 ~~(1)~~ 1. To establish policies for the operation of the
21 Department;

22 ~~(2)~~ 2. To establish and maintain such institutions as are
23 necessary or convenient for the operation of programs for the
24

1 education, training, vocational education and rehabilitation of
2 prisoners under the jurisdiction of the Department;

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

6 ~~(4)~~ 4. To acquire, construct, extend, improve, maintain and
7 operate any and all facilities of all kinds which in the judgment of
8 the Board shall be necessary or convenient to foster the prison
9 industries program;

10 ~~(5)~~ 5. To require the Director and any other personnel of the
11 Department, when deemed necessary by the Board, to give bond for the
12 faithful performance of their duties;

13 ~~(6)~~ 6. To ~~appoint and~~ fix the salary of the Director;

14 ~~(7)~~ 7. To enter into contracts with private prison contractors;
15 and

16 ~~(8)~~ 8. To provide training to employees of private prison
17 contractors and other governmental entities on a fee basis.

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

21 Section 506. There is hereby created the position of Director
22 of Corrections. The Director shall be qualified for such position
23 by character, knowledge, skill, ability, education, training and
24 successful administrative experience and shall have five (5) years

1 of professional level work. The Director of Corrections shall be
2 appointed by the ~~Board of Corrections~~ Governor, with the advice and
3 consent of the Senate and shall ~~be subject to removal by a vote of~~
4 ~~the majority of the entire Board or in the manner provided by law~~
5 ~~for the removal of officers not subject to impeachment~~ serve at the
6 pleasure of the Governor.

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

10 Section 2-103. A. The Director of the State Bureau of
11 Narcotics and Dangerous Drugs Control shall be appointed by the
12 ~~Oklahoma State Bureau of Narcotics and Dangerous Drugs Control~~
13 ~~Commission. The Director of Narcotics and Dangerous Drugs Control~~
14 ~~on January 1, 1984, shall be initially appointed as Director~~
15 Governor, with the advice and consent of the Senate, and shall serve
16 at the pleasure of the Governor. The ~~succeeding~~ Director shall, at
17 the time of the appointment, have a Bachelor's Degree from an
18 accredited college or university and at least five (5) years of
19 experience in drug law enforcement. The Director may appoint
20 necessary assistants, agents, and other personnel to perform the
21 work of the office and may prescribe their titles and duties and fix
22 their compensation pursuant to Merit System rules. The Director may
23 appoint employees to the positions of Chief of Law Enforcement
24 Information and Technology, Public Information/Education Officer,

1 Training Officer, Program Administrators, Grants Administrator,
2 Criminal Analysts, Legal Secretary, and Typist Clerk/Spanish
3 Transcriptionists. The positions shall be unclassified and exempt
4 from the rules and procedures of the Office of Management and
5 Enterprise Services, except leave regulations. The office of the
6 Director shall be located at a suitable place in Oklahoma City,
7 Oklahoma.

8 B. 1. Agents appointed by the Director shall have the powers
9 of peace officers generally; provided, the Director may appoint
10 special agents and reserve special agents, who shall be unclassified
11 employees of the state, to meet specific investigatory needs.

12 Special agents and reserve special agents shall not be required to
13 meet the age and educational requirements as specified in this
14 section.

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

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

21 C. Agents appointed pursuant to the provisions of this section
22 shall have the responsibility of investigating alleged violations
23 and shall have the authority to arrest those suspected of having
24 violated the provisions of the Uniform Controlled Dangerous
..

1 Substances Act, as well as the crimes of money laundering and human
2 trafficking, as otherwise set forth by laws of this state.

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

15 E. A commissioned employee of the Oklahoma State Bureau of
16 Narcotics and Dangerous Drugs Control shall be entitled to receive,
17 upon retirement by reason of length of service, the continued
18 custody and possession of the sidearm and badge carried by such
19 employee immediately prior to retirement.

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

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

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

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

13 J. Any employee of the Oklahoma State Bureau of Narcotics and
14 Dangerous Drugs Control in a classified position under the Merit
15 System of the Personnel Administration who is appointed Director,
16 Deputy Director, Acting Director or Acting Deputy Director shall
17 have a right to return to the highest previously held classified
18 position without any loss of rights, privileges or benefits
19 immediately upon completion of the duties of the employee, provided
20 the employee is not otherwise disqualified.

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

23 Section 5007. A. There is hereby created the Oklahoma Health
24 Care Authority Board. On and after July 1, 1994, as the terms of

1 the initially appointed members expire, the Board shall be composed
2 of seven appointed members who shall serve for terms of four (4)
3 years and shall be appointed as follows:

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

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

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

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

19 C. 1. As the terms of office of members appointed before July
20 1, 1995, expire, appointments made on or after July 1, 1995, shall
21 be subject to the following requirements:

22 a. One member appointed by the Governor shall be a
23 resident of the First Congressional District. The
24 term of office of the member appointed by the Governor

1 and serving as of ~~the effective date of this act~~ July
2 1, 1998, shall expire on September 1, 2003;

3 b. One member appointed by the President Pro Tempore of
4 the Senate shall be a resident of the Second
5 Congressional District and a consumer. The term of
6 office of the member appointed by the President Pro
7 Tempore of the Senate and serving as of ~~the effective~~
8 ~~date of this act~~ July 1, 1998, shall expire on
9 September 1, 1999;

10 c. One member appointed by the President Pro Tempore of
11 the Senate shall be a resident of the Third
12 Congressional District. The term of office of the
13 member appointed by the President Pro Tempore of the
14 Senate and serving as of ~~the effective date of this~~
15 ~~act~~ July 1, 1998, shall expire on September 1, 2004;

16 d. One member appointed by the Speaker of the House of
17 Representatives shall be a resident of the Fourth
18 Congressional District. The term of office of the
19 member appointed by the Speaker of the House of
20 Representatives and serving as of ~~the effective date~~
21 ~~of this act~~ July 1, 1998, shall expire on September 1,
22 2001;

23 e. One member appointed by the Speaker of the House of
24 Representatives shall be a resident of the Fifth
..

1 Congressional District and a consumer. The term of
2 office of the member appointed by the Speaker of the
3 House of Representatives and serving as of ~~the~~
4 ~~effective date of this act~~ July 1, 1998, shall expire
5 on September 1, 1998;

6 f. One member appointed by the Governor shall be a
7 resident of the Sixth Congressional District and a
8 consumer. The term of office of the member appointed
9 by the Governor and serving as of ~~the effective date~~
10 ~~of this act~~ July 1, 1998, shall expire on September 1,
11 2000; and

12 g. The second consumer member appointed by the Governor
13 shall be appointed at large. The term of office of
14 the member appointed by the Governor and serving as of
15 ~~the effective date of this act~~ July 1, 1998, shall
16 expire on September 1, 2002.

17 2. Appointments made subsequent to ~~the effective date of this~~
18 ~~act~~ August 23, 2002, shall not be restricted to any particular
19 congressional district. Appointments made after July 1 of the year
20 in which a redrawing of a congressional district becomes effective
21 shall be from the state at large. However, no appointments may be
22 made after July 1 of the year in which such modification becomes
23 effective if such appointment would result in more than two members
24 serving from the same modified district.

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

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

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

16 1. Establish the policies of the Oklahoma Health Care
17 Authority;

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

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

22 4. 3. Adopt, publish and submit by January 1 of each year to
23 the Governor, the President Pro Tempore of the Senate, and the
24 Speaker of the House of Representatives appropriate administrative

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

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

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

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

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

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

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

1 managed health care. The Administrator shall serve at the pleasure
2 of the ~~Board~~ Governor.

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

8 1. Supervision of the activities of the Authority;

9 2. Formulation and recommendation of rules for approval or
10 rejection by the Oklahoma Health Care Authority Board and
11 enforcement of rules and standards promulgated by the Board;

12 3. Preparation of the plans, reports and proposals required by
13 the Oklahoma Health Care Authority Act, Section 5003 et seq. of this
14 title, other reports as necessary and appropriate, and an annual
15 budget for the review and approval of the Board;

16 4. Employment of such staff as may be necessary to perform the
17 duties of the Authority including but not limited to an attorney to
18 provide legal assistance to the Authority for the state Medicaid
19 program; and

20 5. Establishment of a contract bidding process which:

21 a. encourages competition among entities contracting with
22 the Authority for state-purchased and state-subsidized
23 health care; provided, however, the Authority may make
24 patient volume adjustments to any managed care plan

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

8 b. coincides with the state budgetary process, and

9 c. specifies conditions for awarding contracts to any
10 insuring entity.

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

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

16 Section 4007. A. The administrative head of the Department of
17 Transportation shall be the Director of the Department of
18 Transportation. The Director shall be an individual with a
19 background of broad experience in the administration and management
20 of complex public works or other comparable organizational
21 structures, ~~and who.~~ The Director shall be appointed by the
22 ~~Commission~~ Governor, with the advice and consent of the Senate, and
23 shall serve at the pleasure of the ~~Commission~~ Governor. ~~He~~ The
24 Director shall have the authority and duty to supervise, direct,

1 account for, organize, plan, administer and execute the functions of
2 the Department consistent with the general policies and procedures
3 prescribed and established by the Commission. Any statutory
4 references to the State Highway Director in ~~Title 69 of the Oklahoma~~
5 ~~Statutes~~ this title shall mean the Director of the Department of
6 Transportation.

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

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

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

22 Section 63.3. A. The Oklahoma Veterans Commission shall
23 perform all acts necessary or proper to afford emergency, temporary
24 and permanent relief and assistance to all honorably discharged ex-

1 service persons of all wars of the United States of America and to
2 their dependents, and shall perform such other duties as may be
3 prescribed by law. The Commission shall promulgate rules and
4 regulations, in accordance with the Administrative Procedures Act,
5 for the operation and maintenance of the Department of Veterans
6 Affairs; provided, however, in all cases priority and preference
7 shall always be given to disabled or diseased ex-service persons.
8 The members of the Commission shall be reimbursed for necessary
9 travel as provided in the State Travel Reimbursement Act. In
10 addition to its other powers and duties as herein provided, the
11 Commission shall have the following specific powers and duties which
12 shall, however, not be deemed to be exclusive:

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

18 2. To ~~appoint the Director of the Department of Veterans~~
19 ~~Affairs~~ and provide for the employment of all such ~~other~~ personnel
20 as may be necessary to carry out the provisions of Sections 63.1
21 through 63.4 of this title, and any other duties prescribed by law.
22 The salary ~~and tenure~~ of the Director of the Department shall be
23 determined by the Commission; and
24

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

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

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

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

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

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

17 a. ~~Only~~ only those complaints which have been submitted
18 in writing and are signed will be acted upon by the
19 Commission~~.,~~

20 b. ~~All~~ all hearings on complaints shall be conducted in
21 executive sessions, and shall not be open to the
22 public~~.,~~ and

23 c. ~~The~~ the Commission shall have limited access to
24 pertinent investigative files when investigating a

1 complaint. The Director shall provide a procedure
2 whereby the identification of all persons named in any
3 investigative file except the subject of the complaint
4 and the complaining witness shall not be revealed to
5 the members of the Commission. Any consideration of
6 files shall be in executive session not open to the
7 public. No information or evidence received in
8 connection with the hearings shall be revealed to any
9 person or agency. Any violation hereof shall be
10 grounds for removal from the Commission, and shall
11 constitute a misdemeanor~~;~~;

12 ~~3.~~ 2. To make recommendations to the Director of any needed
13 disciplinary action necessary as a result of an investigation
14 conducted upon a complaint received~~;~~;

15 ~~4.~~ 3. To establish general procedures with regard to assisting
16 law enforcement officers and district attorneys~~;~~;

17 ~~5.~~ 4. To establish a program of training for agents utilizing
18 such courses as the National Police Academy conducted by the Federal
19 Bureau of Investigation~~;~~; and

20 ~~6.~~ 5. To require the Director to advise the Commission on the
21 progress of pending investigations. All discussions of pending
22 investigations shall be conducted in executive session not open to
23 the public and no minutes of such sessions shall be kept. The
24 Director shall not reveal the identity of any witnesses interviewed

1 or the substance of their statements. No information received by
2 the Commission shall be revealed to any person or agency by any
3 Commission member. Any violation of this paragraph by a Commission
4 member shall be grounds for removal from the Commission and shall
5 constitute a misdemeanor.

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

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

21 B. Any Director appointed on or after July 1, 2003, may
22 participate in either the Oklahoma Public Employees Retirement
23 System or in the Oklahoma Law Enforcement Retirement System and
24

1 shall make an irrevocable election in writing to participate in one
2 of the two retirement systems.

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

5 Section 1085.12. ~~The Oklahoma Water Resources Board~~ Governor,
6 with the advice and consent of the Senate, shall appoint an
7 Executive Director of the Oklahoma Water Resources Board, who shall
8 have had at least six (6) years practical and administrative
9 experience in water resource management, ~~and.~~ The Executive
10 Director shall serve at the pleasure of the Governor. The Oklahoma
11 Water Resources Board shall fix his the duties and compensation of
12 the Executive Director. The Oklahoma Water Resources Board is
13 specifically authorized to delegate to such Executive Director such
14 of its powers and duties as it may deem proper, including powers and
15 duties involving the exercise of official discretion. The authority
16 hereby granted to the Oklahoma Water Resources Board to delegate
17 powers and duties to the Executive Director shall extend to any
18 powers and duties given or transferred to the Oklahoma Water
19 Resources Board under ~~this act~~ Section 1085.1 et seq. of this title,
20 or under any other law conferring powers or imposing duties upon the
21 Oklahoma Water Resources Board, and shall also extend to any powers
22 conferred or duties imposed upon the Oklahoma Water Resources Board
23 by any future law, unless such future laws shall expressly negate
24 the authority to make such delegation. Any other part of ~~this act~~

1 Section 1085.1 et seq. of this title, or any other law granting
2 authority to the Oklahoma Water Resources Board to delegate any
3 powers or duties, shall not be deemed to be a limitation upon the
4 authority conferred by this section. The Executive Director shall
5 exercise any such delegated powers and perform such delegated
6 duties, in accordance with any rules, regulations or orders made by
7 the Oklahoma Water Resources Board which are applicable thereto.
8 Provided, however, the Oklahoma Water Resources Board shall not
9 delegate to such director any power of determining policy, the
10 execution of any contract or the final adjudication of any claims,
11 applications or controversies, all of which powers and duties shall
12 be exercised solely by the Oklahoma Water Resources Board.

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

15 Section 51. The Governor and other elective state officers,
16 including the Justices of the Supreme Court, and any chief
17 administrative officer of a state board or commission shall be
18 liable and subject to impeachment for willful neglect of duty,
19 corruption in office, habitual drunkenness, incompetency, or any
20 offense involving moral turpitude committed while in office. The
21 provisions of this section shall not operate to restrict the ability
22 of an appointing authority to remove an appointee as otherwise
23 provided by law.
24

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

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

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

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