

1 STATE OF OKLAHOMA

2 1st Session of the 59th Legislature (2023)

3 SENATE BILL 748

By: Rosino

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5
6 AS INTRODUCED

7 An Act relating to the Office of Disability Concerns;
8 consolidating the Office of Disability Concerns under
9 the Department of Human Services subject to certain
10 regulations; directing certain continuation of
11 exercise of statutory powers, duties, and
12 responsibilities; providing for certain transfers;
13 providing for succession to contractual rights and
14 responsibilities; requiring Director of the
15 Department to adopt and enforce certain rules;
16 authorizing further rulemaking; permitting execution
17 of certain agreement; requiring consent of employees
18 prior to transfer; providing certain protections
19 relating to salary, leave, time earned, and benefits;
20 requiring transfer of personnel to be coordinated
21 with Office of Management and Enterprise Services;
22 requiring Department to pay certain expenses;
23 abolishing certain state agency when certain
24 conditions are met; requiring Office of Management
25 and Enterprise Services to coordinate certain
26 transfers; amending 74 O.S. 2021, Sections 9.21,
27 9.23, 9.27, 9.33, and 9.34, which relate to the
28 Office of Disability Concerns; conforming language;
29 transferring certain powers, duties, and fund to the
30 Department and the Director; updating statutory
31 references; providing for codification; and providing
32 an effective date.

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

1 SECTION 1. NEW LAW A new section of law to be codified
2 in the Oklahoma Statutes as Section 9.20 of Title 74, unless there
3 is created a duplication in numbering, reads as follows:

4 A. Subject to the conditions and requirements of 34 CFR Part
5 370, the Office of Disability Concerns shall cease to be a separate
6 and distinct agency of the executive branch of state government and
7 shall become a division of the Department of Human Services, to be
8 known as the Office of Disability Concerns. The Office of
9 Disability Concerns and the Director of the Office of Disability
10 Concerns shall continue to exercise their statutory powers, duties,
11 and contractual responsibilities. All records, property, equipment,
12 assets, monies, financial interests, liabilities, matters pending,
13 and funds of the division shall be transferred to the Department.

14 B. The Department shall succeed to any contractual rights or
15 responsibilities incurred by the Office of Disability Concerns.

16 C. Rules promulgated by the Office of Disability Concerns that
17 are in effect on the effective date of this act shall be immediately
18 adopted and enforced by the Director of the Department. The
19 Director of the Department maintains the authority to further
20 promulgate and enforce rules.

21 D. The Office of Disability Concerns and the Department may
22 enter into an agreement for the transfer of personnel from the
23 Office of Disability Concerns to the Department. No employee shall
24 be transferred to the Department except on the freely given written

1 consent of the employee. All employees who are transferred to the
2 Department shall not be required to accept a lesser grade or salary
3 than presently received. All employees shall retain leave, sick,
4 and annual time earned, and any retirement and longevity benefits
5 which have accrued during their tenure with the Office of Disability
6 Concerns. The transfer of personnel between the state agencies
7 shall be coordinated with the Office of Management and Enterprise
8 Services.

9 E. The expenses incurred by the Department as a result of the
10 transfer required by this subsection shall be paid by the
11 Department.

12 F. The state agency known as the Office of Disability Concerns
13 shall be abolished:

14 1. After the transfers have been completed; and

15 2. Once the conditions and requirements of 34 CFR Part 370 have
16 been met.

17 G. The Office of Management and Enterprise Services shall
18 coordinate the transfer of records, property, equipment, assets,
19 funds, allotments, purchase orders, liabilities, outstanding
20 financial obligations, or encumbrances provided for in this section.

21 SECTION 2. AMENDATORY 74 O.S. 2021, Section 9.21, is
22 amended to read as follows:

23 Section 9.21. There is hereby established ~~an agency of the~~
24 ~~executive branch of state government~~ a division within the

1 Department of Human Services to be known as the Office of Disability
2 Concerns.

3 SECTION 3. AMENDATORY 74 O.S. 2021, Section 9.23, is
4 amended to read as follows:

5 Section 9.23. A. The Office of Disability Concerns shall be
6 administered by a Director who shall be appointed by the ~~Governor~~
7 Director of the Department of Human Services and serve at the
8 pleasure of the Governor. ~~Such appointment shall be subject to~~
9 ~~Senate confirmation within thirty (30) days after the appointment or~~
10 ~~the convening of the next legislative session, if the Legislature is~~
11 ~~not in session on the date of appointment.~~

12 ~~B. The Director shall and is hereby authorized to appoint and~~
13 ~~fix the duties and compensation of employees, not otherwise~~
14 ~~prescribed by law, and otherwise direct the work of the staff in~~
15 ~~performing the functions and accomplishing the purposes of the~~
16 ~~Office of Disability Concerns.~~

17 ~~C. The Director, subject to the approval of the State~~
18 ~~Purchasing Director, may use purchase cards for invoices relating to~~
19 ~~telecommunication services~~ Director of the Department.

20 SECTION 4. AMENDATORY 74 O.S. 2021, Section 9.27, is
21 amended to read as follows:

22 Section 9.27. The ~~Office of Disability Concerns~~ Director of the
23 Department of Human Services is hereby authorized to make necessary
24

1 rules and regulations to carry out the provisions of Section 1 of
2 this act and Section 9.21 et seq. of this title.

3 SECTION 5. AMENDATORY 74 O.S. 2021, Section 9.33, is
4 amended to read as follows:

5 Section 9.33. There is created in the State Treasury a
6 revolving fund for the ~~Office of Disability Concerns~~ Department of
7 Human Services to be designated as the "Office of Disability
8 Concerns Revolving Fund". The fund shall be a continuing fund, not
9 subject to fiscal year limitations, and shall consist of all
10 nonfederal monies received by the Department for the Office of
11 Disability Concerns, including receipts, from any state agency or
12 institution, gifts, contributions, donations and bequests. All
13 monies accruing to the credit of said fund are hereby appropriated
14 and may be budgeted and expended by the ~~Office of Disability~~
15 ~~Concerns~~ Department to perform the duties of the Office of
16 Disability Concerns as prescribed by law. Expenditures from said
17 fund shall be made upon warrants issued by the State Treasurer
18 against claims filed as prescribed by law with the Director of the
19 Office of Management and Enterprise Services for approval and
20 payment.

21 SECTION 6. AMENDATORY 74 O.S. 2021, Section 9.34, is
22 amended to read as follows:

23 Section 9.34. The ~~Office of Disability Concerns~~ Department of
24 Human Services shall, on behalf of the Office of Disability

1 Concerns, accept, hold in trust, and authorize the use of any grant
2 or devise of land, or any donations or bequests of money or other
3 personal property made to the Office so long as the terms of the
4 grant, donation, bequest or will are carried out. The ~~Office~~
5 Department may invest and reinvest any funds and money, lease, or
6 sell any real or personal property, and invest the proceeds for the
7 purpose of promoting the well-being of people with disabilities
8 unless prohibited by the terms of the grant, donation, bequest,
9 gift, or will. If, due to circumstances, the requests of the person
10 or persons making the grant, donation, bequest, gift, or will cannot
11 be carried out, the ~~Office~~ Department shall have the authority to
12 use the remainder thereof for the purposes of ~~this act~~ Section 9.21
13 et seq. of this title. ~~Said~~ Such funds shall be deposited to the
14 ~~revolving fund~~ Office of Disability Concerns Revolving Fund to carry
15 out the provisions of ~~this act~~ Section 9.21 et seq. of this title.
16 Such gifts, donations, bequests, or grants shall be exempt for tax
17 purposes. The ~~Office~~ Department shall report annually to the
18 Governor all monies and properties received and expended by virtue
19 of this section.

20 SECTION 7. This act shall become effective November 1, 2023.

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