STATE OF OKLAHOMA

1st Session of the 59th Legislature (2023)

SENATE BILL 748

By: Rosino

AS INTRODUCED

An Act relating to the Office of Disability Concerns; consolidating the Office of Disability Concerns under the Department of Human Services subject to certain regulations; directing certain continuation of exercise of statutory powers, duties, and responsibilities; providing for certain transfers; providing for succession to contractual rights and responsibilities; requiring Director of the Department to adopt and enforce certain rules; authorizing further rulemaking; permitting execution of certain agreement; requiring consent of employees prior to transfer; providing certain protections relating to salary, leave, time earned, and benefits; requiring transfer of personnel to be coordinated with Office of Management and Enterprise Services; requiring Department to pay certain expenses; abolishing certain state agency when certain conditions are met; requiring Office of Management and Enterprise Services to coordinate certain transfers; amending 74 O.S. 2021, Sections 9.21, 9.23, 9.27, 9.33, and 9.34, which relate to the Office of Disability Concerns; conforming language; transferring certain powers, duties, and fund to the Department and the Director; updating statutory references; providing for codification; and providing an effective date.

BE IT ENACTED BY THE PEOPLE OF THE STATE OF OKLAHOMA:
SECTION 1. NEW LAW  A new section of law to be codified in the Oklahoma Statutes as Section 9.20 of Title 74, unless there is created a duplication in numbering, reads as follows:

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

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

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

D. The Office of Disability Concerns and the Department may enter into an agreement for the transfer of personnel from the Office of Disability Concerns to the Department. No employee shall be transferred to the Department except on the freely given written
consent of the employee. All employees who are transferred to the Department shall not be required to accept a lesser grade or salary than presently received. All employees shall retain leave, sick, and annual time earned, and any retirement and longevity benefits which have accrued during their tenure with the Office of Disability Concerns. The transfer of personnel between the state agencies shall be coordinated with the Office of Management and Enterprise Services.

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

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

1. After the transfers have been completed; and

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

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

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

Section 9.21. There is hereby established an agency of the executive branch of state government a division within the
Department of Human Services to be known as the Office of Disability Concerns.

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

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

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

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

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

Section 9.27. The Office of Disability Concerns Director of the Department of Human Services is hereby authorized to make necessary
rules and regulations to carry out the provisions of Section 1 of this act and Section 9.21 et seq. of this title.

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

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

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

Section 9.34. The Office of Disability Concerns Department of Human Services shall, on behalf of the Office of Disability Concerns,
Concerns, accept, hold in trust, and authorize the use of any grant or devise of land, or any donations or bequests of money or other personal property made to the Office so long as the terms of the grant, donation, bequest or will are carried out. The Office Department may invest and reinvest any funds and money, lease, or sell any real or personal property, and invest the proceeds for the purpose of promoting the well-being of people with disabilities unless prohibited by the terms of the grant, donation, bequest, gift, or will. If, due to circumstances, the requests of the person or persons making the grant, donation, bequest, gift, or will cannot be carried out, the Office Department shall have the authority to use the remainder thereof for the purposes of this act Section 9.21 et seq. of this title. Said such funds shall be deposited to the revolving fund Office of Disability Concerns Revolving Fund to carry out the provisions of this act Section 9.21 et seq. of this title. Such gifts, donations, bequests, or grants shall be exempt for tax purposes. The Office Department shall report annually to the Governor all monies and properties received and expended by virtue of this section.

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