

1 **SENATE FLOOR VERSION**

2 March 3, 2021

3 SENATE BILL NO. 45

By: Stanley of the Senate

4 and

5 Talley and Bush of the
6 House

7
8 An Act relating to the Department of Human Services;
9 amending 56 O.S. 2011, Section 162, as last amended
10 by Section 1, Chapter 30, O.S.L. 2018 (56 O.S. Supp.
11 2020, Section 162), which relates to duties and
12 powers of the Director of Human Services; requiring
13 employee background checks to include a fingerprint-
14 based national criminal history record check; and
15 providing an effective date.

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

17 SECTION 1. AMENDATORY 56 O.S. 2011, Section 162, as last
18 amended by Section 1, Chapter 30, O.S.L. 2018 (56 O.S. Supp. 2020,
19 Section 162), is amended to read as follows:

20 Section 162. A. The Governor shall have the power and duty to
21 select a Director of Human Services who shall serve as executive and
22 administrative officer of the Department of Human Services. The
23 Director shall be appointed wholly on the basis of ability, training
24 and experience qualifying him or her for public welfare
administration. The Director shall serve, subject to the

1 confirmation of the Senate, at the pleasure of the Governor. The
2 salary of the Director shall be fixed by the Governor.

3 B. The Director shall formulate the policies and adopt rules
4 and regulations for the effective administration of the duties of
5 the Department.

6 C. 1. The Director shall take the appropriate steps to ensure
7 rules and policies are promulgated to conduct appropriate background
8 searches of individuals both prior to and, if necessary, during
9 their employment with the Department. The job categories within the
10 Department that are subject to background searches prior to
11 employment shall be determined at the Director's discretion. Such
12 background checks shall include, but not be limited to:

- 13 a. a search of the Oklahoma State Courts Network,
14 including Oklahoma District Court records,
- 15 b. a search of the Restricted Registry maintained by the
16 Department pursuant to Section 405.3 of Title 10 of
17 the Oklahoma Statutes,
- 18 c. a search of the Department of Corrections files
19 maintained by the Department pursuant to the Sex
20 Offender Registration Act,
- 21 d. a search of the Department of Corrections Violent
22 Offender Registry, also known as the Mary Rippy
23 Violent Crime Offender Registry,

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1 e. a search of all applicable out-of-state child abuse
2 and neglect registries if the subject of the search
3 has not lived continuously in Oklahoma for the past
4 five (5) years, and

5 f. a search of the community services worker registry
6 maintained by the Department pursuant to Section
7 1025.3 of this title; and

8 g. a fingerprint-based national criminal history record
9 check. The Department may directly request a national
10 criminal history record check as defined by Section
11 150.9 of Title 74 of the Oklahoma Statutes from the
12 Oklahoma State Bureau of Investigation for the purpose
13 of investigating the criminal history of any employee
14 or applicant of the Department.

15 2. In addition, the Director shall ensure rules and policies
16 are promulgated to conduct a search of the Department's records of
17 abuse and neglect both prior to and, if necessary, during the
18 employment of any person with the Department and whose scope of
19 employment will bring that individual into direct contact with any
20 vulnerable population.

21 D. The Director shall require and set the amount of the bond
22 for employees.

23 E. The Director shall cooperate with the federal Department of
24 Health and Human Services, or other similar agencies created by

1 Congress, in any reasonable manner as may be necessary to qualify
2 for federal aid to states in providing assistance to needy persons
3 in conformity with the provisions of this title, including the
4 making of reports in the form and containing information as a
5 federal agency may from time to time require, and comply with any
6 other similar federal agency requirements necessary to ensure the
7 correctness and verification of the reports.

8 F. The Director shall publish an annual report, not later than
9 four (4) months after the close of each fiscal year. The report
10 shall be presented to the Governor, the Speaker of the House of
11 Representatives and the President Pro Tempore of the Senate. Annual
12 reports shall provide information about the operations and programs
13 administered by the Department and shall include, but shall not be
14 limited to:

15 1. Statistical information regarding services provided and the
16 number of persons served by Department programs;

17 2. Financial data including a reasonable amount of detailed
18 information regarding revenues and expenditures and a breakdown and
19 comparison of the Department budget with actual expenditures;

20 3. Status of the workforce and productivity of the Department;

21 4. Information about Department efforts to ensure program
22 accountability and service delivery quality and integrity;

23 5. Demographic data and trends and their anticipated impact on
24 demand for services; and

1 6. Information regarding public and private institution-based
2 services.

3 G. The Director shall assume the statutory duties of the
4 Commission for Human Services.

5 SECTION 2. This act shall become effective November 1, 2021.

6 COMMITTEE REPORT BY: COMMITTEE ON APPROPRIATIONS
7 March 3, 2021 - DO PASS

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