

ENROLLED SENATE  
BILL NO. 356

By: Brown and Williams (Penny)  
of the Senate

and

Boyd (Betty), Ferguson,  
Steidley, Seikel, Johnson  
(Rob), Bryant (John),  
Hamilton (James) and Weaver  
of the House

An Act relating to blind persons, mental health, poor persons, persons and reformatories, public finance, public health and safety, schools, soldiers and sailors and state government; stating short title; creating the Commission for Rehabilitation Services; stating attributes, powers and authority; deeming lawful operations of Commission to be an essential state government function; stating Commission membership and qualifications for membership; requiring Constitutional oath of office; allowing members to be reappointed to consecutive terms; requiring reimbursement of member for travel expenses; allowing the original appointing authority to remove Commissioner for certain causes and providing notice and hearing; requiring regular meeting and election of chairperson and vice-chairperson; allowing special meetings; requiring advance notice of meetings; requiring compliance with Open Meeting Act; requiring appointment of secretary of Commission; allowing the Commission to employ certain persons and rent or purchase certain equipment; transferring Rehabilitation Services Division of the Department of Human Services to the State Department of Rehabilitation Services; stating all facets of transfer; requiring any unresolved transfer issues or items be resolved contractually; stating additional powers and duties of the Commission for Rehabilitation Services; amending 7 O.S. 1991, Section 8, which relates to special library services to blind and physically handicapped persons; modifying references to certain commissions and agencies; amending 10 O.S. 1991, Sections 1418, 1419 and 1420 which relate to the Public Welfare Commission; modifying references to certain commissions and agencies; amending Section 1 of Enrolled House Joint Resolution No. 1056 of the 2nd Session of the 43rd Oklahoma Legislature (43A O.S. Supp. 1992, Section 3-250), which relates to the Interagency Council for Services

to Mentally Ill Homeless Persons; modifying references to certain commissions and agencies; modifying membership of the Council; amending 56 O.S. 1991, Sections 164, 199.1, 199.2, 328, 329 and 330, which relate to assistance; modifying references to certain commissions and agencies; requiring the Department of Rehabilitation Services to establish certain policies and procedures; allowing certain fee; amending 57 O.S. 1991, Section 539.1, which relates to persons in the custody of the Department of Corrections; modifying references to certain commissions and agencies; amending 62 O.S. 1991, Section 41.21, as amended by Section 1, Chapter 358, O.S.L. 1992 (62 O.S. Supp. 1992, Section 41.21), which relates to claims and payrolls; modifying references to certain commissions and agencies; authorizing the State Department of Rehabilitation Services to establish encumbrance and preaudit system for settlement of certain claims; amending 63 O.S. 1991, Section 2417, which relates to Telecommunications for the Hearing-Impaired Act; modifying references to certain commissions and agencies; amending 70 O.S. 1991, Section 18-114.6, as amended by Section 17, Chapter 324, O.S.L. 1992 (70 O.S. Supp. 1992, Section 18-114.6), which relates to school year salary or fringe benefits schedule; modifying references to certain commissions and agencies; amending 72 O.S. 1991, Section 63.8, which relates to the War Veterans Commission and the Department of Veterans Affairs; modifying references to certain commissions and agencies; amending 74 O.S. 1991, Section 168, which relates to the Library for the Blind and Physically Handicapped; modifying references to certain commissions and agencies; providing for codification; and declaring an emergency.

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 166.1 of Title 74, unless there is created a duplication in numbering, reads as follows:

There is hereby created the State Department of Rehabilitation Services, to be governed by the Commission for Rehabilitation Services.

SECTION 2. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 166.2 of Title 74, unless there is created a duplication in numbering, reads as follows:

A. Effective July 1, 1993, there is hereby created the Commission for Rehabilitation Services, an agency of the State of Oklahoma, a body corporate and politic, with powers of government and with the authority to exercise the rights, privileges and functions as herein specified, with its lawful operations deemed to be an essential governmental function of the State of Oklahoma with all the attributes thereof.

B. The Commission shall appoint and remove the Director of the Department of Rehabilitation Services, approve programs, policy and budget, and perform the necessary functions of a governing board.

C. 1. The Commission shall consist of three (3) members, to be appointed by June 15, 1993, as follows:

- a. one member shall be appointed by the President Pro Tempore of the Oklahoma State Senate for a three-year term,
- b. one member shall be appointed by the Speaker of the Oklahoma House of Representatives for a three-year term, and
- c. one member shall be appointed by the Governor for a three-year term.

2. Thereafter, beginning with the expiration of the terms of the three members initially appointed, the Commission shall consist of three (3) members, appointed as follows:

- a. one member shall be appointed by the President Pro Tempore of the Oklahoma State Senate and shall serve a term of one (1) year,
- b. one member shall be appointed by the Speaker of the Oklahoma House of Representatives and shall serve a term of two (2) years, and
- c. one member shall be appointed by the Governor and shall serve a term of three (3) years.

3. Thereafter, at the expiration of the term, or termination of the member's service for any reason, the original appointing authority shall appoint a successor for a term of three (3) years, or for the remainder of an unexpired term.

D. Members of the Commission shall be knowledgeable of and have concern for rehabilitation issues and disability issues; provided, that such requirement shall not exclude participation of lay persons as Commission members. All members shall be residents of the state and qualified electors at the time of their appointment. Before entering upon the duties of their office, members of the Commission shall take the Constitutional oath of office and the same shall be filed with the Secretary of State. A member of the Commission may be reappointed to succeed himself or herself. Commission members shall be reimbursed for travel expenses incurred in the performance of their duties as provided in the State Travel Reimbursement Act, Section 500.1 et seq. of Title 74 of the Oklahoma Statutes.

E. The original appointing authority may remove any commissioner for misconduct, incompetency or neglect of duty, after giving such commissioner a written statement of charges, and opportunity for a hearing.

SECTION 3. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 166.3 of Title 74, unless there is created a duplication in numbering, reads as follows:

A. The Commission for Rehabilitation Services shall meet monthly and shall hold a regular annual meeting at which it shall elect from among its membership a chairperson and a vice-chairperson. Special meetings may be held at such times as may be deemed necessary or advisable by a majority of the Commission members. At least one (1) week's advance notice of all meetings shall be given in a manner prescribed by the rules of the Commission.

B. 1. All meetings of the Commission shall be open and public and shall be held in accordance with the provisions of the Oklahoma Open Meeting Act, Section 301 et seq. of Title 25 of the Oklahoma Statutes, and the Oklahoma Open Records Act, Section 24A.1 et seq. of Title 51 of the Oklahoma Statutes.

2. A secretary of the Commission shall be appointed by the Commission, and shall hold office at the pleasure of the Commission. The secretary may or may not be a member of the Commission. The Commission may employ such other persons and may rent or purchase such equipment as it deems necessary or desirable to carry out the provisions of this act.

3. The Commission may establish an office which shall be acquired pursuant to the provisions of Section 63 of this title.

SECTION 4. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 166.4 of Title 74, unless there is created a duplication in numbering, reads as follows:

A. Effective July 1, 1993, the Rehabilitation Services Division of the Department of Human Services is hereby transferred from the Department of Human Services and the Oklahoma Public Welfare Commission to the State Department of Rehabilitation Services, created pursuant to Section 1 of this act.

B. The transfer shall include:

1. All powers, duties, responsibilities, properties, assets, fund balances, encumbrances, obligations, records, personnel and liabilities including, but not limited to, liability for all Rehabilitation Services Division employees' sick leave, annual leave, holidays, unemployment benefits and workers' compensation benefits accruing to employees prior to July 1, 1993, which are attributable to the Rehabilitation Services Division;

2. All programs funded by the federal Rehabilitation Act as amended;

3. All related programs and facilities presently operated by the Rehabilitation Services Division of the Department of Human Services as follows:

- a. vocational and related rehabilitation services,
- b. the Oklahoma Library for the Blind and Physically Handicapped,
- c. the Vending Facility Program,
- d. the Transitional Living Center for the Deaf,
- e. telecommunications devices for the deaf,
- f. interpreter services,
- g. telephone relay service,
- h. the Disability Determination Unit,
- i. the Oklahoma School for the Blind, and
- j. the Oklahoma School for the Deaf; and

4. All real property as follows:

- a. the Oklahoma City Evaluation Center located at 5813 South Robinson in Oklahoma City, Oklahoma,
- b. the Library for the Blind and Physically Handicapped located at 300 N.E. 18th Street in Oklahoma City, Oklahoma,
- c. the Transitional Living Center located at 5903 N.W. 52nd Street in Warr Acres, Oklahoma,
- d. the Oklahoma School for the Blind located at 3300 Gibson in Muskogee, Oklahoma, and
- e. the Oklahoma School for the Deaf located at East 10th and Tahlequah Streets in Sulphur, Oklahoma.

C. Any unresolved transfer issues or items shall be resolved contractually by the Commission for Rehabilitation Services and the Commission for Human Services, with the approval of the Governor.

SECTION 5. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 166.5 of Title 74, unless there is created a duplication in numbering, reads as follows:

Effective July 1, 1993, in order to effectuate the transfer of the Rehabilitation Services Division of the Oklahoma Public Welfare

Commission and the Department of Human Services to the Commission for Rehabilitation Services, the Commission for Rehabilitation Services shall have the powers and duties to:

1. Adopt bylaws and promulgate rules for the regulation of its affairs and the conduct of its business;
2. Adopt an official seal;
3. Establish an office;
4. Sue and to be sued, subject to the provisions of the Governmental Tort Claims Act, Section 151 et seq. of Title 51 of the Oklahoma Statutes;
5. Make and enter into all contracts necessary or incidental to the performance of its duties and the execution of its powers;
6. Purchase or lease equipment, furniture, materials and supplies, and incur such other expenses as may be necessary to maintain and operate the Commission and Department, or to discharge its duties and responsibilities or to make any of its powers effective;
7. Acquire by purchase, lease, gift or by any other manner, and to maintain, use and operate or to contract for the maintenance, use and operation of or lease of any and all property of any kind, real, personal or mixed or any interest therein unless otherwise provided by this act; provided that, all contracts for real property shall be subject to the provisions of Section 63 of this title; and
8. Appoint such officers, agents and employees as it deems necessary to operate and maintain the Commission and to prescribe their duties and to fix their compensation.

SECTION 6. AMENDATORY 7 O.S. 1991, Section 8, is amended to read as follows:

Section 8. (a) See Title 74, State Officers and Employees, Section 285(23) note.

(b) The state plan for library services shall be amended in accordance with the Federal Library Services and Construction Act and applicable regulations to reflect the authority and duty of the Section of Services to the Blind (Visual Services) of the ~~Oklahoma Public Welfare~~ Commission for Rehabilitation Services to provide special library services, including braille and recorded books, to blind and visually handicapped persons as provided by state law.

(c) ~~On and after July 1, 1969, special~~ Special library services for blind and physically handicapped adults, children, and students shall be provided by the Section of Services to the Blind (Visual Services) of the ~~Oklahoma Public Welfare~~ Commission for Rehabilitation Services in accordance with the Federal Library Services and Construction Act, as amended, and applicable federal regulations relating thereto; and consistent with applicable statutes and regulations, ~~the~~ The library standards of the National Accreditation Council for Agencies Serving the Blind and Visually Handicapped shall be observed and followed in providing such special library services. The ~~Oklahoma Public Welfare~~ Commission for Rehabilitation Services shall, within the availability of state funds, annually make available for such special library services sufficient funds to earn the maximum available federal funds under the Federal Library Services and Construction Act and appropriations made in pursuance thereof by Congress.

(d) All federal requirements for interlibrary cooperation and consultation shall be observed; and entitlement of the Department of Libraries to receive federal funds for library services or construction shall not be impaired by any state law prescribing the duties, responsibilities and functions of the Section of Services to the Blind (Visual Services).

SECTION 7. AMENDATORY 10 O.S. 1991, Section 1418, is amended to read as follows:

Section 1418. The ~~Oklahoma Public Welfare~~ Commission for Rehabilitation Services shall have the supervision, management and control of the Oklahoma School for the Blind and the Oklahoma School for the Deaf, and, in addition to the powers and duties now vested in the State Board of Education as to each of such institutions, shall have authority to adopt such rules ~~and regulations~~ as it deems necessary for the government and operation of each institution, and for the admission and discharge of pupils at each institution. No easement, right-of-way, oil and gas lease or surface lease on any land used or occupied by either institution, or any other institution under the jurisdiction of the Commission, shall be granted or conveyed without the approval of the Commission; and all money hereafter received therefor or derived therefrom, including rentals and royalties from leases executed prior to the effective date of this act, shall be deposited in the revolving fund of the institution and be used by the Commission for capital improvements at the institution. The Commission may participate in federal programs for the benefit of blind or deaf persons, and may receive and administer federal funds for such purposes. The Commission is hereby expressly granted every power necessary or convenient to make such institutions effective for the purposes for which they were created. This act shall not affect the type of school maintained at either institution.

SECTION 8. AMENDATORY 10 O.S. 1991, Section 1419, is amended to read as follows:

Section 1419. The ~~Oklahoma Public Welfare~~ Commission for Rehabilitation Services shall establish and maintain such methods of administration (including methods relating to the establishment and maintenance of personnel standards on a merit basis) as are necessary for the proper and efficient administration of the Oklahoma School for the Blind and the Oklahoma School for the Deaf, and programs thereat; shall maintain records and reports, shall provide a uniform accounting system; and shall incur such expenses and make such expenditures as it deems necessary to maintain and operate such institutions. The Director of ~~Public Welfare~~ the State Department of Rehabilitation Services shall, subject to the approval of the Commission, employ or contract with such qualified teachers, and appoint or employ the superintendent and such other personnel, as he deems necessary for the proper operation of each institution, and shall fix their duties and compensation. The superintendent, teachers and other employees shall be eligible for membership or participation in the Teachers' Retirement System of Oklahoma to the same extent and on the same basis as teachers and other employees of other state educational institutions and public schools.

SECTION 9. AMENDATORY 10 O.S. 1991, Section 1420, is amended to read as follows:

Section 1420. All property, records, equipment, supplies, and funds, including trust funds and revolving funds, and other assets, owned or possessed by the Oklahoma School for the Blind or the Oklahoma School for the Deaf are hereby transferred to the ~~Oklahoma Public Welfare~~ Commission for Rehabilitation Services; and all contracts, leases, agreements and obligations to which the State Board of Education is a party for or on behalf of either of such institutions shall be assumed by the Commission.

SECTION 10. AMENDATORY Section 1 of Enrolled House Joint Resolution No. 1056 of the 2nd Session of the 43rd Oklahoma Legislature (43A O.S. Supp. 1992, Section 3-250), is amended to read as follows:

Section 3-250. A. There is hereby created until February 1, 1996, the Interagency Council for Services to Mentally Ill Homeless Persons.

B. The Interagency Council for Services to Mentally Ill Homeless Persons shall be composed of thirteen (13) members as follows:

~~1. Two persons representing the Department of Human Services, one of whom shall be the The Director of the Department of Human Services, or his designee, and one of whom shall be a person designated by the;~~

~~2. The Director to represent the Division of Rehabilitation Services of the State Department of Human Rehabilitation Services, or his designee;~~

~~3.~~ 3. Two persons representing the Department of Mental Health and Substance Abuse Services, one of whom shall be the Commissioner of Mental Health and Substance Abuse Services, or his designee, and one of whom shall be a person designated by the Commissioner to represent individuals having knowledge of and experience in services for homeless mentally ill persons;

~~4.~~ 4. The Director of the Oklahoma Housing Finance Agency, or his designee;

~~5.~~ 5. The Director of the Oklahoma Employment Security Commission, or his designee;

~~6.~~ 6. The Director of the Oklahoma Department of Commerce, or his designee;

~~7.~~ 7. Two persons appointed by the State Board of Vocational and Technical Education; and

~~8.~~ 8. Four persons representing private agencies or organizations providing services to homeless mentally ill persons, appointed by the Governor from a list of not less than eight persons submitted by the Oklahoma Homeless Network.

C. The chairperson and any other officers of the Interagency Council for Services to Mentally Ill Homeless Persons shall be elected by the membership of the council during its first meeting and upon a vacancy of any office. The Interagency Council for Services to Mentally Ill Homeless Persons shall meet at least monthly, and may meet more often as necessary. Members of the Council shall be reimbursed for expenses incurred in the performance of their duties pursuant to the provisions of the State Travel Reimbursement Act, Section 500.1 et seq. of Title 74 of the Oklahoma Statutes.

D. Administrative support for the Interagency Council for Services to Mentally Ill Homeless Persons, including but not limited to personnel necessary to ensure the proper performance of the duties and responsibilities of the Council, shall be provided by the Department of Human Services. The Department may provide for such administrative support through interagency agreements with other state agencies represented on the Council, pursuant to the Interlocal Cooperation Act, Section 1001 et seq. of Title 74 of the Oklahoma Statutes.

E. The Interagency Council for Services to Mentally Ill Homeless Persons shall:

1. Develop and implement a plan for the cooperative and coordinated delivery of services by the public and private agencies responsible for services to mentally ill and homeless persons. Such plan shall specify the respective roles, duties and responsibilities of said public and private agencies, the policies and procedures to be implemented, and methods to ensure the accountability of the respective agencies for the proper implementation of the plan. The policies and procedures included in the plan shall be designed to

reduce or eliminate barriers to services. The provisions of the plan shall be implemented through interagency agreements pursuant to the Interlocal Cooperation Act or by contract, as appropriate;

2. Establish a central grants clearinghouse for:

- a. the distribution of information regarding available public and private grants for services to mentally ill and homeless persons,
- b. the provision of technical assistance to public and private agencies making applications for such grants, and
- c. coordination of the preparation of grant applications to ensure the maximum effectiveness of such grants as may be awarded to a public or private agency; and

3. Investigate and make recommendations regarding methods of ensuring the equitable distribution of state and federal funds for services to mentally ill and homeless persons.

F. The Interagency Council for Services to Mentally Ill Homeless Persons shall make regular, but not less than quarterly, reports to each agency affected by the report, and annual reports to the Governor, the President Pro Tempore of the Senate, the Speaker of the House of Representatives and to appropriate committees of the Senate and the House of Representatives.

SECTION 11. AMENDATORY 56 O.S. 1991, Section 164, is amended to read as follows:

Section 164. A. Assistance shall be given under this act:

~~(a)~~ 1. To any needy person who has attained the age of sixty-five (65) years; provided, however, that when authorized by federal law or regulations, and in conformity therewith, the age requirement for needy persons under this act shall be sixty-two (62) years. In addition to the above age requirements, said needy person shall possess the following qualifications:

- ~~(1)~~ ~~Shall~~ a. shall be residing in this state with intent to remain in the state at the time assistance is received~~;~~;
- ~~(2)~~ ~~Has~~ b. has not sufficient income or other resources to provide for himself~~;~~ or herself,
- ~~(3)~~ ~~Is~~ c. is not an inmate of a public institution as defined by the Oklahoma Commission for Human Services~~;~~; and
- ~~(4)~~ ~~Has~~ d. has not made an assignment, transfer or encumbrance of property for the purpose of rendering himself or herself eligible for assistance under this act, at any time within five (5) years immediately preceding the filing of an application for assistance~~;~~;

~~(b)~~ 2. To any needy person who is blind and who possesses the following qualifications:

- ~~(1)~~ ~~Shall~~ a. shall be residing in this state with intent to remain in this state at the time assistance is received~~;~~;
- ~~(2)~~ ~~Has~~ b. has not sufficient income or other resources to provide for himself~~;~~ or herself,
- ~~(3)~~ ~~Is~~ c. is not an inmate of a public institution as defined by the Oklahoma Commission for Human Services~~;~~;
- ~~(4)~~ ~~Has~~ d. has not made an assignment, transfer or encumbrance of property so as to render himself or herself eligible for assistance under this act at any time within five (5)

years immediately preceding the filing of an application for assistance~~;~~ and

~~(5) Shall e.~~ shall not, during the period of receiving assistance, solicit alms~~;~~;

~~(e) 3.~~ To any child possessing the following qualifications:

~~(1) Is a.~~ is crippled or is suffering from conditions which may lead to crippling~~;~~;

~~(2) Is b.~~ is in need of medical, surgical, corrective or other services and care~~;~~;

~~(3) Has c.~~ has not sufficient income or other resources to provide such medical, surgical, corrective or other services and care~~;~~;

~~(4) Has d.~~ has no relatives who are financially able and who are required by law to provide such services and care~~;~~;

~~(5) Shall e.~~ shall be residing in this state with intent to remain in the state at the time assistance is received~~;~~ and

~~(6) Who f.~~ who is not receiving adequate aid under other provisions of law~~;~~;

~~(d) 4.~~ To or on behalf of any dependent child who is under the age of eighteen (18) years of age or will graduate from high school prior to reaching nineteen (19) years of age and who possesses the following qualifications:

~~(1) Shall a.~~ shall be residing in this state with intent to remain in the state at the time assistance is received~~;~~;

~~(2) Has b.~~ has been deprived of parental support or care by reason of the death, continued absence from the home, or physical or mental incapacity of a parent, and who is living with a relative of the proper degree as designated by the ~~Oklahoma~~ Commission for Human Services in a place of residence maintained by one or more of such relatives as his or their own home~~;~~;

~~(3) Has c.~~ has not sufficient income or other resources to provide for himself~~;~~ and

~~(4) Is d.~~ is a resident of the state at the time of receiving assistance.

As an incentive to accept employment, an amount as established by the ~~Oklahoma~~ Commission for Human Services may be disregarded in the determination of the amount of earned income to be considered against the grant of aid to families with dependent children.

~~It is declared to be the intent of the Legislature that incapacitated~~ Incapacitated parents of dependent children and all other disabled persons receiving public assistance from the Department of Human Services, who, considering age, degree of incapacity, and ability to work, appear to be able to return to a status of self-support through surgery, medical treatment, vocational training, and selective placement, or any one or any combination of these services, shall be referred to the ~~Vocational Rehabilitation Division of the State~~ Department of Human Rehabilitation Services, and encouraged to accept such rehabilitation services as may be available to them, ~~and the~~. The Department of Human Services and the ~~Vocational State Department of Rehabilitation Division of the Department of Human~~ Services are directed to jointly formulate an agreement for the orderly referral of such cases, and the prevention of duplication of effort and expense, and the full implementation of this policy, such agreement

to become effective when approved by the Oklahoma Public Welfare Commission. ~~Provided and the Commission for Rehabilitation Services; provided that,~~ in cases where either parent would be required to support such child or children except for his or her physical incapacity, it is the duty of the Director of the Department of Human Services to furnish the name of such parent to the ~~Vocational~~ State Department of Rehabilitation Service Services. ~~Such service~~ The State Department of Rehabilitation Services shall review the available medical and social information and shall contact such parent, if it can be ascertained that he or she can be rehabilitated. If such parent refuses to allow an examination by the ~~Vocational~~ State Department of Rehabilitation Service Services, ~~said service~~ the State Department of Rehabilitation Services shall so notify the Director of the Department of Human Services and the children of such parent may be immediately removed from the welfare rolls. If said parent submits to examination and it is found that he or she can be rehabilitated, ~~such service~~ the State Department of Rehabilitation Services shall proceed to rehabilitate him or her. If said parent refuses to submit himself or herself for rehabilitation, whether by medical treatment or otherwise, said service shall so certify to the Director of the Department of Human Services who may immediately order the children of said parent removed from the welfare rolls; and

~~(e)~~ 5. To any needy person who is permanently and totally disabled and who possesses the following qualifications:

- ~~(1) Shall~~ a. shall be residing in this state with intent to remain in the state at the time assistance is received; ~~and~~
- ~~(2) Has~~ b. has not sufficient income or other resources to provide for himself or herself; provided, that the resources or income of a person's parents shall be considered in determining his or her eligibility for assistance for persons under eighteen (18) years of age; provided further, that no person shall be eligible to receive assistance under this subsection for any period of time with respect to which he or she receives assistance under any other provision of the section of which this subsection is a part; ~~and~~
- ~~(3) Is~~ c. is not an inmate of a public institution as defined by the Oklahoma Commission for Human Services; ~~and~~
- ~~(4) Has~~ d. has not made an assignment, transfer or encumbrance of property so as to render himself or herself eligible for assistance under this act, at any time within five (5) years immediately preceding the filing of an application for assistance.

B. Eligibility for assistance under provisions of this subsection shall be determined under rules ~~and regulations~~ promulgated, from time to time, by the Department of Human Services as provided by law.

SECTION 12. AMENDATORY 56 O.S. 1991, Section 199.1, is amended to read as follows:

Section 199.1 ~~The Oklahoma~~ Commission for ~~Human~~ Rehabilitation Services shall:

- 1. Promote the coordination of efforts and services on behalf of the deaf and hearing impaired;

2. Inventory the various services available for meeting the problems of the deaf and hearing impaired and assist persons in locating and securing such services;

3. Collect studies, compile bibliographies, gather information and conduct research with respect to the education, training, counseling, placement and social and economic adjustment of the deaf and hearing impaired and with respect to the causes, diagnosis, treatment and methods of prevention of impaired hearing;

4. Keep informed of and cooperate with federal, state and local programs available for the improvement of the general welfare of deaf and hearing impaired persons;

5. Appoint advisory or special committees when appropriate for in-depth investigations and study of particular problems and to receive reports of findings and recommendations; and

6. Make recommendations to the Governor and the Legislature with respect to modifications in existing services or establishment of additional services for deaf or impaired hearing persons.

SECTION 13. AMENDATORY 56 O.S. 1991, Section 199.2, is amended to read as follows:

Section 199.2 A. The ~~Oklahoma~~ Commission for ~~Human~~ Rehabilitation Services is hereby directed, in carrying out its functions, to cooperate with the appropriate commissions and state agencies having authority related to the problems of the deaf and hearing impaired persons. These agencies are likewise directed to cooperate with the Commission for Rehabilitation Services in carrying out its functions.

B. The State Department of Human Rehabilitation Services shall establish and operate a program to provide interpreter services to deaf and hearing impaired citizens of the state, under regulations adopted by the ~~Oklahoma~~ Commission for ~~Human~~ Rehabilitation Services.

C. The State Department of Rehabilitation Services shall establish policy and procedures for the evaluation and certification of interpreters for the deaf. The Department may require a nominal fee to recoup costs incurred in testing and certifying such interpreters.

SECTION 14. AMENDATORY 56 O.S. 1991, Section 328, is amended to read as follows:

Section 328. The Division of Vocational Rehabilitation of the State Board for Vocational Education, or of the State Board of Education, including all personnel thereof and all property and assets belonging to such Division, is hereby transferred to, ~~and shall be a division of,~~ the ~~Oklahoma Public Welfare~~ Commission for Rehabilitation Services; and all powers, duties and responsibilities of the State Board for Vocational Education relating to vocational rehabilitation shall hereafter be exercised by the ~~Oklahoma Public Welfare~~ Commission for Rehabilitation Services. Employees of the Division who are members of the Teachers' Retirement System of Oklahoma and who continue as employees of the Division after such transfer may retain their membership in such Teachers' Retirement System. The Governor may, by an Executive Order ~~as provided by 74 O.S. 1961, Section 802,~~ place the Division and employees thereof under the Merit System of Personnel Administration.

SECTION 15. AMENDATORY 56 O.S. 1991, Section 329, is amended to read as follows:

Section 329. ~~(a)~~ A. The Section of Services to the Blind of the State Board for Vocational Education, including all personnel thereof and all property and assets belonging to such Section, is hereby transferred to, and shall be a section of, the ~~Oklahoma Public Welfare~~ Commission for Rehabilitation Services; and all

powers, duties and responsibilities of the State Board for Vocational Education relating to services to the blind shall hereafter be exercised by the ~~Oklahoma Public Welfare~~ Commission for Rehabilitation Services. Employees of the Section who are members of the Teachers' Retirement System of Oklahoma and who continue as employees of the Section after such transfer may retain their membership in such Teachers' Retirement System. The Governor may, by an Executive Order ~~as provided by 74 O.S. 1961, Section 802~~, place the Section and employees thereof under the Merit System of Personnel Administration.

~~(b)~~ B. The Section of Services to the Blind shall provide, to blind and visually impaired persons, rehabilitation services, ~~home rehabilitation~~ teaching services, optical aids, and special library services, including braille and recorded books; administer the vending ~~stand~~ facility program maintained for blind and visually impaired persons, and the merchandising fund; maintain an official state register of the blind; plan and develop a comprehensive rehabilitation center and services for blind and visually impaired persons; and coordinate its services with ~~the Division for Vocational Rehabilitation and other divisions and units of the Department of Public Welfare~~, and with other public agencies and private agencies providing services to the blind.

SECTION 16. AMENDATORY 56 O.S. 1991, Section 330, is amended to read as follows:

Section 330. The ~~Oklahoma~~ Commission for Human Rehabilitation Services shall use such monies as may be necessary to operate and maintain the ~~Division~~ State Department of Rehabilitation Services, and to earn the maximum federal funds available to this state for vocational rehabilitation and services to the blind. The Commission shall be the sole agency of the State of Oklahoma to cooperate with, and to receive and administer grants and other funds from, the U.S. Department of ~~Health and Human Services~~ Education, or any other federal agency, in programs for the vocational rehabilitation of disabled persons and for services to the blind.

SECTION 17. AMENDATORY 57 O.S. 1991, Section 539.1, is amended to read as follows:

Section 539.1 The Department of Corrections ~~and~~, the State Department of Human Rehabilitation Services, ~~through its Vocational Rehabilitation Division~~ and the State Board of Vocational-Technical Education shall use the following priorities and methods of selection when implementing any program for persons in custody of the Department of Corrections:

1. The assistance of the Department of Vocational and Technical Education or a public vocational-technical school within the State of Oklahoma;

2. The assistance of a private vocational or vocational-technical school within the State of Oklahoma;

3. The assistance of a public university, college or junior college located within the State of Oklahoma;

4. The assistance of a private university or college located within the State of Oklahoma;

5. The assistance of a private firm located within the State of Oklahoma; and

6. The assistance from any entity, public or private, located outside the State of Oklahoma.

SECTION 18. AMENDATORY 62 O.S. 1991, Section 41.21, as amended by Section 1, Chapter 358, O.S.L. 1992 (62 O.S. Supp. 1992, Section 41.21), is amended to read as follows:

Section 41.21 A. Except as otherwise provided by subsections B, C and D of this section, procedures for effecting payment of claims or payrolls shall include the following:

1. All claims and payrolls which are to be used to authorize the payment of money from the State Treasury, shall be filed with the Director of State Finance for audit and settlement prior to being filed for payment with the State Treasurer. The Director of State Finance may, at his discretion, establish a procedure to permit consolidated payment to vendors for claims involving more than one agency of the state when audit and settlement of such claims, as hereinafter provided, can in all respects be accomplished;

2. The Division of Central Accounting and Reporting shall preaudit all claims against contracts, purchase orders and other commitments before entering such claims against the appropriation allotment accounts; and

3. After claims and/or payrolls have been properly audited and recorded against the respective appropriation allotment accounts, the Division of Central Accounting and Reporting shall certify such claims and/or payrolls to the State Treasurer for payment. It shall be the responsibility of the Division of Central Accounting and Reporting to determine:

- a. that all legal requirements concerning the expenditure of monies involved in each claim or payroll have been complied with,
- b. that funds have been properly and legally allotted for the payment of the claim or payroll and that a sufficient balance exists for the payment of same.

Sufficient space shall be provided on each claim and/or payroll for the Director of State Finance to indicate that the claim or payroll has been approved for payment by the Division of Central Accounting and Reporting. The Director of State Finance shall authorize bonded employees in the Division of Central Accounting and Reporting to execute the signed approval of each claim or payroll which shall be certified to the State Treasurer for payment.

B. Notwithstanding the provisions of subsection A of this section, the Department of Human Services is authorized to establish an encumbrance and preaudit system for settlement of claims relating to public assistance, social service benefits and medical benefits to or for persons eligible under applicable federal laws and regulations, Oklahoma Statutes, and policies established by the Oklahoma Commission for Human Services. The following programs shall be eligible for this procedure:

1. Aid to Families with Dependent Children;
2. Aid to Aged, Blind and Disabled;
3. Medical Assistance;
4. ~~Vocational Rehabilitation;~~
5. ~~Day Care;~~
6. ~~Visual Services;~~
7. 5. Refugee Resettlement;
8. 6. Low Income Heating and Energy Assistance;
9. 7. General Assistance;
10. 8. Crippled Children;
11. 9. Social Services under Title XX of the U.S. Social Security Act, 42 U.S.C., Section 301 et seq.;
12. 10. Adoption Subsidies;
13. 11. Foster Care;
14. 12. Medical Examination;
15. 13. Area Agencies on Aging; and

~~16.~~ 14. Any contract for service for which the ~~Office of Public Affairs~~ Department of Central Services has approved as qualifying for a fixed and uniform rate pursuant to Section 85.7 of Title 74 of the Oklahoma Statutes.

The Department of Human Services shall provide to the Director of State Finance, for approval prior to inclusion in this procedure, detailed listings of the type of payments to be made for each of these programs. The Department of Human Services shall provide the Director of State Finance a daily report of the dollar amount of claims settled and checks or warrants written, the dollar amount of checks or warrants canceled, and the dollar amount of checks or warrants canceled by statutes.

C. Notwithstanding the provisions of subsection A of this section, the State Department of Rehabilitation Services is authorized to establish an encumbrance and preaudit system for settlement of claims relating to vocational and other rehabilitation, educational services, disability determination services, and medical benefits to or for persons eligible under applicable federal laws and regulations, Oklahoma Statutes, and policies established by the Commission for Rehabilitation Services.

D. Provisions of subsection A of this section notwithstanding, the Oklahoma State Regents for Higher Education and the Director of State Finance shall jointly establish a system for the settlement of claims, excepting payroll, by entities of The Oklahoma State System of Higher Education. The settlement system shall include policy, procedures, and performance criteria for participation. The State Regents are authorized to approve or disapprove the participation of any institution or other entity of the State System in the claims settlement system.

~~D.~~ E. Notwithstanding the provisions of subsection A of this section, agencies administering certain major federal assistance programs are authorized to establish a preaudit and settlement system for claims and/or payments relating to the purposes of the stated federal assistance programs. The State Treasurer shall promulgate rules and regulations for the state in accordance with Federal Banking and National Automated Clearing House Association standards and agencies shall be required to utilize automated clearing house procedures and regulations established by the State Treasurer provided that no individual or entity shall be required to have a bank account unless required by federal law or federal regulation. Agencies shall be further required to present these transactions to the Office of State Finance in a summarized format and shall include any accounting information necessary as determined by the Director of State Finance including, but not limited to, information related to Public Law 101-453 the Cash Management Improvement Act, 31 U.S.C., Sections 3335, 6501 and 6503. Expenditures for administration of the stated federal assistance programs shall not be eligible for these procedures. The following programs shall be eligible for this procedure:

1. National School Lunch Program;
2. Job Training Partnership Act, 29 U.S.C., Section 1501 et seq.;
3. Chapter 1 Programs - Local Education Agencies;
4. Pell Grant Program;
5. School Breakfast Program;
6. Federal, State and Local Partnerships for Educational Improvement;
7. Unemployment Trust Fund;
8. Special Education State Grants;

9. Alcohol and Drug Abuse and Mental Health Services Block Grant;
10. Child and Adult Care Food Program; and
11. Special Supplemental Food Program for Women, Infants and Children.

The Director of State Finance shall establish a disbursing fund which shall receive all federal, state matching and other funds which make up the total funding sources for each of the above federal programs.

~~E.~~ F. The State Treasurer shall write checks or warrants in payment of claims and payrolls certified to him for payment by the Division of Central Accounting and Reporting or the Department of Human Services. The State Treasurer, at his discretion and within such limitations as he may prescribe, may authorize the Director of State Finance or the Department of Human Services to write the checks or warrants for payment of claims and payrolls that have been certified by the respective agency. The Director of State Finance and the Department of Human Services shall provide the State Treasurer a register of each payment for each check or warrant written. Provided, in lieu of checks or warrants:

1. The Director of State Finance may, with the concurrence of the State Treasurer, establish a procedure to effect the settlement of interagency claims by transfer entry; and

2. At the discretion of the State Treasurer, payment of claims and payrolls may be made by the electronic transfer of funds.

Such optional settlement modes may be implemented when the authorized officer or officers of the state are satisfied such modes will substantially operate to the benefit of the state and without sacrifice to the security and integrity of the monies and records of the state.

~~F.~~ G. The Director of State Finance is authorized to use a numeric or alphanumeric designation to cross-reference claims or payrolls to check warrant numbers, transfer entry or optional settlement mode used in the payment thereof.

SECTION 19. AMENDATORY 63 O.S. 1991, Section 2417, is amended to read as follows:

Section 2417. The State Department of ~~Human~~ Rehabilitation Services is hereby directed to:

1. Design and implement a program whereby there will be provided, at no cost to deaf, severely hearing-impaired, severely speech-impaired or deaf-blind persons, telecommunicating ring-signaling and TDD devices compatible with existing telecommunications for the hearing-impaired;

2. Provide, at no cost to qualified needy deaf, severely hearing-impaired, severely speech-impaired or deaf-blind persons, telecommunication devices and ring-signaling devices compatible with existing telecommunications for the hearing-impaired system;

3. Design and implement a program whereby third party intervention shall connect the deaf, severely hearing-impaired, severely speech-impaired or deaf-blind persons with persons of normal hearing by the way of inter-communication devices and the telephone system;

4. Provide for maintenance, distribution, public assistance and administration of the program; and

5. Design and implement a needs assessment test so that only the deaf, severely hearing-impaired, severely speech-impaired or deaf/blind are benefited by this program. Provided, however, that no equipment and maintenance shall be provided without charge for those individuals meeting more than two hundred percent (200%) of the income guidelines for food stamps. The State Department of

Human Rehabilitation Services shall develop a sliding scale to provide equipment and maintenance to individuals exceeding the above-mentioned needs test.

SECTION 20. AMENDATORY 70 O.S. 1991, Section 18-114.6, as amended by Section 17, Chapter 324, O.S.L. 1992 (70 O.S. Supp. 1992, Section 18-114.6), is amended to read as follows:

Section 18-114.6 For the 1993-94 school year, teachers in the public schools of Oklahoma shall receive in salary and/or fringe benefits not less than the amounts specified in the following schedule:

MINIMUM SALARY SCHEDULE

Years of Degree	Bachelor's Degree	Master's Degree	Doctor's Experience
0	\$22,260	\$23,366	\$24,472
1	\$23,421	\$24,527	\$25,633
2	\$23,753	\$24,859	\$25,965
3	\$23,974	\$25,080	\$26,186
4	\$24,306	\$25,412	\$26,518
5	\$24,638	\$25,744	\$26,850
6	\$24,859	\$25,965	\$27,071
7	\$25,191	\$26,297	\$27,403
8	\$25,412	\$26,518	\$27,735
9	\$25,744	\$26,850	\$27,956
10	\$25,965	\$27,071	\$28,177
11	\$26,297	\$27,403	\$28,509
12	\$26,518	\$27,624	\$28,730
13	\$26,850	\$27,956	\$29,062
14	\$26,961	\$28,067	\$29,173
15	\$27,292	\$28,398	\$29,504

When determining the Minimum Salary Schedule, "fringe benefits" shall mean all or part of hospital or medical benefits, and sickness, accident, health or life insurance, and retirement benefits, excluding the contributions made pursuant to subsection A of Section 17-108.1 of this title. Any of the degrees referred to in this section shall be from a college recognized by the State Board of Education. The State Board of Education shall accept teaching experience from out-of-state school districts that are accredited by the State Board of Education or appropriate state accrediting agency for said districts. For the purpose of state salary increments and retirement, no teacher shall be granted credit for more than five (5) years' active duty in the military service, or out-of-state teaching experience as a certified teacher or its equivalent. Nothing in this section shall prohibit boards of education from crediting more years of experience on local salary schedules than those allowed for state purposes. The State Board of Education shall recognize, for purposes of certification and salary increments, the years of experience of a certified teacher who teaches in the Department of Corrections' educational program beginning with fiscal year 1981. The State Board of Education shall recognize for purposes of certification and salary increments the years of experience of a Vocational Rehabilitation Counselor under the State Department of Human Rehabilitation Services if such counselor was employed as a certified teacher by the State Department of Education when the Division of Vocational Rehabilitation was transferred from the State Board for Vocational Education or the State Board of Education to the Oklahoma Public Welfare Commission on July 1, 1968.

The State Board of Education shall recognize for purposes of certification and salary increments all of the years of experience a Vocational Rehabilitation Counselor completed while employed by the

Department of Human Services if such counselor was certified as a teacher or was eligible for certification as a teacher in Oklahoma.

The State Board of Education shall recognize for purposes of certification and salary increments all of the years of experience that a certified school psychologist or psychometrist completed while employed as a doctoral intern, psychological assistant, or psychologist with any agency of the State of Oklahoma if such experience primarily involved work with persons of school or pre-school age and if such person was, at the time the experience was acquired, certified as, or eligible for certification as, a school psychologist or psychometrist.

SECTION 21. AMENDATORY 72 O.S. 1991, Section 63.8, is amended to read as follows:

Section 63.8 The War Veterans Commission of Oklahoma shall have the authority to administer the affairs of the Department of Veterans Affairs, and to enter into agreements with the ~~Vocational State Department of Rehabilitation Division of the Department of Human Services~~ for the vocational rehabilitation of disabled veterans in the Oklahoma State Veterans Centers. The Commission shall act as the funding agency for the State Accrediting Agency and provide office space for the staff of the agency. The State Accrediting Agency shall pay to the Commission their pro rata share of utilities and telephone service.

SECTION 22. AMENDATORY 74 O.S. 1991, Section 168, is amended to read as follows:

Section 168. A. ~~The Office of Public Affairs~~ Department of Central Services is hereby authorized to transfer to the Oklahoma Capitol Improvement Authority, for the purpose of erecting, operating and maintaining a building for the Library for the Blind and Physically Handicapped, the land described as a part of the Northwest Quarter of Section 27, Township 12 North, Range 3 West of the Indian Meridian, Oklahoma County, Oklahoma, more particularly described as follows: Beginning at the Southeast corner of the said NW 1/4 of the said Section 27; thence S 89 degrees 59' 33" W, a distance of 152.77 feet to a point; thence S 89 degrees 59' 29" W, a distance of 479.34 feet to a point; thence N 0 degrees 46' 09" E, a distance of 341.21 feet to the point and place of beginning; thence S 89 degrees 59' 29" W, a distance of 121.90 feet to a point; thence N 0 degrees 03' 26" W, a distance of 138.82 feet to a point; thence S 89 degrees 59' 29" W, a distance of 290.00 feet to a point; thence W 0 degrees 07' 52" W, a distance of 334.28 feet to a point; thence N 89 degrees 59' 29" E, a distance of 320.00 feet to a point; thence N 89 degrees 58' 51" E, a distance of 99.15 feet to a point; thence S 0 degrees 46' 09" W, a distance of 473.17 feet to the point and place of beginning, retaining an easement for vehicular access over and across a forty (40) feet wide strip of land, said strip being the Westerly forty (40) feet of the above described property, containing three and fifty-nine one-hundredths (3.59) acres.

B. For the purpose of paying the costs of the project authorized in subsection A of this section, the Oklahoma Capitol Improvement Authority is hereby authorized to borrow money on the credit of rental payments made by the Department of Human Services and, in anticipation of the collection of such rental payments, to issue negotiable bonds not to exceed the sum of Two Million Five Hundred Thousand Dollars (\$2,500,000.00) as may be necessary for such purpose as determined by the Authority. The Authority may retain such legal counsel as it deems necessary for this purpose subject to all requirements of the Competitive Bidding Act.

In order to prevent any defaults or threatened defaults in the payment of said bonds, the Authority is hereby authorized to require

the State Department of ~~Human~~ Rehabilitation Services to be housed in said building and to pay rent for the use and occupancy of said building. Rents paid by the State Department of ~~Human~~ Rehabilitation Services shall be placed in the Oklahoma Capitol Improvement Authority Fund for the purpose of maintenance of the building, retiring said bonds, and related expenses. When all bonds issued for the construction of this building have been paid in full, the building shall become the property of the State Department of ~~Human~~ Rehabilitation Services and shall thereafter be under the full and exclusive supervision of the State Department of ~~Human~~ Rehabilitation Services.

C. The State Treasurer is hereby authorized to purchase said negotiable bonds.

D. The interest rate on the bonds issued pursuant to this section shall not exceed ten percent (10%) per annum.

E. Insofar as they are not in conflict with the provisions of this section, the provisions of Section 151 et seq. of Title 73 of the Oklahoma Statutes shall apply to this section.

SECTION 23. It being immediately necessary for the preservation of the public peace, health and safety, an emergency is hereby declared to exist, by reason whereof this act shall take effect and be in full force from and after its passage and approval.

Passed the Senate the 27th day of May, 1993.

President of the Senate

Passed the House of Representatives the 27th day of May, 1993.

Speaker of the House of Representatives