

SHORT TITLE: State government; creating the Commission on
Rehabilitation and Disability and the State Department of
Rehabilitation and Disability; codification; effective dates.

STATE OF OKLAHOMA

1st Session of the 44th Legislature (1993)

SENATE BILL NO. 356

By: Brown

AS INTRODUCED

An Act relating to state government; creating the State Department of Rehabilitation and Disability; providing for governance; providing for appointment and membership of a transition team; providing for work of the transition team; creating the Commission for Rehabilitation and Disability; providing for membership and terms of Commissioners; providing for meeting of the Commission; requiring meetings be held in accordance with the Open Meeting Act and the Open Records Act; providing for quorum; providing for appointment of a secretary and employment of certain other persons; providing for powers and duties of the Commission; providing for transfer of the Rehabilitation Services Division of the Department of Human Services to the State Department of Rehabilitation and Disability; 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), 56 O.S. 1991, Sections 164, 199.1, 199.2, 329 and 330, 57 O.S. 1991, Section 539.1, 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), 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), 72 O.S. 1991, Section 63.8, and 74 O.S. 1991, Section 168, which relate to the Interagency Council for Services to Mentally Ill Homeless Persons, assistance, powers and duty of the Commission, cooperation with commissions and state agencies, transfer of services to the blind to the Public Welfare Commission, use of federal funds, methods for selection of vocational or vocational technical programs offered to inmates, payment of claims or payrolls, salary or fringe benefits schedule, the War Veterans Commission, the Library for the Blind and Physically Handicapped; modifying membership of the Council; modifying legislative intent; changing references to certain agency; authorizing establishment of an encumbrance and preaudit system for certain purposes by certain department; providing for codification; and providing effective dates.

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 and Disability, to be governed by the Commission for Rehabilitation and Disability.

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. On and after July 1, 1993, a transition team shall be appointed and shall consist of eight (8) members as follows:

1. The present administrator of the Rehabilitation Services Division of the Department of Human Services, as such division existed prior to the effective date of this act;

2. A representative of the Oklahoma Council of the Blind, to be designated by the Speaker of the Oklahoma House of Representatives;

3. A representative of the Office of Handicapped Concerns, to be designated by the President Pro Tempore of the Oklahoma State Senate;

4. A representative of the Oklahoma Association of the Deaf, to be designated by the Governor;

5. A representative of the Oklahoma Protection and Advocacy Agency, to be designated by the Governor;

6. A representative of the Oklahoma Association of the Deaf, to be designated by the Governor;

7. A representative of the Oklahoma Coalition of Citizens with Disabilities, to be designated by the Governor; and

8. The chief financial officer of the Department of Human Services.

B. The transition team shall work with the Department of Human Services administrative support personnel on orientation to nature and scope of service programs, budgetary requirements and policy needs in order to effectuate a smooth transition of programs and services to the Commission for Rehabilitation and Disability.

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. There is hereby created the Commission for Rehabilitation and Disability, 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 be empowered to appoint and discharge the Director of the Department of Rehabilitation and Disability, approve programs, policy and budget, and perform the necessary functions of a governing board.

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

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

2. Thereafter, beginning with the expiration of the terms of the three members initially appointed, the Commission shall consist of five (5) members, appointed by the Governor, with the advice and consent of the Senate. The members shall serve the following terms:

- a. one member for one (1) year,
- b. two members for two (2) years, and
- c. two members for three (3) years.

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

D. Members of the Commission shall be knowledgeable in disability issues, rehabilitation issues and governmental management. All members shall be residents of the state and qualified electors at the time of their appointment, and before entering upon the duties of their office, shall take the

Constitutional oath of office and file it 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 Governor may remove any member of the Commission for misconduct, incompetency or neglect of duty, after giving the commissioner a written statement of charges, and opportunity for a hearing.

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. The Commission for Rehabilitation and Disability 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. Three members of the Commission shall constitute a quorum.

3. 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 space and equipment as it deems necessary or desirable to carry out the provisions of this act.

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:

On and after October 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 and Disability, the Commission 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; and
8. Appoint such officers, agents and employees, including but not limited to attorneys, as it deems necessary to operate and

maintain the Commission and to prescribe their duties and to fix their compensation.

SECTION 6. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 166.6 of Title 74, unless there is created a duplication in numbering, reads as follows:

A. Effective January 1, 1994, 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 and Disability, 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 January 1, 1994, which are attributable to the Rehabilitation Services Division;

2. All programs funded by Titles I, VI and VII of the Rehabilitation Act; and

3. All related programs presently operated by the Rehabilitation Services Division of the Department of Human Services, including but not limited to:

- 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.

SECTION 7. 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 Services;~~

~~2. Rehabilitation and Disability;~~

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;

~~3. 4. The Director of the Oklahoma Housing Finance Agency, or his designee;~~

~~4. 5. The Director of the Oklahoma Employment Security Commission, or his designee;~~

~~5. 6. The Director of the Oklahoma Department of Commerce, or his designee;~~

~~6.~~ 7. Two persons appointed by the State Board of Vocational and Technical Education; and

~~7.~~ 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 8. AMENDATORY 56 O.S. 1991, Section 164, is amended to read as follows:

Section 164. Assistance shall be given under this act:

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

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

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

(c) To any child possessing the following qualifications:

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

- (2) Is in need of medical, surgical, corrective or other services and care;
- (3) Has not sufficient income or other resources to provide such medical, surgical, corrective or other services and care;
- (4) Has no relatives who are financially able and who are required by law to provide such services and care;
- (5) Shall be residing in this state with intent to remain in the state at the time assistance is received; and
- (6) Who is not receiving adequate aid under other provisions of law.

(d) 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 be residing in this state with intent to remain in the state at the time assistance is received;
- (2) 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 not sufficient income or other resources to provide for himself; and
- (4) 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 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 Services~~ Rehabilitation and Disability, and encouraged to accept such rehabilitation services as may be available to them, and the Department of Human Services and the ~~Vocational State Department of Rehabilitation Division of the Department of Human Services~~ and Disability 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 and the Commission for Rehabilitation and Disability.

Provided that in cases where either parent would be required to support such child or children except for his 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~~ and Disability. ~~Such service~~ The State Department of Rehabilitation and Disability shall review the available medical and social information and shall contact such parent, if it can be ascertained that he can be rehabilitated. If such parent refuses to allow an examination by the ~~Vocational State Department of Rehabilitation Service~~ and Disability, ~~said service~~ the State Department of Rehabilitation and Disability 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 can be rehabilitated, ~~such service~~ the State Department of Rehabilitation and Disability shall proceed to rehabilitate him. If said parent refuses to submit himself 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.

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

- (1) Shall be residing in this state with intent to remain in the state at the time assistance is received;
- (2) Has not sufficient income or other resources to provide for himself; provided, that the resources or income of a person's parents shall be considered in determining his 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 receives assistance under any other provision of the section of which this subsection is a part;
- (3) Is not an inmate of a public institution as defined by the Oklahoma Commission for Human Services; and
- (4) Has not made an assignment, transfer or encumbrance of property so as to render himself eligible for assistance under this act, at any time within five (5) years immediately preceding the filing of application for assistance.

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

SECTION 9. AMENDATORY 56 O.S. 1991, Section 199.1, is amended to read as follows:

Section 199.1 The ~~Oklahoma~~ Commission for ~~Human Services~~
Rehabilitation and Disability 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 10. AMENDATORY 56 O.S. 1991, Section 199.2, is amended to read as follows:

Section 199.2 A. The ~~Oklahoma~~ Commission for ~~Human Services~~
Rehabilitation and Disability 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 and Disability in carrying out its functions.

B. The Department of ~~Human Services~~ Rehabilitation and Disability 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 Services~~ Rehabilitation and Disability.

SECTION 11. AMENDATORY 56 O.S. 1991, Section 329, is amended to read as follows:

Section 329. (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 and Disability; 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 and Disability. 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) The Section of Services to the Blind shall provide, to blind and visually impaired persons, rehabilitation services, home teaching services, optical aids, and special library services, including braille and recorded books; administer the vending stand 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 12. AMENDATORY 56 O.S. 1991, Section 330, is amended to read as follows:

Section 330. The ~~Oklahoma~~ Commission for ~~Human Services~~ Rehabilitation and Disability shall use such monies as may be necessary to operate and maintain the ~~Division~~ State Department of Rehabilitation ~~Services~~ and Disability, 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, or any other federal agency, in programs for the vocational rehabilitation of disabled persons and for services to the blind.

SECTION 13. 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 Services~~, ~~through its Vocational~~ Rehabilitation ~~Division~~ and Disability 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 14. 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.~~ 5. Visual Services;
- ~~7.~~ 6. Refugee Resettlement;
- ~~8.~~ 7. Low Income Heating and Energy Assistance;
- ~~9.~~ 8. General Assistance;
- ~~10.~~ 9. Crippled Children;
- ~~11.~~ 10. Social Services under Title XX of the U.S. Social Security Act, 42 U.S.C., Section 301 et seq.;
- ~~12.~~ 11. Adoption Subsidies;
- ~~13.~~ 12. Foster Care;

~~14.~~ 13. Medical Examination;

~~15.~~ 14. Area Agencies on Aging; and

~~16.~~ 15. 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 and Disability 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 Commission for Rehabilitation and Disability related to vocational rehabilitation.

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 15. 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 Experience	Bachelor's Degree	Master's Degree	Doctor's Degree
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 Services~~ Rehabilitation and Disability 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 16. 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 and Disability~~ State Department of Rehabilitation 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 17. 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 Services~~ Rehabilitation and Disability 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 Services~~ Rehabilitation and Disability 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 Services~~ Rehabilitation and Disability and shall thereafter be under the full and exclusive

supervision of the State Department of ~~Human Services~~ Rehabilitation and Disability.

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 18. Sections 2 and 14 of this act shall become effective July 1, 1993.

SECTION 19. Sections 1, 3, 4, 5 and 6 of this act shall become effective October 1, 1993.

SECTION 20. Sections 7 through 13 and 15 through 17 of this act shall become effective January 1, 1994.

44-1-0431 CJ