

STATE OF OKLAHOMA

1st Session of the 46th Legislature (1997)

HOUSE BILL NO. 2174

By: Mitchell

AS INTRODUCED

An Act relating to individuals with disabilities;
renaming the designation of Title 7 of the Oklahoma
Statutes to Blind, Deaf and Disabled Individuals;
providing for composition of title; defining
general terms; creating the Oklahoma Rehabilitation
Services Act; providing for composition of article;
specifying purpose; amending Section 2, Chapter
364, O.S.L. 1993, Section 3, Chapter 364, O.S.L.
1993, as amended by Section 6, Chapter 280, O.S.L.
1994, Section 5, Chapter 364, O.S.L. 1993, Section
28, Chapter 346, O.S.L. 1995, Section 9, Chapter
239, O.S.L. 1996, and 74 O.S. 1991, Section 168, as
amended by Section 22, Chapter 364, O.S.L. 1993 (74
O.S. Supp. 1996, Sections 166.2, 166.3, 166.5,
166.6, 166.7 and 168), 56 O.S. 1991, Sections 329,
as amended by Section 15, Chapter 364, O.S.L. 1993,
330, as amended by Section 16, Chapter 364, O.S.L.
1993, 199.1, as amended by Section 12, Chapter 364,
O.S.L. 1993, and 199.2, as amended by Section 13,
Chapter 364, O.S.L. 1993 (56 O.S. Supp. 1996,
Sections 329, 330, 199.1 and 199.2), 7 O.S. 1991,
Sections 8, as amended by Section 6, Chapter 364,
O.S.L. 1993, 21, 22, 71, 72, 73, 74, 75, 77 and 78
(7 O.S. Supp. 1996, Section 8), which relate to the

Commission for Rehabilitation Services and the State Department of Rehabilitation Services; amending 10 O.S. 1991, Section 1418, as amended by Section 7, Chapter 364, O.S.L. 1993 (10 O.S. Supp. 1996, Section 1418), which relates to the powers and duties of the Commission for Rehabilitation Services; amending 70 O.S. 1991, Sections 1721 and 1731, which relate to the Oklahoma School for the Blind and the Oklahoma School for the Deaf; clarifying language relating to Commission; deleting outdated language; modifying and adding to the powers and duties; specifying mission of the Commission; providing for promulgation of rules; adding to procedure; specifying certain principles to be espoused in rules; providing for incorporation of federal statutes; providing for construction of statute; providing for appointment of a Director; providing for powers and duties; setting qualifications; clarifying and adding to powers and duties of the State Department of Rehabilitation Services; establishing certain services; creating certain offices; authorizing additional offices and programs; requiring certain reports; specifying date of submission; specifying contents; authorizing rehabilitation options and alternatives; clarifying duties of State Department of Rehabilitation Services for certain disability benefits project; specifying duties of the State Department of Rehabilitation Services relating to services to the blind and visually impaired; modifying provisions relating to the Library for the Blind and Physically Handicapped; clarifying

provisions relating to licensing and assisting blind and visually impaired vendors; modifying definitions; modifying duties of county commissioners; clarifying language relating to the Adult Blind Commissary Fund; providing and clarifying certain provisions relating to rental of fixtures and equipment; providing for use of Adult Blind Commissary Fund; adding visually impaired persons to State Committee of Blind Vendors; changing name of Committee; providing for Adult Blind Revolving Fund and Adult Blind Market Revolving Fund; modifying powers and duties of the State Department of Rehabilitation Services relating to the deaf and hearing impaired; amending 7 O.S. 1991, Sections 11, 12 and 13, which relate to blind persons; clarifying language; amending 63 O.S. 1991, Sections 2416, 2417, as last amended by Section 13, Chapter 315, O.S.L. 1994, 2418, as amended by Section 14, Chapter 315, O.S.L. 1994 and Section 15, Chapter 315, O.S.L. 1994 (63 O.S. Supp. 1996, Sections 2417, 2418 and 2418.1), which relate to the Telecommunications for the Hearing-Impaired Act; clarifying and updating language; amending 7 O.S. 1991, Sections 19.1, as amended by Section 1, Chapter 122, O.S.L. 1992, and 19.2 (7 O.S. Supp. 1996, Section 19.1), which relate to guide, signal or service dogs; deleting certain definitions; clarifying language; specifying penalty; amending 56 O.S. 1991, Section 328, as amended by Section 14, Chapter 364, O.S.L. 1993 (56 O.S. Supp. 1996, Section 328), which relates to transfer of the Division of Vocational Rehabilitation of the State

Board of Education to the Commission for Rehabilitation Services; clarifying and updating language; amending 74 O.S. 1991, Section 18c, as last amended by Section 18, Chapter 3, O.S.L. 1996 (74 O.S. Supp. 1996, Section 18c), which relates to employment of attorneys; adding to list of exceptions; providing for codification; providing for noncodification; providing for recodification; repealing 70 O.S. 1991, Sections 1722, 1723, 1724, 1725, 1732, 1733, 1734 and 1736, which relate to the Oklahoma School for the Blind and the Oklahoma School for the Deaf; repealing Section 1, Chapter 364, O.S.L. 1993 (74 O.S. Supp. 1996, Section 166.1), which relates to the creation of the Commission for Rehabilitation Services and the State Department of Rehabilitation Services; repealing 63 O.S. 1991, Section 2419, which relates to the Telecommunications for the Hearing-Impaired Act; and providing an effective date.

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

SECTION 1. Title 7 of the Oklahoma Statutes currently entitled "Blind Persons" shall be renamed as "Blind, Deaf and Disabled Individuals".

SECTION 2. This title shall be composed of five articles:

Article I shall be titled "General Definitions";

Article II shall be titled "Oklahoma Rehabilitation Services Act";

Article III shall be titled "Blind and Visually Impaired Individuals";

Article IV shall be titled "Deaf and Hearing Impaired Individuals"; and

Article V shall be titled "Individuals with Disabilities".

ARTICLE I

General Definitions

SECTION 3. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 1-1-101 of Title 7, unless there is created a duplication in numbering, reads as follows:

For purposes of this title:

1. "Blind person" means a person having a visual acuity not to exceed 20/200 in the better eye, with correcting lenses, or visual acuity greater than 20/200 but with limitation in the field of vision such that the widest diameter of visual field subtends an angle no greater than twenty (20) degrees;

2. "Commission" means the Commission for Rehabilitation Services;

3. "Deaf person" means one whose sense of hearing is nonfunctional for the ordinary purposes of life;

4. "Department" means the Department of Rehabilitation Services;

5. "Director" means the Director of the Department of Rehabilitation Services; and

6. "Individual with a disability" means a blind person, a deaf person or other individual having one or more physical or mental conditions which materially limit, contribute to limiting or, if not corrected, will more than likely result in limiting an individual's employment, activities or vocational functioning.

ARTICLE II

Oklahoma Rehabilitation Services

SECTION 4. The Oklahoma Rehabilitation Services Act shall be composed of seven parts:

Part 1 shall be titled "Purpose";

Part 2 shall be titled the "Commission for Rehabilitation Services";

Part 3 shall be titled the "Director of the State Department of Rehabilitation Services";

Part 4 shall be titled the "State Department of Rehabilitation Services";

Part 5 shall be titled "Services for Individuals with Disabilities";

Part 6 shall be titled "Special Services for the Blind and Visually Impaired"; and

Part 7 shall be titled "Special Services to the Deaf and Hearing Impaired".

Part 1. Purpose.

SECTION 5. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 1-2-101 of Title 7, unless there is created a duplication in numbering, reads as follows:

A. The Legislature finds and declares that:

1. Employment is a valuable and important activity, both for individuals and society, and fulfills the need of an individual to be productive, promotes independence, enhances self-esteem and allows for participation in the mainstream of life;

2. Disability is a natural part of human experience and in no way diminishes the capacity of individuals to live independently, enjoy self-determination, make choices, contribute to society, pursue meaningful careers and enjoy inclusion and integration in the economic, political, social, cultural and educational mainstream of society;

3. As a group, individuals with disabilities experience staggering levels of unemployment and poverty;

4. Increased employment of, and independent living for, individuals with disabilities can be achieved by providing individualized training, independent living services, educational

and support services and meaningful opportunities for employment in integrated work settings with reasonable accommodations;

5. Individuals with disabilities, including individuals with the most severe disabilities, have demonstrated their ability to achieve gainful employment in integrated settings if appropriate services and supports are provided; and

6. Providing rehabilitation services can enable individuals with disabilities, including individuals with the most severe disabilities, to pursue meaningful careers by securing gainful employment commensurate with their abilities and capabilities.

B. The purpose of the Oklahoma Rehabilitation Services Act is to create comprehensive, coordinated, effective, efficient and accountable programs of rehabilitation and independent living that are designed to assess, plan, develop and provide services for individuals with disabilities, including, but not limited to, individuals with the most severe disabilities, consistent with their strengths, resources, priorities, concerns, abilities and capabilities, so that these individuals may prepare for and engage in gainful employment and live more independently.

Part 2. Commission for Rehabilitation Services

SECTION 6. AMENDATORY Section 2, Chapter 364, O.S.L. 1993 (74 O.S. Supp. 1996, Section 166.2), is amended to read as follows:

Section 166.2 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.~~ C. 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~~ for additional terms.

D. Commission members shall not receive any compensation, but shall be reimbursed ~~for travel expenses incurred in the performance of their duties as provided in accordance with the State Travel Reimbursement Act, Section 500.1 et seq. of Title 74 of the Oklahoma Statutes~~ for all actual and necessary expenses incurred in the performance of the duties imposed upon the Commission pursuant to the Oklahoma Rehabilitation Services Act.

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 7. AMENDATORY Section 3, Chapter 364, O.S.L. 1993, as amended by Section 6, Chapter 280, O.S.L. 1994 (74 O.S. Supp. 1996, Section 166.3), is amended to read as follows:

Section 166.3 A. The Commission for Rehabilitation Services shall ~~meet a minimum of~~ have at least ten (10) times regular meetings per calendar year ~~and shall hold a regular annual meeting at which it.~~ At one of the regular meetings during the calendar year, the Commission 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.

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~~ Title 74 of the Oklahoma Statutes.

SECTION 8. AMENDATORY Section 5, Chapter 364, O.S.L. 1993 (74 O.S. Supp. 1996, Section 166.5), is amended to read as follows:

Section 166.5 ~~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~~ A. The Commission for Rehabilitation Services shall have the powers and duties to:

1. Adopt bylaws ~~and promulgate rules for the regulation~~ for the management of its internal 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. Review and approve the budget request of the Department to the Governor;

6. Review and approve policy for the Department of Rehabilitation Services pursuant to the provisions of the Oklahoma Rehabilitation Services Act;

7. Conduct periodic reviews and plan activities related to the mission, objectives, priorities and policies of the Department;

8. Provide for public forums to receive comments and disseminate information to the public and individuals with disabilities or their families regarding the mission, objectives, priorities and policies of the Department;

9. 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.~~ 10. 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~~ the Oklahoma Rehabilitation Services Act; provided that, all contracts for real property shall be subject to the provisions of Section 63 of ~~this title~~ Title 74 of the Oklahoma Statutes; and

~~8.~~ 11. Appoint ~~such officers, agents and employees as it deems necessary to operate and maintain the Commission and to~~ and may remove the Director of the State Department of Rehabilitation Services, prescribe ~~their~~ the Director's duties pursuant to the Oklahoma Rehabilitation Services Act and ~~to~~ fix ~~their~~ the Director's compensation;

12. Promulgate rules necessary to implement the Oklahoma Rehabilitation Services Act;

13. Determine and set the rates and fees for services provided pursuant to the Oklahoma Rehabilitation Services Act;

14. Perform the necessary functions of a governing board pursuant to the authority granted by the Oklahoma Rehabilitation Services Act.

B. It shall be the mission of the Commission for Rehabilitation Services and the State Department of Rehabilitation Services to assist individuals with disabilities, and to provide opportunities for individuals with disabilities to achieve productivity, independence, and enriched quality of life.

SECTION 9. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 1-2-204 of Title 7, unless there is created a duplication in numbering, reads as follows:

As the rulemaking body for the State Department of Rehabilitation Services, the Commission is specifically charged with the duty of promulgating rules in accordance with Article I of the Administrative Procedures Act which will implement the duties and responsibilities of the Department pursuant to the Oklahoma Rehabilitation Services Act.

SECTION 10. AMENDATORY 56 O.S. 1991, Section 330, as amended by Section 16, Chapter 364, O.S.L. 1993 (56 O.S. Supp. 1996, Section 330), is amended to read as follows:

Section 330. The Commission for Rehabilitation Services shall use such monies as may be necessary to operate and maintain the State Department of Rehabilitation Services, and to earn the maximum federal funds available to this state for ~~vocational rehabilitation and services to the blind~~ implementation of the provisions of the Oklahoma Rehabilitation Services Act. 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 Education, or any other federal agency, in programs for the vocational rehabilitation of disabled persons and for services to the blind.

Part 3. Director of the State Department

of Rehabilitation Services

SECTION 11. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 1-2-301 of Title 7, unless there is created a duplication in numbering, reads as follows:

A. The Commission for Rehabilitation Services shall appoint the Director of the State Department of Rehabilitation Services. The Director shall serve at the pleasure of the Commission.

B. The Director shall provide for the administration of the Department and shall:

1. Be the executive officer and supervise the activities of the State Department of Rehabilitation Services;

2. Employ, discharge, appoint or contract with, and fix the duties and compensation of such assistants, attorneys, health care professionals, rehabilitation professionals, administrative, clerical, technical, aides and such other personnel, either on a full-time, part-time, fee or contractual basis, as in the judgment and discretion of the Director shall be deemed necessary, expedient, convenient or appropriate to the performance or carrying out of any of the purposes, objectives, responsibilities or statutory provisions relating to the State Department of Rehabilitation Services, or to assist the Director in the performance of official duties and functions;

3. Establish internal policies and procedures for the proper and efficient administration of the Department; and

4. Exercise all incidental powers which are necessary and proper to implement the purposes of the Department pursuant to the Oklahoma Rehabilitation Services Act.

Part 4. State Department of Rehabilitation Services

SECTION 12. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 1-2-401 of Title 7, unless there is created a duplication in numbering, reads as follows:

A. Effective July 1, 1993, there is hereby created the State Department of Rehabilitation Services.

B. 1. The Department shall provide the services defined and authorized by this part to individuals with disabilities who are found to be eligible therefor.

2. To the maximum extent appropriate, and consistent with state and federal law, existing information available from other programs and providers, particularly information used by education officials and the United States Social Security Administration, and information that can be provided by the individual with a disability or the family of the individual, may be used for purposes of determining eligibility for rehabilitation services and for choosing rehabilitation goals, objectives and services.

C. The Department, through its duly designated employees or representatives, shall have the power and duty to:

1. Perform such duties as required by the Commission for Rehabilitation Services and the Director of the State Department of Rehabilitation Services pursuant to the Oklahoma Rehabilitation Services Act; and

2. Be the official agency of the State of Oklahoma, as designated by law to cooperate with federal agencies for services to individuals with disabilities and any program authorized by law or executive order for services to individuals with disabilities.

D. The Director of the State Department of Rehabilitation Services shall establish such divisions and such other programs and offices as the Commission may determine necessary to implement and administer programs and functions within the jurisdiction of the Commission pursuant to the Oklahoma Rehabilitation Services Act.

SECTION 13. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 1-2-402 of Title 7, unless there is created a duplication in numbering, reads as follows:

A. The State Department of Rehabilitation Services, acting through the Director, or persons authorized by law, rule or designated by the Director to perform such acts, shall have the power and duty to:

1. Advise, consult and cooperate with agencies of the state, municipalities and counties, industries, other states and the federal government, and other persons;

2. Enter into agreements for, accept, administer and use, disburse and administer grants of money, personnel and property from the federal government or any department or agency thereof, or from any state or state agency, or from any other source, to promote and carry on in this state any program relating to rehabilitative services;

3. Require the establishment and maintenance of records and reports and the provision of such information to the Department upon request;

4. Establish a system of staff development for all Department personnel who render rehabilitative services in order to assure uniform statewide application of law and rules;

5. Conduct studies, research and planning of programs and functions, pursuant to the authority granted by the Oklahoma Rehabilitation Services Act;

6. Collect and disseminate information and engage in education activities relating to the provisions of the Oklahoma Rehabilitation Services Act;

7. Enter into interagency agreements;

8. Sell films, educational materials and other items produced by the Department and sell, exchange or otherwise dispose of obsolete property belonging to the Department in a manner consistent with federal grants or federal and state law;

9. Provide administrative and support services to the Commission as necessary to assist the Commission in the performance of the duties of the Commission; and

10. Exercise all incidental powers as authorized by the Commission which are necessary and proper to implement and administer the purposes of the Oklahoma Rehabilitation Services Act.

B. The provisions of this part shall extend to all programs administered by the Department regardless of whether the statutes creating such programs are codified in Title 7 of the Oklahoma Statutes.

SECTION 14. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 1-2-403 of Title 7, unless there is created a duplication in numbering, reads as follows:

A. Commencing January 1, 1998, and by January 1 of each year thereafter, the Department shall submit an annual report to the Legislature which shall include descriptions and data concerning the administration of the rehabilitation program for the prior year and describe in clear and complete language program administration and enumerate the costs that are appropriately charged thereto.

B. Beginning January 1, 1998, and on or before January 1 of every year thereafter, the Department shall prepare an Oklahoma Rehabilitation Services Report which outlines the Department's two-year needs for providing rehabilitative services. The report shall reflect any new federal mandates, such mandates' estimated costs, and any state statutory or constitutional changes recommended by the Department. The report shall be reviewed, amended and approved by the Commission. The Department shall transmit an approved copy of the report to the Governor, the Speaker of the House of Representatives and the President Pro Tempore of the Senate.

SECTION 15. AMENDATORY Section 9, Chapter 239, O.S.L. 1996 (74 O.S. Supp. 1996, Section 166.7), is amended to read as follows:

Section 166.7 A. There is hereby created in the State Treasury a revolving fund for the Commission on Rehabilitation Services, to be designated the "Rehabilitation Services Disbursing Fund" provided that the fund may be designated by fiscal year designations as the Commission may determine.

B. The fund shall be a continuing fund, not subject to fiscal year limitations. The fund shall consist of receipts from the federal government, monies appropriated to the Department of Rehabilitation Services by the State Legislature, and other receipts of the Department of Rehabilitation Services as shall be directed by the Commission for Rehabilitation Services. All monies accruing to the credit of said fund are hereby appropriated and may be budgeted and expended by the Commission for Rehabilitation Services as may be necessary in order to carry out the duties imposed upon the said Commission by law.

C. Expenditures from the Rehabilitation Services Disbursing Fund shall be made upon warrants issued by the State Treasurer against claims filed as prescribed by law with the Director of State Finance for approval and payment.

SECTION 16. AMENDATORY 10 O.S. 1991, Section 1418, as amended by Section 7, Chapter 364, O.S.L. 1993 (10 O.S. Supp. 1996, Section 1418), is amended to read as follows:

Section 1418. A. The 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~~ promulgate such rules as it deems necessary for the government and operation of each ~~institution~~ school, and for the admission and discharge of pupils at each ~~institution~~ school.

B. No easement, right-of-way, oil and gas lease or surface lease on any land used or occupied by either ~~institution~~ school, or

any other ~~institution~~ school under the jurisdiction of the ~~Commission~~ Department, shall be granted or conveyed without the approval of the Commission; ~~and all~~ for Rehabilitation Services.

C. 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~~ Department and be used ~~by the Commission for capital improvements for purposes~~ at the ~~institution~~ schools, including but not limited to capital improvements.

D. The ~~Commission~~ Department may participate in federal programs for the benefit of blind or deaf ~~persons~~ students, and may receive and administer federal funds for such purposes.

E. The Commission is hereby expressly granted every power necessary or convenient to make such ~~institutions~~ schools effective for the purposes for which they were created. ~~This act shall not affect the type of school maintained at either institution.~~

Part 5. Services for Individuals with Disabilities

SECTION 17. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 1-2-501 of Title 7, unless there is created a duplication in numbering, reads as follows:

The State Department of Rehabilitation Services shall develop an individualized written rehabilitation program for each individual determined to be eligible pursuant to the Oklahoma Rehabilitation Services for Individuals with Disabilities Act or rules promulgated thereto.

SECTION 18. AMENDATORY Section 28, Chapter 346, O.S.L. 1995 (74 O.S. Supp. 1996, Section 166.6), is amended to read as follows:

Section 166.6 A. The Commission for Rehabilitation Services shall establish and maintain a disability benefits project for the exclusive purpose of providing increased legal assistance for ~~mentally or physically disabled persons~~ individuals with

disabilities, who are receiving Aid to Families with Dependent Children (AFDC) benefits or have made application for AFDC benefits and are determined to be eligible for such assistance, to secure federal disability benefits provided through the Social Security Disability Insurance program under Title II of the Social Security Act, through the Supplemental Security Income program under Title XVI of the Social Security Act, and through such other programs subsequently established by Congress to accomplish similar purposes for persons with disabilities.

B. The State Department of Rehabilitation Services may administer or contract with any organization for the purpose of administering the disability benefits project.

C. The Department may appoint a disability advisory committee for the purpose of assisting in matters pertaining to the project. The disability advisory committee shall be composed, at a minimum, of members of the legal community, including those with experience in advocacy for ~~persons~~ individuals with disabilities, ~~and members of the disabled community~~. The terms of the committee members and the scope of the committee's responsibilities shall be determined by the State Department of Rehabilitation Services.

Part 6. Special Services for the Blind and Visually Impaired

SECTION 19. AMENDATORY 56 O.S. 1991, Section 329, as amended by Section 15, Chapter 364, O.S.L. 1993 (56 O.S. Supp. 1996, 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 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 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, place the Section and employees thereof under the Merit System of Personnel Administration.~~

B. ~~The Section of Services to the Blind~~ The State Department of Rehabilitation Services pursuant to the Oklahoma Rehabilitation Services Act shall provide, to blind and visually impaired ~~persons~~ individuals, rehabilitation services, rehabilitation teaching services, ~~optical aids,~~ and special library services, including braille and recorded books; administer the vending facility program maintained for blind and visually impaired ~~persons~~ individuals, 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~~ individuals; and coordinate its services with other public agencies and private agencies providing services to the blind.

SECTION 20. AMENDATORY 7 O.S. 1991, Section 8, as amended by Section 6, Chapter 364, O.S.L. 1993 (7 O.S. Supp. 1996, Section 8), is amended to read as follows:

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

~~(b)~~ A. 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 Commission for Rehabilitation Services~~ pursuant to the Oklahoma Rehabilitation Services Act to provide special library services, including Braille and recorded books, to blind and visually handicapped ~~persons~~ individuals as provided by state law.

~~(c)~~ B. 1. 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 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.

2. 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.

3. The 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)~~ C. 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)~~ Commission for Rehabilitation Services.

SECTION 21. AMENDATORY 74 O.S. 1991, Section 168, as amended by Section 22, Chapter 364, O.S.L. 1993 (74 O.S. Supp. 1996, Section 168), is amended to read as follows:

Section 168. A. The 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~~ forty-foot-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. 1. 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.

2. 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 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 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.

3. 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 Rehabilitation Services and shall thereafter be under the full and exclusive supervision of the State Department of Rehabilitation Services.

C. The State Treasurer is hereby authorized to purchase ~~said~~ the 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 22. AMENDATORY 70 O.S. 1991, Section 1721, is amended to read as follows:

Section 1721. A. There is hereby created and established a school for the blind at, or near, the City of Muskogee Oklahoma, to be known as the Oklahoma School for the Blind.

B. The purpose of the school shall be to provide academic and vocational education for blind and visually impaired individuals.

C. All blind or visually impaired individuals, residing in the State of Oklahoma, between the ages of twenty-one (21) months and twenty-one (21) years are eligible to attend the Oklahoma School for the Blind. Blind or visually impaired individuals may be continued in said school after passing the age of twenty-one (21), or persons, under six (6) and over twenty-one (21), may be admitted as pupils in said school at the discretion of the superintendent.

D. The school shall be located upon a tract of land described as follows: All that part of the southwest quarter of the southeast quarter of Section nineteen, Township fifteen north, Range nineteen east, which lies east of Haskell Boulevard, containing twenty-five (25) acres, more or less, in Muskogee County, Oklahoma; said above-described tract of land to be deeded to the State of Oklahoma

by a good and sufficient deed with abstract, showing the same to be free and clear from all encumbrances, and without expense to the state. Also, electric lights and water to be forever free to the state.

SECTION 23. AMENDATORY 7 O.S. 1991, Section 71, is amended to read as follows:

Section 71. For the purpose of assisting blind ~~persons~~ and visually impaired individuals to become self-supporting, the ~~Oklahoma Public Welfare Commission, Division of Visual Services, State Department of Rehabilitation Services~~ is hereby authorized to carry on activities to promote the employment of blind persons, including, but not limited to, the licensing and establishment of such persons as ~~operators~~ managers of vending facilities in public and other buildings. ~~The said Commission may cooperate with the federal government in the furtherance of~~ Department shall be the sole state licensing agency for the purpose of implementing and carrying out the provisions of the Act of Congress known as the Randolph-Sheppard Act (20 USCA Sections 107-107f), and amendments thereto, providing for the licensing of blind persons to ~~operate~~ manage vending facilities in federal buildings, or any other Acts of Congress which may be hereafter enacted. Provided, that no game of chance or gambling machine shall be operated. The Division of Visual Services of the Department shall administer this program.

SECTION 24. AMENDATORY 7 O.S. 1991, Section 72, is amended to read as follows:

Section 72. For purposes of Sections 23 through 31 of this act ~~and as used herein:~~

~~(a) The term "vending~~ 1. "Vending facility" means automatic vending machines, cafeterias, snackbars, cart service, shelters, counters, and such other appropriate auxiliary equipment which may be operated by blind licensees and which is necessary for the sale of newspapers, periodicals, confections, tobacco products, food,

beverages, and other articles or services dispensed automatically or manually and prepared on or off the premises in accordance with all applicable health laws;

~~(b) The term "net 2. "Net proceeds" means the amount remaining from the sale of articles or services of vending facilities, and any vending machine or other income accruing to blind vendors managers after deducting the cost of such sale and other expenses, excluding set-aside charges required to be paid by such vendors managers and wages paid to operators, blind, visually impaired employees and sighted employees;~~

~~(c) The term "blind person" means a person having a visual acuity not to exceed 20/200 in the better eye, with correcting lenses, or visual acuity greater than 20/200 but with limitation in the field of vision such that the widest diameter of visual field subtends an angle no greater than twenty degrees (20°); and~~

~~(d) The term "satisfactory 3. "Satisfactory site" means an area fully accessible to vending facility patrons, with sufficient electrical, plumbing, heating, and ventilation outlets for the location and operation of a vending facility in accordance with applicable health laws and building codes, to contain space necessary for proper vending facility service.~~

SECTION 25. AMENDATORY 7 O.S. 1991, Section 73, is amended to read as follows:

Section 73. A. It shall be the duty of the board of county commissioners of each county and the governing boards of all state institutions and agencies, with regard to the premises of county or state property under their respective jurisdictions, to give priority to ~~the blind to operate vending facilities on the premises of county or state property under their respective jurisdictions.~~ Such operators shall be licensed by the Oklahoma Public Welfare Commission, Division of Visual Services operated by licensed blind managers and established by the State Department of Rehabilitation

Services. Governing boards shall observe such priority by entering into an agreement with the Department. Managers shall be licensed by the Department.

B. Governing boards shall make available free of any charge, fee, or assessment adequate space with sufficient electrical, plumbing, heating and ventilation outlets for the operation of a vending facility on satisfactory sites ~~in new buildings now under construction and any future buildings to be constructed, renovated or leased, in whole or in part.~~ Governing boards shall provide free of any charge, fee or assessment the use of utilities needed to operate a vending facility.

SECTION 26. AMENDATORY 7 O.S. 1991, Section 74, is amended to read as follows:

Section 74. The fund known as the "Stand Concession Revolving Fund" shall hereafter be known as the "Adult Blind Commissary Fund", which fund, together with any amounts paid therein from any source, may be expended by the ~~Oklahoma Public Welfare Commission~~ Department of Rehabilitation Services for the operation of the vending facility program and for the payment of all other expenses heretofore payable from the Stand Concession Revolving Fund.

SECTION 27. AMENDATORY 7 O.S. 1991, Section 77, is amended to read as follows:

Section 77. Monies ~~now in or hereafter~~ accruing to or placed in the Adult Blind Commissary Fund ~~of the Oklahoma Public Welfare Commission~~ shall be expended by the ~~Commission~~ State Department of Rehabilitation Services for fixtures and equipment for vending facilities ~~operated~~ managed by blind ~~persons~~ or visually impaired individuals licensed by the ~~said Commission~~ Department, for the purpose of providing stocks of merchandise to ~~such~~ licensed ~~operators~~ managers, for the employment of ~~such~~ personnel as the ~~Commission~~ Department deems necessary to carry out the laws providing for the establishment of vending facilities for blind

~~persons~~ or visually impaired individuals, at salaries to be fixed by the ~~said Commission~~ Department, and for traveling expenses and ~~such~~ other expenses as may be necessary to carry out ~~such~~ the laws. ~~Provided, that the~~ The amounts expended by the ~~Commission~~ Department from the Adult Blind Commissary Fund for salaries, traveling and other expenses shall not exceed the total of fifty percent (50%) of the rental charges on net proceeds accruing to the Adult Blind Commissary Fund in any fiscal year. ~~Provided, further, that there~~ There shall remain at all times in ~~said the~~ the fund the principal sum of Thirty-five Thousand Dollars (\$35,000.00) or its equivalent in assets consisting of fixtures, equipment or notes covering amounts expended by the ~~Commission~~ Department for stocks of merchandise for licensed ~~operators~~ managers of vending facilities. Not less than fifty percent (50%) of the employees of a licensed vendor shall come under the federal government definition of blind or visually impaired individuals.

SECTION 28. AMENDATORY 7 O.S. 1991, Section 75, is amended to read as follows:

Section 75. ~~Any such~~ A. Every vending facility ~~operator using fixtures and equipment purchased by the Oklahoma Public Welfare Commission manager~~ shall be required to pay a ~~rental or a service charge for the use thereof, and said Commission~~ monthly into the set aside fund as provided for in the Randolph-Sheppard Act (20 USC Section 107.b(3)). The Department is hereby authorized to fix the amount to be paid by such ~~operator~~ manager, which amount shall be based upon the performance of the facility and the ability of the ~~operator manager~~ to pay ~~and~~. The amount shall be on a sliding scale of zero percent (0%) to not more than twelve percent (12%) of the net proceeds of the vending facility during any one (1) month ~~and~~, shall be maintained at a level comparable to fiscal year 1977~~+~~ ~~provided, that said rental shall be payable monthly, and shall be paid to the Oklahoma Public Welfare Commission~~ Department.

B. Any ~~such operator manager~~ who is furnished an initial stock of merchandise by ~~said Commission~~ the Department shall be required to reimburse the ~~said Commission~~ Department for all amounts so expended ~~and same~~. Such reimbursement shall be payable in monthly installments of not less than two percent (2%) nor more than five percent (5%) of the gross sales of the vending facility during any one (1) month, until all amounts expended by the ~~said Commission~~ Department for such purpose are repaid in full.

C. All amounts received by ~~said Commission~~ the Department under the provisions of this section shall be deposited by ~~said Commission~~ the Department in the Adult Blind Commissary Fund ~~and shall thereafter be used for the purpose for which said fund was created.~~ ~~The Oklahoma Public Welfare Commission is hereby empowered to make all rules and regulations which it may deem necessary to carry out the provisions of this act.~~

SECTION 29. AMENDATORY 7 O.S. 1991, Section 78, is amended to read as follows:

Section 78. There is hereby created a committee of five (5) ~~blind~~ vendors who are blind or visually impaired to be known as the State Committee of Blind and Visually Impaired Vendors. The ~~Oklahoma Public Welfare Commission~~ Department of Rehabilitation Services shall provide for the biennial election of the Committee which, to the extent possible, shall be fully representative of all ~~blind~~ vendors who are blind or visually impaired in the state program on the basis of such factors as geography and the vending facility type with a goal of providing for proportional representation of ~~blind~~ vendors who are blind or visually impaired on federal property and ~~blind~~ vendors who are blind or visually impaired on other property. The ~~State Committee of Blind Vendors~~ shall have the responsibility of participation with the ~~Commission~~ Department in major administrative decisions and policy and program development decisions affecting the overall administration of the

state's vending facility program, receiving and transmitting to the ~~Commission~~ Department grievances at the request of ~~blind~~ vendors who are blind or visually impaired, and serve as advocates for ~~such~~ vendors in connection with such grievances. The Committee shall actively participate in the development and administration of a transfer and promotion system for ~~blind~~ licensees who are blind or visually impaired, and for their training and retraining.

SECTION 30. AMENDATORY 7 O.S. 1991, Section 21, is amended to read as follows:

Section 21. There is hereby created in the State Treasury a Revolving Fund to be known as the Adult Blind Revolving Fund, to be administered by and under the direction of the ~~Oklahoma Public Welfare Commission~~ Department of Rehabilitation Services. Said fund shall consist of all appropriations made for such purpose and all net earnings or profits derived from its use as authorized by law. Said fund shall be used for the purchase of materials and equipment for resale to blind or visually impaired workers of Oklahoma at current wholesale prices, and for no other purpose. Any expenditures from said fund shall be made upon authorization of the ~~Oklahoma Public Welfare Commission~~ Department. Expenditures from said fund shall be made upon warrants issued by the State Treasurer against claims submitted to the Director of State Finance for audit and payment.

SECTION 31. AMENDATORY 7 O.S. 1991, Section 22, is amended to read as follows:

Section 22. There is hereby created in the State Treasury a revolving fund to be known as the Adult Blind Market Revolving Fund of the ~~Oklahoma Public Welfare Commission~~ Department of Rehabilitation Services to be administered by and under the direction of the ~~Oklahoma Public Welfare Commission~~ Department. Said fund shall consist of all appropriations made for such purpose and all net earnings or profits derived from its use as authorized

by law. Said fund shall be used for the purpose of creating, establishing and maintaining a market for the product of blind or visually impaired workers of Oklahoma and may be used to purchase such products for resale, and for no other purpose. Expenditures from said fund shall be made upon warrants issued by the State Treasurer against claims submitted to the Director of State Finance for audit and payment.

Part 7. Special Services to the Deaf and Hearing Impaired

SECTION 32. AMENDATORY 56 O.S. 1991, Section 199.1, as amended by Section 12, Chapter 364, O.S.L. 1993 (56 O.S. Supp. 1996, Section 199.1), is amended to read as follows:

Section 199.1 The ~~Commission for~~ State Department of 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~~ individuals;
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 hearing impaired ~~hearing persons~~ individuals.

SECTION 33. AMENDATORY 56 O.S. 1991, Section 199.2, as amended by Section 13, Chapter 364, O.S.L. 1993 (56 O.S. Supp. 1996, Section 199.2), is amended to read as follows:

Section 199.2 ~~A. The Commission for State Department of Rehabilitation Services is hereby directed,~~ in carrying out its functions, ~~to cooperate~~ shall:

1. Cooperate with the appropriate commissions and state agencies having authority related to the problems of the deaf and hearing impaired ~~persons~~ individuals. ~~These~~ Such agencies are ~~likewise directed to~~ shall cooperate with the ~~Commission for State Department of Rehabilitation Services~~ in carrying out its functions-;

~~B. The State Department of Rehabilitation Services shall establish~~ 2. Establish and operate a program to provide interpreter services to deaf and hearing impaired citizens of the state, under ~~regulations adopted~~ rules promulgated by the Commission for Rehabilitation Services-; and

~~C. The State Department of Rehabilitation Services shall establish~~ 3. Establish, through rules promulgated by the Commission, policy and procedures for the evaluation and certification of interpreters for the deaf. ~~The Department~~ and may require a nominal fee to recoup costs incurred in testing and certifying such interpreters.

SECTION 34. AMENDATORY 70 O.S. 1991, Section 1731, is amended to read as follows:

Section 1731. A. A school for the education of the deaf is hereby created in the State of Oklahoma, to be known as the "Oklahoma School for the Deaf."

B. The Oklahoma School for the Deaf is hereby permanently located in the City of Sulphur, Oklahoma.

C. All deaf and hearing impaired residents of this state shall be entitled to an education in the school for the deaf, without charge.

ARTICLE III

Blind and Visually Impaired Individuals

SECTION 35. AMENDATORY 7 O.S. 1991, Section 11, is amended to read as follows:

Section 11. No person, except ~~those wholly or partially~~ a blind or visually impaired individual, shall carry or use on any street, highway, or in any other public place a cane or walking stick which is white in color, or white tipped with red.

SECTION 36. AMENDATORY 7 O.S. 1991, Section 12, is amended to read as follows:

Section 12. Any driver of a vehicle who knowingly approaches within three (3) feet of a ~~person~~ blind or visually impaired individual who is in the roadway or at an intersection ~~and who is wholly or partially blind~~ and who is carrying a cane or walking stick white in color, or white tipped with red, shall immediately come to a full stop and take such precautions before proceeding as may be necessary to avoid accident or injury to the ~~person wholly or partially~~ blind or visually impaired individual.

SECTION 37. AMENDATORY 7 O.S. 1991, Section 13, is amended to read as follows:

Section 13. ~~Any~~ Except as otherwise provided by law, any ~~person, other than a person wholly or partially blind, who shall carry a cane or walking stick such as is described in this act, contrary to the provisions of this act, or who shall violate~~ violates any of the provisions of this ~~act~~ article shall be guilty of a misdemeanor and upon conviction thereof shall be punished by imprisonment in the county jail not exceeding three (3) months, or by fine not exceeding One Hundred Dollars (\$100.00), or by both such fine and imprisonment.

ARTICLE IV

Deaf and Hearing Impaired Individuals

Telecommunications for the Hearing Impaired Act

SECTION 38. AMENDATORY 63 O.S. 1991, Section 2416, is amended to read as follows:

Section 2416. This ~~act~~ part shall be known and may be cited as the "Telecommunications for the Hearing-Impaired Act".

SECTION 39. AMENDATORY 63 O.S. 1991, Section 2417, as last amended by Section 13, Chapter 315, O.S.L. 1994 (63 O.S. Supp. 1996, Section 2417), is amended to read as follows:

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

1. Provide for the availability, distribution and maintenance, at no cost to qualified individuals with hearing or speech disabilities, or both, telecommunication devices and ring-signaling devices compatible with the telecommunications relay services for hearing impaired and speech impaired individuals requirements of the Americans with Disabilities Act of 1990 and regulations promulgated thereunder; and

2. Design and implement a needs assessment test so that individuals with hearing or speech disabilities, or both, are benefited by this program. ~~Provided, however, that no~~ 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 Rehabilitation Services shall develop a sliding scale to provide equipment and maintenance to individuals exceeding the ~~above-~~ ~~mentioned~~ needs test.

SECTION 40. AMENDATORY 63 O.S. 1991, Section 2418, as amended by Section 14, Chapter 315, O.S.L. 1994 (63 O.S. Supp. 1996, Section 2418), is amended to read as follows:

Section 2418. A. There is hereby imposed a surcharge of five cents (\$0.05) per local exchange telephone access line per month to pay for the equipment and maintenance program ~~provided for in Section 2417 of this title~~ established pursuant to the Telecommunications for the Hearing-Impaired Act and to provide for other needed services for the deaf, severely hearing impaired, severely speech impaired and deaf-blind programs administered through the Department of Rehabilitation Services, such surcharge to be paid by each local exchange subscriber to local telephone service in this state, unless such subscriber is otherwise exempt from taxation.

B. The surcharge shall be collected on the regular monthly bill by each local exchange telephone company operating in this state and shall be remitted quarterly to the Oklahoma Tax Commission no later than fifteen (15) days following the end of each quarter.

C. There is hereby created in the State Treasury the Telecommunications for the Hearing Impaired Revolving Fund. The fund shall consist of monies imposed in subsection A of this section. All monies accruing to said fund are hereby appropriated and may be budgeted and expended by the Department ~~of Rehabilitation Services~~. The fund shall be a continuing fund not subject to fiscal year limitations and expenditures from said fund shall be made upon warrants issued by the State Treasurer against claims submitted to the Director of State Finance for the purpose of implementation of ~~this act~~ the Telecommunications for the Hearing-Impaired Act.

SECTION 41. AMENDATORY Section 15, Chapter 315, O.S.L. 1994 (63 O.S. Supp. 1996, Section 2418.1), is amended to read as follows:

Section 2418.1 Each certified local exchange telephone company shall ~~comply~~:

1. Comply with the provisions of the Americans with Disabilities Act of 1990 and regulations promulgated thereunder

relating to telecommunications relay services for hearing impaired and speech impaired individuals ~~and shall assess;~~

2. Assess a surcharge to each customer on a per line per month basis to recover the costs associated with such compliance; and ~~advise~~

3. Advise the ~~Commission~~ State Department of Rehabilitation Services of any changes.

ARTICLE V

Individuals with Disabilities

SECTION 42. AMENDATORY 7 O.S. 1991, Section 19.1, as amended by Section 1, Chapter 122, O.S.L. 1992 (7 O.S. Supp. 1996, Section 19.1), is amended to read as follows:

Section 19.1 A. Any ~~blind, deaf, or physically handicapped person~~ individual with a disability who is a passenger on any common carrier, airplane, motor vehicle, railroad train, motorbus, streetcar, boat, or any other public conveyance or mode of transportation operating within the State of Oklahoma or any dog trainer from a recognized training center when in the act of training guide, signal, or service dogs shall be entitled to have with him a guide, signal, or service dog specially trained or being trained for that purpose, without being required to pay an additional charge therefor, but shall be liable as hereafter set forth in subsection B of this section.

B. A ~~blind, deaf, or physically handicapped person~~ An individual with a disability and ~~his~~ such individual's guide, signal, or service dog or a dog trainer from a recognized training center in the act of training guide, signal, or service dogs shall not be denied admittance to or refused access to any of the following because of such dog: Any street, highway, sidewalk, walkway, any common carrier, airplane, motor vehicle, railroad train, motor bus, streetcar, boat, or any other public conveyance or mode of transportation, hotel, motel, or other place of lodging,

public building maintained by any unit or subdivision of government, building to which the general public is invited, college dormitory and other educational facility, restaurant or other place where food is offered for sale to the public, or any other place of public accommodation, amusement, convenience, or resort to which the general public or any classification of persons from the general public is regularly, normally, or customarily invited within the State of Oklahoma. ~~Such blind, deaf, or physically handicapped person~~ The individual with a disability or dog trainer from a recognized training center in the act of training guide, signal, or service dogs shall not be required to pay any additional charges for ~~his~~ the individual's guide, signal, or service dog, but shall be liable for any damage done to the premises by said dog.

C. ~~Such~~ The dog used by a deaf person shall be required to wear an orange identifying collar.

D. For the purposes of this section and Section 113.1 of Title 41 of the Oklahoma Statutes:

1. ~~"Physically handicapped person" means any person who has a physical impairment which severely and permanently restricts mobility of two or more extremities, or who is so severely disabled as to be unable to move without the aid of a wheelchair;~~

~~2.~~ "Service dog" means any dog individually trained to the ~~physically handicapped person's~~ requirements of the individual with a disability; and

~~3.~~ 2. "Signal dog" means any dog trained to alert a deaf person, or person whose hearing is impaired, to intruders or sounds.

SECTION 43. AMENDATORY 7 O.S. 1991, Section 19.2, is amended to read as follows:

Section 19.2 Any person~~7~~ or persons, firm, association, or corporation, or the agent of any person, firm, association, or corporation, who ~~shall violate~~ violates the provisions of Section

~~19.1~~ 44 of this ~~title~~ act, upon conviction thereof, shall be guilty of a misdemeanor.

SECTION 44. AMENDATORY 56 O.S. 1991, Section 328, as amended by Section 14, Chapter 364, O.S.L. 1993 (56 O.S. Supp. 1996, Section 328), is amended to read as follows:

Section 328. A. 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 the 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 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, place the Division and employees thereof under the Merit System of Personnel Administration.

B. 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 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 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 of Oklahoma. The Governor may, by an Executive Order, place the Section and employees thereof under the Merit System of Personnel Administration.

SECTION 45. AMENDATORY 74 O.S. 1991, Section 18c, as last amended by Section 18, Chapter 3, O.S.L. 1996 (74 O.S. Supp. 1996, Section 18c), is amended to read as follows:

Section 18c. A. 1. Except as otherwise provided by this subsection, no state officer, board or commission shall have authority to employ or appoint attorneys to advise or represent said officer, board or commission in any matter.

2. The provisions of this subsection shall not apply to the Corporation Commission, the Board of Managers of the State Insurance Fund, the Oklahoma Tax Commission, the Commissioners of the Land Office, the Oklahoma Public Welfare Commission also known as the Commission for Human Services, the Board of Corrections, the Oklahoma Health Care Authority, the Department of Public Safety, the Oklahoma State Bureau of Narcotics and Dangerous Drugs Control, the Alcoholic Beverage Laws Enforcement Commission, the Transportation Commission, the Oklahoma Energy Resources Board, the Department of Central Services, the Oklahoma Merit Protection Commission, the Office of Personnel Management, the Department of Rehabilitation Services, the Oklahoma Water Resources Board, the Department of Labor and the Office of Juvenile Affairs.

3. The provisions of paragraph 2 of this subsection shall not be construed to authorize the Office of Juvenile Affairs to employ any attorneys that are not specifically authorized by law.

4. All the legal duties of such officer, board or commission shall devolve upon and are hereby vested in the Attorney General; provided that:

- a. the Governor shall have authority to employ special counsel to protect the rights or interest of the state as provided in Section 6 of this title, and
- b. liquidation agents of banks shall have the authority to employ local counsel, with the consent of the Bank

Commissioner and the Attorney General and the approval of the district court.

B. At the request of any state officer, board or commission, except the Corporation Commission, the Board of Managers of the State Insurance Fund, Oklahoma Tax Commission and the Commissioners of the Land Office, the Grand River Dam Authority, the Oklahoma State Bureau of Narcotics and Dangerous Drugs Control, the Alcoholic Beverage Laws Enforcement Commission and the Interstate Oil and Gas Compact Commission, the Attorney General shall defend any action in which they may be sued in their official capacity. At the request of any such state officer, board or commission, the Attorney General shall have authority to institute suits in the name of the State of Oklahoma on their relation, if after investigation the Attorney General is convinced there is sufficient legal merit to justify the action.

C. Any officer, board, or commission which has the authority to employ or appoint attorneys may request that the Attorney General defend any action arising pursuant to the provisions of the Governmental Tort Claims Act.

D. Nothing in this section shall be construed to repeal or affect the provisions of the statutes of this state pertaining to attorneys and legal advisors of the several commissions and departments of state specified in subsection B of this section, and all acts and parts of acts pertaining thereto shall be and remain in full force and effect.

SECTION 46. NONCODIFICATION The provisions of Sections 1, 2 and 4 of this act shall not be codified in the Oklahoma Statutes.

SECTION 47. RECODIFICATION Section 2, Chapter 364, O.S.L. 1993 (74 O.S. Supp. 1996, Section 166.2), as amended by Section 6 of this act, shall be recodified as Section 1-2-201 of Title 7 of the Oklahoma Statutes, unless there is created a

duplication in numbering. Section 3, Chapter 364, O.S.L. 1993 (74 O.S. Supp. 1996, Section 166.3), as last amended by Section 7 of this act, shall be recodified as Section 1-2-202 of Title 7 of the Oklahoma Statutes, unless there is created a duplication in numbering. Section 5, Chapter 364, O.S.L. 1993 (74 O.S. Supp. 1996, Section 166.5), as amended by Section 8 of this act, shall be recodified as Section 1-2-203 of Title 7 of the Oklahoma Statutes, unless there is created a duplication in numbering. 56 O.S. 1991, Section 330, as last amended by Section 10 of this act, shall be recodified as Section 1-2-205 of Title 7 of the Oklahoma Statutes, unless there is created a duplication in numbering. Section 9, Chapter 239, O.S.L. 1996 (74 O.S. Supp. 1996, Section 166.7), as amended by Section 15 of this act, shall be recodified as Section 1-2-404 of Title 7 of the Oklahoma Statutes, unless there is created a duplication in numbering. 10 O.S. 1991, Section 1418, as last amended by Section 16 of this act, shall be recodified as Section 1-2-405 of Title 7 of the Oklahoma Statutes, unless there is created a duplication in numbering. Section 28, Chapter 346, O.S.L. 1995 (74 O.S. Supp. 1996, Section 166.6), as amended by Section 18 of this act, shall be recodified as Section 1-2-502 of Title 7 of the Oklahoma Statutes, unless there is created a duplication in numbering. 56 O.S. 1991, Section 329, as last amended by Section 19 of this act, shall be recodified as Section 1-2-601 of Title 7 of the Oklahoma Statutes, unless there is created a duplication in numbering. 7 O.S. 1991, Section 8, as last amended by Section 20 of this act, shall be recodified as Section 1-2-602 of Title 7 of the Oklahoma Statutes, unless there is created a duplication in numbering. 74 O.S. 1991, Section 168, as last amended by Section 21 of this act, shall be recodified as Section 1-2-603 of Title 7 of the Oklahoma Statutes, unless there is created a duplication in numbering. 70 O.S. 1991, Section 1721, as amended by Section 22 of this act, shall be recodified as Section 1-2-620 of Title 7 of the

Oklahoma Statutes, unless there is created a duplication in numbering. 7 O.S. 1991, Section 71, as amended by Section 23 of this act, shall be recodified as Section 1-2-650.1 of Title 7 of the Oklahoma Statutes, unless there is created a duplication in numbering. 7 O.S. 1991, Section 72, as amended by Section 24 of this act, shall be recodified as Section 1-2-650.2 of Title 7 of the Oklahoma Statutes, unless there is created a duplication in numbering. 7 O.S. 1991, Section 73, as amended by Section 25 of this act, shall be recodified as Section 1-2-650.3 of Title 7 of the Oklahoma Statutes, unless there is created a duplication in numbering. 7 O.S. 1991, Section 74, as amended by Section 26 of this act, shall be recodified as Section 1-2-650.4 of Title 7 of the Oklahoma Statutes, unless there is created a duplication in numbering. 7 O.S. 1991, Section 77, as amended by Section 27 of this act, shall be recodified as Section 1-2-650.5 of Title 7 the Oklahoma Statutes, unless there is created a duplication in numbering. 7 O.S. 1991, Section 75, as amended by Section 28 of this act, shall be recodified as Section 1-2-650.6 of Title 7 of the Oklahoma Statutes, unless there is created a duplication in numbering. 7 O.S. 1991, Section 78, as amended by Section 29 of this act, shall be recodified as Section 1-2-650.7 of Title 7 of the Oklahoma Statutes, unless there is created a duplication in numbering. 7 O.S. 1991, Section 21, as amended by Section 30 of this act, shall be recodified as Section 1-2-650.8 of Title 7 of the Oklahoma Statutes, unless there is created a duplication in numbering. 7 O.S. 1991, Section 22, as amended by Section 31 of this act, shall be recodified as Section 1-2-650.9 of Title 7 of the Oklahoma Statutes, unless there is created a duplication in numbering. 56 O.S. 1991, Section 199.1, as last amended by Section 32 of this act, shall be recodified as Section 1-2-701 of Title 7 of the Oklahoma Statutes, unless there is created a duplication in numbering. 56 O.S. 1991, Section 199.2, as last amended by Section

33 of this act, shall be recodified as Section 1-2-702 of Title 7 of the Oklahoma Statutes, unless there is created a duplication in numbering. 70 O.S. 1991, Sections 1731, as amended by Section 34 of this act, shall be recodified as Section 1-2-720 of Title 7 of the Oklahoma Statutes, unless there is created a duplication in numbering. 7 O.S. 1991, Section 11, as amended by Section 35 of this act, shall be recodified as Section 1-3-101 of Title 7 of the Oklahoma Statutes, unless there is created a duplication in numbering. 7 O.S. 1991, Section 12, as amended by Section 36 of this act, shall be recodified as Section 1-3-102 of Title 7 of the Oklahoma Statutes, unless there is created a duplication in numbering. 7 O.S. 1991, Section 13, as amended by Section 37 of this act, shall be recodified as Section 1-3-103 of Title 7 of the Oklahoma Statutes, unless there is created a duplication in numbering. 63 O.S. 1991, Section 2416, as amended by Section 38 of this act, shall be recodified as Section 1-4-101 of Title 7 of the Oklahoma Statutes, unless there is created a duplication in numbering. 63 O.S. 1991, Section 2417, as last amended by Section 39 of this act, shall be recodified as Section 1-4-102 of Title 7 of the Oklahoma Statutes, unless there is created a duplication in numbering. 63 O.S. 1991, Section 2418, as last amended by Section 40 of this act, shall be recodified as Section 1-4-103 of Title 7 of the Oklahoma Statutes, unless there is created a duplication in numbering. Section 15, Chapter 315, O.S.L. 1994 (63 O.S. Supp. 1996, Section 2418.1), as amended by Section 41 of this act, shall be recodified as Section 1-4-104 of Title 7 of the Oklahoma Statutes, unless there is created a duplication in numbering. 63 O.S. 1991, Section 2419, as amended by Section 42 of this act, shall be recodified as Section 1-4-105 of Title 7 of the Oklahoma Statutes, unless there is created a duplication in numbering. 7 O.S. 1991, Section 19.1, as last amended by Section 43 of this act, shall be recodified as Section 1-5-101 of Title 7 of the Oklahoma

Statutes, unless there is created a duplication in numbering. 7
O.S. 1991, Section 19.2, as amended by Section 44 of this act, shall
be recodified as Section 1-5-102 of Title 7 of the Oklahoma
Statutes, unless there is created a duplication in numbering. 56
O.S. 1991, Section 328, as last amended by Section 45 of this act,
shall be recodified as Section 1-5-103 of Title 7 of the Oklahoma
Statutes, unless there is created a duplication in numbering.

SECTION 48. REPEALER 70 O.S. 1991, Sections 1722, 1723,
1724, 1725, 1732, 1733, 1734 and 1736, Section 1, Chapter 364,
O.S.L. 1993 (74 O.S. Supp. 1996, Section 166.1) and 63 O.S. 1991,
Section 2419, are hereby repealed.

SECTION 49. This act shall become effective November 1, 1997.

46-1-6026 KSM