

STATE OF OKLAHOMA

1st Session of the 48th Legislature (2001)

CONFERENCE COMMITTEE  
SUBSTITUTE FOR ENGROSSED  
HOUSE BILL NO. 1470

By: Mitchell of the House

and

Robinson and Capps of the  
Senate

CONFERENCE COMMITTEE SUBSTITUTE

An Act relating to the Department of Rehabilitation Services; amending Section 34, Chapter 356, O.S.L. 1994, as amended by Section 8, Chapter 402, O.S.L. 1997 (40 O.S. Supp. 2000, Section 2-802), which relates to the Oklahoma Employment Security Commission; adding the Department to list of agencies which may contract with child support enforcement; amending 47 O.S. 1991, Section 156, as last amended by Section 1 of Enrolled Senate Bill No. 80 of the 1st Session of the 48th Oklahoma Legislature, which relates to agencies authorized to purchase certain vehicles; updating certain language; amending 56 O.S. 1991, Section 329, as amended by Section 15, Chapter 364, O.S.L. 1993 (56 O.S. Supp. 2000, Section 329), which relates to certain transfers; removing certain official register of the blind; amending 70 O.S. 1991, Sections 1722, as amended by Section 1, Chapter 264, O.S.L. 2000, 1723, 1724, 1732, 1733 and 1734, as amended by Section 2, Chapter 264, O.S.L. 2000 (70 O.S. Supp. 2000, Sections 1722 and 1734), which relate to the Oklahoma School for the Deaf and the Oklahoma School for the Blind; removing out-of-date language; updating language and powers and duties of the Department; providing conditions for admission to schools; amending Section 5, Chapter 364, O.S.L. 1993 (74 O.S. Supp. 2000, Section 166.5), as amended by Section 1 of Enrolled Senate Bill No. 59 of the 1st Session of the 48th Oklahoma Legislature, which relates to powers and duties of the Commission for Rehabilitation Services; adding to powers and duties; authorizing tax check-off for certain donations to the Oklahoma School for the Blind and the Oklahoma School for the Deaf; providing for deposits; providing procedures and process; repealing 70 O.S. 1991, Sections 1736, 1737, 1739, 1740, 1741, 1743 and 1744, which relate to the Oklahoma School for the Deaf and 47 O.S. 1991, Section 156, as last amended by Section 1 of Enrolled House Bill No. 1289 of the 1st Session of the 48th Oklahoma Legislature, which is a duplicate section; providing for codification; and declaring an emergency.

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

SECTION 1. AMENDATORY Section 34, Chapter 356, O.S.L. 1994, as amended by Section 8, Chapter 402, O.S.L. 1997 (40 O.S. Supp. 2000, Section 2-802), is amended to read as follows:

Section 2-802. A. Employers doing business in the State of Oklahoma shall report to the Oklahoma Employment Security Commission, the hiring or employment of any person who resides or works in this state to whom the employer anticipates paying earnings.

B. Such report shall contain the employee's name, address, social security number, date of employment, state of employment, along with the employer's name, address, and federal identification number.

C. The report must be made within twenty (20) days of hiring, or twice monthly, not less than twelve (12) nor more than sixteen (16) days apart if reported electronically or magnetically. The report may be made by mailing a copy of the employee's W-4 form, by submitting a fax transmission of the employee's W-4 form, by submitting electronic media in a format that can be used by the Oklahoma Employment Security Commission, or by any other means authorized by the Oklahoma Employment Security Commission.

D. The Child Support Enforcement Division shall be the official New Hire Registry for the State of Oklahoma and will obtain the new hire information from the Oklahoma Employment Security Commission.

E. The Child Support Enforcement Division shall enter into agreements with state agencies administering unemployment, workers' compensation, public assistance, Medicaid, food stamps, vocational rehabilitation, and other programs specified by federal law or regulation to provide such information upon request.

F. Used in this section:

1. "Employee" means an individual who is an employee as defined by the Internal Revenue Code of 1986, 26 U.S.C., Section 3401 et

seq. "Employee" does not mean an employee of a federal or state agency performing intelligence or counterintelligence functions if the head of such agency has determined that reporting with respect to that employee could endanger the safety of the employee or compromise an ongoing investigation or intelligence mission;

2. "Employer" means an individual or other entity who is an employer as defined by the Internal Revenue Code of 1986, 26 U.S.C., Section 3401(d) and includes any governmental entity and any labor organization; and

3. "Labor organization" means an entity as defined by the National Labor Relations Act, 29 U.S.C., Section 152(5) including, but not limited to, any entity known as a "hiring hall" which is used by the organization and an employer to carry out requirements described in Section 8(f)(3) of the National Labor Relations Act, 29 U.S.C., Section 158(f)(3), of an agreement between the organization and the employer.

SECTION 2. AMENDATORY 47 O.S. 1991, Section 156, as last amended by Section 1 of Enrolled Senate Bill No. 80 of the 1st Session of the 48th Oklahoma Legislature, is amended to read as follows:

Section 156. A. Unless otherwise provided for by law, no state board, commission, department, institution, official, or employee, except the following, shall purchase any passenger automobile or bus with public funds:

1. The Department of Public Safety, ~~the;~~
2. The Department of Human Services, ~~the;~~
3. The State Department of Rehabilitation Services, ~~the;~~
4. The Department of Wildlife Conservation, ~~the;~~
5. The Department of Corrections, ~~the;~~
6. The State Department of Education, ~~the;~~
7. The Oklahoma School of Science and Mathematics, ~~the;~~

8. The Oklahoma State Bureau of Narcotics and Dangerous Drugs Control,~~the;~~

9. The Oklahoma State Bureau of Investigation,~~the;~~

10. The Transportation Commission,~~the;~~

11. The Department of Agriculture,~~the;~~

12. The State Department of Health,~~the;~~

13. The Department of Mental Health and Substance Abuse Services,~~the;~~

14. The J.D. McCarty Center for Children with Developmental Disabilities,~~the;~~

15. The Military Department of the State of Oklahoma,~~the;~~

16. The Oklahoma Tourism and Recreation Department,~~the;~~

17. The Oklahoma Conservation Commission,~~the;~~

18. The Oklahoma Water Resources Board,~~the;~~

19. The Department of Mines,~~the;~~

20. The Office of Juvenile Affairs,~~and the;~~

21. The Oklahoma Department of Veterans Affairs; and

22. The Oklahoma Supreme Court ~~shall purchase any passenger automobile or bus with public funds.~~

B. 1. The Oklahoma School for the Deaf at Sulphur, the Oklahoma School for the Blind at Muskogee, and any state institution of higher education may purchase, own, or keep if now owned, or acquire by lease or gift, and use and maintain such station wagons, automobiles, trucks, or buses as are reasonably necessary for the implementation of the educational programs of said institutions.

2. No bus operated, owned, or used by such educational institutions shall be permitted to carry any person other than students, faculty members, employees, or volunteers of such institutions. The provisions of this section shall not be construed to prohibit:

a. the operation of intracampus buses or buses routed directly between portions of the campus of any

institution not adjacent to each other, nor to prohibit the collection of fares from such students, faculty members, or employees of such institutions, sufficient in amount to cover the reasonable cost of such transportation, or

- b. the Oklahoma School for the Blind or the Oklahoma School for the Deaf from entering into agreements with local public school districts pursuant to the Interlocal Cooperation Act for the mutual use of the schools' and the districts' vehicles. Such use may include, but is not limited to, the transportation of students from local school districts with students from the Oklahoma School for the Blind or the Oklahoma School for the Deaf in vehicles owned by the Oklahoma School for the Blind or the Oklahoma School for the Deaf when traveling to school-related activities.

C. The J.D. McCarty Center for Children with Developmental Disabilities, the Oklahoma Department of Libraries, the Oklahoma Department of Veterans Affairs, and the Oklahoma Veterans Centers may own and maintain such passenger vehicles as those institutions have acquired prior to May 1, 1981.

D. The use of station wagons, automobiles, and buses, other than as provided for in this section, shall be permitted only upon written request for such use by heads of departments of the institution, approved in writing by the president of said institution or by some administrative official of said institution authorized by the president to grant said approval. Such use shall be permitted only for official institutional business or activities connected therewith. Such use shall be subject to the provisions of Sections 156.1 and 159.7 of this title forbidding personal use of such vehicles, and to the penalties therein declared.

E. Any person convicted of violating the provisions of this section shall be guilty of a misdemeanor and shall be punished by fine or imprisonment, or both, as provided for in Section 156.1 of this title.

F. For the purpose of this section and Section 156.3 of this title, a station wagon is classified as a passenger automobile and may not be purchased solely for the use of transporting property. Such vehicles shall include, but not be limited to, all vehicles which have no separate luggage compartment or trunk but which do not have open beds, whether the same are called station wagons, vans, suburbans, town and country, blazers, or any other names. All state boards, commissions, departments, and institutions may own and maintain station wagons purchased solely for the purpose of transporting property if acquired prior to July 1, 1985.

G. The provisions of this section and Section 156.1 of this title shall not apply to public officials who are statewide elected commissioners.

SECTION 3. AMENDATORY 56 O.S. 1991, Section 329, as amended by Section 15, Chapter 364, O.S.L. 1993 (56 O.S. Supp. 2000, 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~~ Oklahoma Department of Career and Technology 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~~ Oklahoma Department of Career and Technology 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 shall provide, to blind and visually impaired persons, 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, 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 other public agencies and private agencies providing services to the blind.

SECTION 4. AMENDATORY 70 O.S. 1991, Section 1722, as amended by Section 1, Chapter 264, O.S.L. 2000 (70 O.S. Supp. 2000, Section 1722), is amended to read as follows:

Section 1722. The purposes of the ~~school~~ Oklahoma School for the Blind shall be to:

1. ~~To provide~~ Provide academic, vocational, social/emotional, and cultural instruction as well as independent living skills and transitional needs for children who are blind or visually impaired; and

2. ~~To serve~~ Serve as a statewide resource center for educational services for children who are blind or visually impaired.

SECTION 5. AMENDATORY 70 O.S. 1991, Section 1723, is amended to read as follows:

Section 1723. The ~~said~~ Oklahoma School for the Blind shall be under the direction and control of the ~~State Board of Education~~ Department of Rehabilitation Services.

SECTION 6. AMENDATORY 70 O.S. 1991, Section 1724, is amended to read as follows:

Section 1724. ~~All persons, residing in the State of Oklahoma, between the ages of six (6) and twenty-one (21) years, whose vision is so defective as to prevent them attending the public schools, and who are of such physical, mental, and moral character as to enable them to pursue any one or all of the courses of study taught in this school, are eligible; provided, persons 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 and faculty.~~

A. Residents of this state for whom blindness or visual impairment is the primary impediment to success in the common schools of the state, and who are of suitable age and physical and mental capacity, shall be entitled to admission to the Oklahoma School for the Blind and shall receive an education free of charge.

B. Students admitted to the school who are of suitable emotional capacity and who are not a threat to themselves or others shall be entitled to reside at the school free of charge to the extent that dormitory housing is available.

C. The Department of Rehabilitation Services shall establish the criteria and procedures for admission to the school.

SECTION 7. AMENDATORY 70 O.S. 1991, Section 1732, is amended to read as follows:

Section 1732. The Oklahoma School for the Deaf is hereby permanently located in the City of Sulphur, Oklahoma. ~~The Board of Trustees of said school are hereby authorized to select the particular site and to determine all other details in connection with the permanent location of said school.~~

SECTION 8. AMENDATORY 70 O.S. 1991, Section 1733, is amended to read as follows:

Section 1733. ~~All deaf residents of this state, and those deaf and mute to such an extent that they cannot acquire an education in the common schools of the state, of suitable age and capacity, and~~

~~of good moral character, shall be entitled to an education in the school for the deaf, without charge.~~

A. Residents of this state for whom deafness or hardness of hearing is the primary impediment to success in the common schools of the state, and who are of suitable age and physical and mental capacity, shall be entitled to an education in the Oklahoma School for the Deaf without charge.

B. Students admitted to the school who are of suitable emotional capacity and who are not a threat to themselves or others shall be entitled to reside at the school free of charge to the extent that dormitory housing is available.

C. The Department of Rehabilitation Services shall establish the criteria and procedures for admission to the school.

SECTION 9. AMENDATORY 70 O.S. 1991, Section 1734, as amended by Section 2, Chapter 264, O.S.L. 2000 (70 O.S. Supp. 2000, Section 1734), is amended to read as follows:

Section 1734. The purposes of the ~~school~~ Oklahoma School for the Deaf shall be:

1. To provide academic, vocational, social/emotional, and cultural instruction as well as independent living skills and transitional needs for children who are deaf or hard-of-hearing; and
2. To serve as a statewide resource center for educational services for children who are deaf or hard-of-hearing.

SECTION 10. AMENDATORY Section 5, Chapter 364, O.S.L. 1993 (74 O.S. Supp. 2000, Section 166.5), as amended by Section 1 of Enrolled Senate Bill No. 59 of the 1st Session of the 48th Oklahoma Legislature, is amended to read as follows:

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

1. Adopt bylaws and promulgate rules for the regulation of its affairs and the conduct of its business;
2. Adopt an official seal;

3. Establish an office;

4. Sue and to be sued, subject to the provisions of the Governmental Tort Claims Act, ~~Section 151 et seq. of Title 51 of the Oklahoma Statutes;~~

5. Make and enter into all contracts necessary or incidental to the performance of its duties and the execution of its powers;

6. Purchase or lease equipment, furniture, materials and supplies, and incur such other expenses as may be necessary to maintain and operate the Commission and the State Department of Rehabilitation Services, or to discharge its duties and responsibilities or to make any of its powers effective;

7. Acquire by purchase, lease, gift, solicitation of gift or by any other manner, and to maintain, use and operate or to contract for the maintenance, use and operation of or lease of any and all property of any kind, real, personal or mixed or any interest therein unless otherwise provided by this act; provided that, all contracts for real property shall be subject to the provisions of Section 63 of this title; ~~and~~

8. Appoint such officers, agents and employees as it deems necessary to operate and maintain the Commission and to prescribe their duties and to fix their compensation; and

9. Perform such other acts as shall be necessary for the accomplishment of the purposes of Chapter 5A of this title.

SECTION 11. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 166.8 of Title 74, unless there is created a duplication in numbering, reads as follows:

A. Each state individual income tax return form and each corporate income tax return form for tax years commencing after December 31, 2001, shall contain a designation for donations of tax refunds to the Oklahoma School for the Blind/Oklahoma School for the Deaf.

B. The monies generated pursuant to subsection A of this section shall be paid to the State Treasurer by the Oklahoma Tax Commission and placed to the credit of the Oklahoma School for the Deaf/Oklahoma School for the Blind Revolving Fund.

C. There is hereby created in the State Treasury a revolving fund for the State Department of Rehabilitation Services to be designated the "Oklahoma School for the Deaf/Oklahoma School for the Blind Revolving Fund". The fund shall be a continuing fund, not subject to fiscal year limitations, and shall consist of all monies apportioned to the fund pursuant to the provisions of this section. All monies accruing to the credit of the fund are hereby appropriated and may be budgeted and expended by the State Department of Rehabilitation Services for the purpose of funding programs at the Oklahoma School for the Deaf and the Oklahoma School for the Blind. Such monies shall be equally divided between the two designated schools. Expenditures from the 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.

D. If a taxpayer makes a donation pursuant to subsection A of this section in error, such taxpayer may file a claim for refund at any time within three (3) years from the due date of the tax return pursuant to Section 2373 of Title 68 of the Oklahoma Statutes. Prior to the apportionment set forth in this section, an amount equal to the total amount of refunds made pursuant to this subsection during any one (1) year shall be deducted from the total donations received pursuant to this section during the following year and such amount deducted shall be paid to the State Treasurer and placed to the credit of the Income Tax Withholding Refund Account.

SECTION 12. REPEALER 70 O.S. 1991, Sections 1736, 1737, 1739, 1740, 1741, 1743 and 1744 and 47 O.S. 1991, Section 156, as

last amended by Section 1 of Enrolled House Bill No. 1289 of the 1st Session of the 48th Oklahoma Legislature, are hereby repealed.

SECTION 13. It being immediately necessary for the preservation of the public peace, health and safety, an emergency is hereby declared to exist, by reason whereof this act shall take effect and be in full force from and after its passage and approval.

48-1-7260          KSM          6/12/15