

STATE OF OKLAHOMA

2nd Session of the 48th Legislature (2002)

COMMITTEE SUBSTITUTE
FOR
HOUSE BILL NO. 2249

By: Lindley

COMMITTEE SUBSTITUTE

An Act relating to disabilities; specifying public policy; creating the Strategic Planning Committee on the Olmstead Decision and stating purpose; providing for membership; providing for quorum, selection of cochairs, and meeting schedules; subjecting Committee to the Oklahoma Open Meeting Act; providing for operations, staffing, travel reimbursement, duties and responsibilities; providing for preparation of report; providing for codification; and declaring an emergency.

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

SECTION 1. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 1021 of Title 56, unless there is created a duplication in numbering, reads as follows:

A. It is the public policy of the State of Oklahoma to:

1. Recognize and support individuals with disabilities by treating them with dignity and respect as productive members of our society in Oklahoma;

2. Acknowledge their contributions as productive and independent citizens in the state and the useful work they perform in their local communities;

3. Support a service delivery system for individuals with disabilities ensuring that the individuals, their families, or guardians are well informed as to the types of services and

resources available to such individuals in order to encourage their independence, self-esteem, and self-worth, regardless of the severity of the disability; and

4. Recognize that self-choice on the part of individuals with disabilities is critical and that the most appropriate setting for meeting their needs should be a paramount consideration when determining appropriate placement of such individuals in community-based programs, residential care facilities, or any other placement or service that benefits the needs and well-being of individuals with disabilities.

B. There is hereby created the Strategic Planning Committee on the Olmstead Decision to continue until June 30, 2005. The purpose of the Committee is to develop a comprehensive, strategic plan of implementation for the State of Oklahoma regarding the Olmstead decision.

C. The Strategic Planning Committee on the Olmstead Decision shall be composed as follows:

1. The Governor shall appoint:

- a. one person who is a community placement service provider for persons with disabilities,
- b. one person who is an advocate for persons with disabilities,
- c. one parent or personal representative of a person with disabilities,
- d. one person who is a representative of the Developmental Disabilities Council,
- e. one person who is a representative of the Statewide Independent Living Council, and
- f. one person who is a representative of the Centers for Independent Living;

2. The President Pro Tempore of the Senate shall appoint:

- a. one member of the State Senate who is a member of the Human Resources Committee,
 - b. one member of the State Senate who is a member of the Appropriations Subcommittee on Health and Human Services,
 - c. a representative of a nonprofit agency in a city of five hundred thousand (500,000) or more population, that collaborates on programs and services for persons with disabilities,
 - d. one person who is a representative of the Center for Learning and Leadership, and
 - e. one person who is a representative of the Oklahoma Disability Law Center;
3. The Speaker of the House of Representatives shall appoint:
- a. one member of the House of Representatives who is a member of the Human Services Committee,
 - b. one member of the House of Representatives who is a member of the Mental Health Committee,
 - c. one parent or personal representative who is a member of the parent and guardian association at a state-operated Intermediate Care Facility for the Mentally Retarded (ICFMR), the Northern Oklahoma Resource Center of Enid or the Southern Oklahoma Resource Center at Pauls Valley,
 - d. one person who is a representative of ABLE-Tech, and
 - e. one person who is a representative of the Oklahoma Mental Health Consumer Council;
4. The Attorney General, or designee;
5. The Director of the Department of Human Services, or designee;

6. The Division Director of the Developmental Disabilities Division of the Department of Human Services, if not the designee of the Director of Human Services;
7. The State Commissioner of Health, or designee;
8. The Commissioner of the Department of Mental Health and Substance Abuse Services, or designee;
9. The Chief Executive Officer of the Oklahoma Health Care Authority, or designee;
10. The Director of the Office of State Finance, or designee;
11. The Director of the Oklahoma Department of Rehabilitation Services, or designee;
12. The Director of the Office of Handicapped Concerns, or designee;
13. The Director of the Oklahoma Employment Security Commission, or designee;
14. The State Coordinator for the federal Ticket-to-Work Incentive Act, if not the designee of the Employment Security Director;
15. The Executive Director of a local housing authority, or designee;
16. The Executive Director of the Oklahoma Housing Finance Agency, or designee;
17. The State Superintendent of Public Instruction, or designee;
18. The Director of the Department of Transportation, or designee;
19. The Commissioner of Labor, or designee; and
20. A representative from a local transit authority, or from a Community Action Agency, that provides transportation services to individuals with disabilities.

D. 1. Members shall serve at the pleasure of the appointing authority. A vacancy on the Committee shall be filled by the original appointing authority.

2. Appointments to the Committee shall be made by July 15, 2002.

3. A majority of the members of the Committee shall constitute a quorum. A majority of the members present at a meeting may act for the Committee.

4. The President Pro Tempore and the Speaker shall each designate a cochair from among the members of the Committee.

5. The cochairs of the Committee shall convene the first meeting of the Committee on or before September 12, 2002, at which time a schedule of the meetings of the first year shall be determined. The Committee shall meet at least four times annually.

6. Proceedings of all meetings of the Committee shall comply with the provisions of the Oklahoma Open Meeting Act.

7. The Committee may divide into subcommittees in furtherance of its purpose.

E. 1. The Department of Human Services and the Office of the Attorney General shall be designated as the lead agencies of the Committee and as such shall provide primary staffing for the Committee. Appropriate personnel from the Oklahoma Health Care Authority and the Department of Mental Health and Substance Abuse Services shall also assist with the work of the Committee.

2. The Committee may use the expertise and services of the staffs of the State Senate and the House of Representatives and, as necessary, may employ and contract for the advice and services of experts in the field of disabilities as well as other necessary professional and clerical staff.

F. All departments, officers, agencies, and employees of this state shall cooperate with the Committee in fulfilling its duties

and responsibilities including, but not limited to, providing any information, records, or reports requested by the Committee.

G. Members of the Committee shall receive no compensation for their service, but shall receive travel reimbursement as follows:

1. Legislative members of the Committee shall be reimbursed for their necessary travel expenses incurred in the performance of their duties in accordance with the provisions of Section 456 of Title 74 of the Oklahoma Statutes; and

2. Nonlegislative members of the Committee shall be reimbursed by their appointing authorities or by their respective agencies for necessary travel expenses incurred in the performance of their duties in accordance with the State Travel Reimbursement Act.

H. Duties and responsibilities of the Strategic Planning Committee of the Olmstead Decision include, but are not limited to:

1. Developing a comprehensive, strategic plan for Oklahomans with disabilities pursuant to the Olmstead Decision;

2. Reviewing Oklahoma's program delivery system and how persons with disabilities currently access the services;

3. Reviewing and identifying existing statutes, policies, programs, services and funding sources that affect Oklahomans with disabilities, including but not limited to identifying unique approaches and strategies to funding;

4. Reviewing and identifying funding and resource information available to persons with disabilities and their families in the state;

5. Identifying gaps and barriers in programs and services to individuals with disabilities and making any recommendations to enhance programs and the delivery system for persons with disabilities in Oklahoma; and

6. Taking all other actions necessary to develop the comprehensive strategic plan.

I. The Committee shall prepare a report and submit its findings or recommendations to the Legislature and Governor by July 15, 2003, and each July 15 thereafter.

SECTION 2. 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.

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