

ENGROSSED SENATE  
BILL NO. 1280

By: Robinson of the Senate  
and  
Hilliard of the House

[ Commission for Rehabilitation Services - powers and  
duties - Oklahoma School for the Blind - Oklahoma  
School for the Deaf - effective date -  
emergency ]

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

SECTION 1. AMENDATORY 74 O.S. 2001, Section 166.1, is amended to read as follows:

Section 166.1 A. There is hereby created the State Department of Rehabilitation Services, to be governed by the Commission for Rehabilitation Services.

B. The Director of the Department of Rehabilitation Services shall be the chief executive officer of the Department. The Director shall have the training and experience necessary for the administration of the Department, as determined by the Commission for Rehabilitation Services. The Director may employ such staff as may be necessary to perform the duties of the Department.

C. The Department of Rehabilitation Services may make and enter into all contracts necessary or incidental to the performance of its duties and may purchase or lease equipment, furniture, materials and supplies, and incur such other expenses as may be necessary to maintain and operate the Department.

SECTION 2. AMENDATORY 74 O.S. 2001, 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 for the State Department of Rehabilitation Services.

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

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

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

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

3. Thereafter, at the expiration of the term, or termination of the member's service for any reason, the original appointing

authority shall appoint a successor for a term of three (3) years, or for the remainder of an unexpired term.

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

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

SECTION 3. AMENDATORY 74 O.S. 2001, Section 166.5, is amended to read as follows:

Section 166.5. A. 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. Formulate policies and adopt rules for the effective administration of the duties of the State Department of Rehabilitation Services;

3. Adopt an official seal;

~~3.~~ 4. Establish an office;

~~4.~~ 5. Sue and to be sued, subject to the provisions of the Governmental Tort Claims Act;

~~5.~~ 6. Make and enter into all contracts necessary or incidental to the performance of its duties and the execution of its powers;

~~6.~~ 7. 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.~~ 8. 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;

~~8.~~ 9. 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.~~ 10. Perform such other acts as shall be necessary for the accomplishment of the purposes of Chapter 5A of this title; and

11. Serve as trustees of the trust created in subsection B of this section for the benefit of the Oklahoma School for the Blind and the Oklahoma School for the Deaf.

B. 1. The Commission for Rehabilitation Services is hereby authorized and directed to create a trust into which all real property held by the Commission for the benefit of the Oklahoma School for the Blind and the Oklahoma School for the Deaf shall be transferred.

2. The property placed in trust:

a. shall be held for the sole benefit of the Oklahoma School for the Blind and the Oklahoma School for the Deaf,

- b. if not needed for use by the schools, may be leased or rented to others and all income received from such leases or rentals shall be payable to the Commission and deposited in the Rehabilitation Services Disbursing Fund for use by the Commission to fulfill the purposes of the Oklahoma School for the Blind and the Oklahoma School for the Deaf, and
- c. may be sold if the Commissioners acting as trustees determine the sale is in the best interest of the Oklahoma School for the Blind or the Oklahoma School for the Deaf. The proceeds from the sale of the property shall be held in the trust corpus and shall be invested by the State Treasurer. Income derived from the corpus shall be used by the Commission for the purposes of the Oklahoma School for the Blind and the Oklahoma School for the Deaf.

3. The corpus of the trust may be disbursed only upon legislative approval.

4. The trust may be dissolved only upon legislative approval.

C. Upon the creation of the trust authorized in subsection B of this section, the Department of Central Services shall provide all necessary assistance to the Department of Rehabilitation Services to identify and transfer all real property held by or for the benefit of the Oklahoma School for the Blind and the Oklahoma School for the Deaf to the trust.

SECTION 4. AMENDATORY 10 O.S. 2001, 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 such rules as it deems necessary for the government and operation of each institution, and for the admission and discharge of pupils at each institution. No easement, right-of-way, oil and gas lease or surface lease on any land used or occupied by either institution, or any other institution under the jurisdiction of the Commission, shall be granted or conveyed without the approval of the Commission; and all money hereafter received therefor or derived therefrom, including rentals and royalties from leases executed prior to ~~the effective date of this act~~ July 1, 1965, shall be deposited in the revolving fund of the institution and be used by the Commission for ~~capital improvements at~~ the purposes of the institution. The Commission may participate in federal programs for the benefit of blind or deaf persons, and may receive and administer federal funds for such purposes. The Commission is hereby expressly granted every power necessary or convenient to make such institutions effective for the purposes for which they were created. ~~This act~~ The provisions of this section shall not affect the type of school maintained at either institution.

B. The Oklahoma School for the Blind and the Oklahoma School for the Deaf shall be considered local educational agencies only for the purpose of participating in federal programs and receiving federal funds disbursed by the State Department of Education to local educational agencies, if the schools meet the eligibility requirements for the federal programs.

SECTION 5. This act shall become effective July 1, 2004.

SECTION 6. It being immediately necessary for the preservation of the public peace, health and safety, an emergency is hereby declared to exist, by reason whereof this act shall take effect and be in full force from and after its passage and approval.

Passed the Senate the 3rd day of March, 2004.

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Presiding Officer of the Senate

Passed the House of Representatives the \_\_\_\_ day of \_\_\_\_\_,  
2004.

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Presiding Officer of the House  
of Representatives