

STATE OF OKLAHOMA

1st Session of the 49th Legislature (2003)

SENATE BILL 750

By: Cain

AS INTRODUCED

An Act relating to poor persons; amending Section 1, Chapter 349, O.S.L. 2001 (56 O.S. Supp. 2002, Section 1021), which relates to the Strategic Planning Committee on the Olmstead Decision; expanding and clarifying voting membership; deleting obsolete language; clarifying meeting schedule establishment procedures; and declaring an emergency.

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

SECTION 1. AMENDATORY Section 1, Chapter 349, O.S.L. 2002 (56 O.S. Supp. 2002, Section 1021), is amended to read as follows:

Section 1021. 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 of ~~ten (10)~~ fifteen (15) appointed members, ~~twelve (12)~~ eighteen (18) ex officio, ~~voting~~ members, and representatives from disability-related organizations, all of whom shall be voting members, as follows:

1. a. The Governor shall appoint:

- (1) one person who is a community placement service provider for persons with disabilities,
- (2) one person who is an advocate for persons with disabilities,
- (3) one parent or personal representative of a person with disabilities, ~~and~~
- (4) one member from an organization that provides direct care services within the Advantage Waiver Program, and
- (5) one member who is a consumer of disability services.

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

- (1) one member of the State Senate who is a member of the Human Resources Committee,

- (2) one member of the State Senate who is a member of the Appropriations Subcommittee on Health and Human Services, and
- (3) a representative of a nonprofit agency, in a city of ~~fifty thousand (50,000)~~ five hundred thousand (500,000) or more population, that collaborates on programs and services for persons with disabilities, and
- (4) two members who are consumers of disability services.

c. The Speaker of the House of Representatives shall appoint:

- (1) one member of the House of Representatives who is a member of the Human Services Committee,
- (2) one member of the House of Representatives who is a member of the Mental Health Committee, ~~and~~
- (3) one parent or personal representative of a person with disabilities, and
- (4) two members who are consumers of disability services;

2. The ex officio voting members shall be:

- a. the Attorney General, or designee,
- b. the Director of the Department of Human Services, or designee,
- c. the Division Director of the Developmental Disabilities Division of the Department of Human Services, if not the designee of the Director of Human Services,
- d. the State Commissioner of Health, or designee,
- e. the Commissioner of the Department of Mental Health and Substance Abuse Services, or designee,

- f. the Administrator of the Oklahoma Health Care Authority, or designee,
- g. the Director of the Office of State Finance, or designee,
- h. the Director of the State Department of Rehabilitation Services, or designee,
- i. the Director of the Office of Handicapped Concerns, or designee,
- j. the Director of the Oklahoma Employment Security Commission, or designee,
- k. the state coordinator for the federal Ticket To Work and Work Incentive Act, if not the designee of the Oklahoma Employment Security Director,
- l. the Executive Director of a local housing authority, or designee,
- m. the Executive Director the Oklahoma Housing Finance Agency, or designee,
- n. the State Superintendent of Public Instruction, or designee,
- o. the Director of the Department of Transportation, or designee,
- p. the Commissioner of Labor, or designee,
- q. a representative from a local transit authority, or from a Community Action Agency, that provides transportation services to individuals with disabilities, and
- r. the Director of the Oklahoma Commission on Children and Youth, or designee; and

3. The membership may also include as voting members, but need not be limited to, a representative from each of the following disability-related organizations:

- a. the Developmental Disabilities Council,

- b. the Statewide Independent Living Council,
- c. the Centers for Independent Living,
- d. the Center for Learning and Leadership,
- e. the Oklahoma Disability Law Center,
- f. ABLE-Tech, and
- g. the Oklahoma Mental Health Consumer Council.

D. 1. Members shall serve at the pleasure of their appointing authorities. 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~~ annually establish a schedule of ~~the first~~ each year's meetings ~~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 serve as lead agencies 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 may, as necessary, employ and contract for the advice and services of experts in the field 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 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 respective agencies for necessary travel expenses incurred in the performance of their duties in accordance with the State Travel Reimbursement Act.

H. The duties and responsibilities of the Strategic Planning Committee on the Olmstead Decision shall include, but need not be limited to:

- a. developing a comprehensive, strategic plan for Oklahomans with disabilities, pursuant to the Olmstead Decision,
- b. reviewing Oklahoma's service delivery system and the way in which persons with disabilities currently access the services,
- c. reviewing 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,

- d. identifying and reviewing funding and resource information available to persons with disabilities and their families in this state,
- e. 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
- f. taking all other actions necessary to develop the comprehensive strategic plan.

I. The Committee shall prepare and submit a report of its findings and recommendations to the Legislature and Governor by July 15, 2003, and each July 15 thereafter, as necessary, until completion of the comprehensive strategic plan.

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.