HB 1084

THE HOUSE OF REPRESENTATIVES
Monday, February 19, 2007

House Bill No. 1084

HOUSE BILL NO. 1084 - By: WESSELHOFT, KERN, MCAFFREY, PITTMAN AND MCDANIEL (RANDY) of the House and WILCOXSON of the Senate.

An Act relating to state government; amending Section 6, Chapter 434, O.S.L. 2005, as amended by Section 1, Chapter 296, O.S.L. 2006 (56 O.S. Supp. 2006, Section 198.11b), which relates to the Strategic Planning Committee on the Olmstead Decision; amending Section 3, Chapter 337, O.S.L. 2002 (56 O.S. Supp. 2006, Section 1010.23), which relates to the Oklahoma Pharmacy Connection Council; amending Section 4, Chapter 128, O.S.L. 2004, as amended by Section 14, Chapter 266, O.S.L. 2006 (62 O.S. Supp. 2006, Section 41.5t.2), which relates to the Electronic and Information Technology Accessibility Advisory Council; amending 74 O.S. 2001, Sections 9.21, 9.22, 9.23, 9.24, 9.25, 9.26, 9.27, 9.28, 9.29, 9.33 and 9.34, which relate to the Office of Handicapped Concerns; modifying name of the Office of Handicapped Concerns; and providing an effective date.

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

1 SECTION 1. AMENDATORY Section 6, Chapter 434, O.S.L. 2005, as amended
2 by Section 1, Chapter 296, O.S.L. 2006 (56 O.S. Supp. 2006, Section 198.11b), is amended
3 to read as follows:
4 Section 198.11b A. It is the public policy of the State of Oklahoma to:
5 1. Recognize and support individuals with disabilities by treating them with
6 dignity and respect as productive members of our society in Oklahoma;
7 2. Acknowledge their contributions as productive and independent citizens in the
8 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 July 1, 2007. 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 seventeen (17) appointed members, eighteen (18) ex officio 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,

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(3) one parent or personal representative of a person with disabilities,

(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,

(3) 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,

(4) two members who are consumers of disability services, and

(5) one member of the State Senate.

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,

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(3) one parent or personal representative of a person with disabilities,

(4) two members who are consumers of disability services, and

(5) one member of the Oklahoma House of Representatives;

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~~ Disability Concerns, or designee,

j. the Director of the Oklahoma Employment Security Commission, or designee,

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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 of 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

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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. The Committee shall be composed of persons serving on the Strategic Planning Committee on the Olmsted Decision, immediately prior to enactment of Enrolled House Bill No. 1253 of the 1st Session of the 50th Oklahoma Legislature.

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 annually establish a schedule of each year's meetings. 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

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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,

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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, 2005, and each July 15 thereafter, and shall submit a final report by July 1, 2007.

SECTION 2. AMENDATORY Section 3, Chapter 337, O.S.L. 2002 (56 O.S. Supp. 2006, Section 1010.23), is amended to read as follows:

Section 1010.23 A. There is hereby created the Oklahoma Pharmacy Connection Council, which shall be composed of twenty (20) members as follows:

1. From the following state agencies:

a. the Director of the Department of Human Services, or designee,

b. the Administrator of the Oklahoma Health Care Authority, or designee,

c. the Commissioner of the State Department of Health, or designee,

d. the Commissioner of the Department of Mental Health and Substance Abuse Services, or designee,

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e. the Commissioner of the Insurance Department, or designee,

f. the Director of the Office of ~~Handicapped~~ Disability Concerns, or designee, and

g. the Director of the State Department of Rehabilitation Services, or designee;

2. Two members who shall each represent one of the following state councils, appointed by the governing body of the respective councils:

a. Oklahoma Council on Aging, and

b. Oklahoma Developmental Disabilities Council;

3. Two members who shall each represent one of the following colleges within the University of Oklahoma, appointed by the deans of the respective colleges:

a. College of Pharmacy, and

b. College of Public Health;

4. Six members, appointed by the governing body of the respective organizations, who shall each represent one of the following statewide organizations or associations composed of:

a. primary care physicians,

b. agencies on aging,

c. pharmacists,

d. allopathic physicians,

e. osteopathic physicians, and

f. volunteer health clinics; and

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5. Three members, appointed by the governing body of the respective organizations, who shall each represent one of the following national organizations, associations or alliance or state chapter of a national organization, association or alliance representing:

a. pharmaceutical researchers and manufacturers,

b. mentally ill persons, and

c. retired persons.

B. 1. The Director of the Department of Human Services shall convene the first meeting of the Oklahoma Pharmacy Connection Council on or before December 1, 2002. The Council shall meet at least quarterly, and may meet more often.

2. The Director of the Department of Human Services, or designee, and the representative of the Oklahoma Pharmacists Association shall serve as cochairs of the Council.

3. The members of the Council shall serve without compensation but may be reimbursed in accordance with the provisions of the State Travel Reimbursement Act.

4. The Department of Human Services shall provide staff support and assistance to the Council. All agencies of the state shall provide the Council with information and assistance upon the request of the Council.

C. The Oklahoma Pharmacy Connection Council shall assist the Department of Human Services and make recommendations regarding the implementation of the Oklahoma Pharmacy Connection Program including, but not limited to:

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1. The feasibility of implementing a computer software program that would link eligible persons with appropriate manufacturer-sponsored prescription drug assistance programs;

2. A review and assessment of pharmaceutical discount or insurance programs;

3. Monitoring and evaluation of the program including, but not limited to:

a. the number of individuals served,

b. length and types of service provided,

c. any other measurable data to assess the effectiveness of the program, and

d. recommendations for improving the program;

4. Additional strategies to improve access to prescription drugs for citizens who have no or inadequate health insurance or other resources for the purchase of prescription drugs; and

5. Coordination with other public and private entities in efforts to assist eligible citizens to obtain needed prescription drugs.

D. On or before December 1 of each year, the Council shall make a report to the Governor, the Speaker of the Oklahoma House of Representatives, the President Pro Tempore of the Oklahoma Senate, and the chairpersons of the appropriate legislative committees as to the progress towards implementation of the program, its effectiveness, and any recommendations for further implementation. A copy of the report shall be posted on the website of the Aging Services Division of the Department of Human Services.

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SECTION 3. AMENDATORY Section 4, Chapter 128, O.S.L. 2004, as amended by Section 14, Chapter 266, O.S.L. 2006 (62 O.S. Supp. 2006, Section 41.5t.2), is amended to read as follows:

Section 41.5t.2 A. There is hereby created, to continue until July 1, 2007, the Electronic and Information Technology Accessibility Advisory Council. The Advisory Council shall study and make recommendations concerning the accessibility for the disabled to publicly produced and provided electronic and information technology and to provide advice and assistance to the Information Services Division of the Office of State Finance on the development of accessibility standards and complaint procedures as provided for in Section 41.5t of this title.

B. The Advisory Council shall be composed of the following members:

1. One member of the House of Representatives, appointed by the Speaker of the House of Representatives;

2. One member of the Senate, appointed by the President Pro Tempore of the Senate;

3. The chair of the Science and Technology Committee of the House of Representatives;

4. The chair of the Aerospace and Technology Committee of the State Senate;

5. The Director of the Office of State Finance, or a designee;

6. The Director of the Department of Central Services, or a designee;

7. The Director of the Oklahoma Department of Rehabilitation Services, or a designee;

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8. The Superintendent of Public Instruction, or a designee;

9. The State Director of the Oklahoma State Department of Career and Technology Education, or a designee;

10. The Director of the Library for the Blind and Physically Handicapped with the Oklahoma Department of Rehabilitation, or a designee;

11. The Director of the Office of ~~Handicapped~~ Disability Concerns, or a designee;

12. A representative of OneNet, the state telecommunications network within the Oklahoma State Regents for Higher Education;

13. The Project Manager for Oklahoma Able Tech, the state assistive technology project located at Oklahoma State University;

14. A representative of state agency web managers appointed by the Governor from a list submitted by a state agency web manager group;

15. A representative of an association representing education technology administrators appointed by the Speaker of the House of Representatives;

16. A representative of an association of distance learning education professionals appointed by the President Pro Tempore of the Senate;

17. Two representatives of corporations or vendors of information or electronic technology hardware or software who are knowledgeable or have experience in the field of assistive technology appointed by the Governor;

18. A representative of a corporation or vendor specializing in assistive technology appointed by the Governor; and

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19. Four representatives who are individuals with a disability, one who is blind or visually impaired, one who is deaf or hard of hearing, one with a mobility disability, and one with a cognitive disability and all of whom are users of information or electronic technology appointed by the Governor.

C. Members who were serving on the Electronic and Information Technology Accessibility Task Force as of July 1, 2004, shall automatically be appointed to serve on the Electronic and Information Technology Accessibility Advisory Council after July 1, 2004.

D. The Advisory Council shall:

1. Make recommendation on action, including legislative action, needed to ensure that all electronic and information technology produced, procured, or developed by state agencies are accessible to the disabled;

2. Identify disability accessibility standards that are emerging or fully adopted by national standard organizations;

3. Review and make recommendations on disability accessibility initiatives and legislation undertaken in other states; and

4. Provide advice and assistance to the Information Services Division of the Office of State Finance and the Department of Central Services on the development of accessibility standards and complaint procedures as provided for in Section 41.5t of this title.

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E. The Speaker of the House of Representatives and the President Pro Tempore of the Senate shall each designate a cochair from among the members of the Advisory Council.

F. A majority of the members of the Advisory Council shall constitute a quorum. A majority of the members present at a meeting may act for the Advisory Council.

G. Meetings of the Advisory Council shall be called by either cochair.

H. Proceedings of all meetings of the Advisory Council shall comply with the provisions of the Oklahoma Open Meeting Act.

I. The Advisory Council may divide into subcommittees in furtherance of its purpose.

J. Staff of the Oklahoma Able Tech, the state assistive technology project located at Oklahoma State University, shall serve as primary staff for the Advisory Council. Appropriate personnel from the Office of State Finance and the Department of Central Services shall also assist with the work of the Advisory Council.

K. The Advisory Council may use the expertise and services of the staffs of the Oklahoma House of Representatives and State Senate and may, as necessary, seek the advice and services of experts in the field as well as other necessary professional and clerical staff.

L. All departments, officers, agencies, and employees of this state shall cooperate with the Advisory Council in fulfilling its duties and responsibilities including, but not limited to, providing any information, records, or reports requested by the Advisory Council.

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M. Members of the Advisory Council shall receive no compensation for their service, but shall receive travel reimbursement as follows:

1. Legislative members of the Advisory Council 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 Advisory Council 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.

SECTION 4. AMENDATORY 74 O.S. 2001, Section 9.21, is amended to read as follows:

Section 9.21 There is hereby established an agency of the executive branch of state government to be known as the Office of ~~Handicapped~~ <u>Disability</u> Concerns.

SECTION 5. AMENDATORY 74 O.S. 2001, Section 9.22, is amended to read as follows:

Section 9.22 The Office of ~~Handicapped~~ <u>Disability</u> Concerns shall have the following powers and duties:

1. To identify the needs of people with disabilities on a continuing basis and to attempt to meet those needs;

2. To serve as a referral and information source for people with disabilities seeking services and for agencies seeking assistance in their provision of services;

3. To generate community awareness and support of programs for people with disabilities;

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4. To advise and assist the Governor and the Legislature in developing policies to meet the needs of people with disabilities; and

5. To assist agencies in meeting the requirements of Public Law 93-112, and subsequent amendments thereto, as the same pertain to people with disabilities.

SECTION 6. AMENDATORY 74 O.S. 2001, Section 9.23, is amended to read as follows:

Section 9.23 A. The Office of ~~Handicapped~~ Disability Concerns shall be administered by a Director who shall be appointed by the Governor and serve at the pleasure of the Governor. Such appointment shall be subject to Senate confirmation within thirty (30) days after the appointment or the convening of the next legislative session, if the Legislature is not in session on the date of appointment.

B. The Director shall and is hereby authorized to appoint and fix the duties and compensation of employees, not otherwise prescribed by law, and otherwise direct the work of the staff in performing the functions and accomplishing the purposes of the Office of ~~Handicapped~~ Disability Concerns.

SECTION 7. AMENDATORY 74 O.S. 2001, Section 9.24, is amended to read as follows:

Section 9.24 The Office of ~~Handicapped~~ Disability Concerns shall be responsible for the following duties:

1. To carry out the responsibilities of the Governor's Advisory Committee on Employment of People with Disabilities;

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2. To provide referral assistance, continuing needs assessment and to advise and assist private and public agencies in statewide policy development concerning people with disabilities; and

3. To implement the provisions of Public Law 93-112, and subsequent amendments thereto, as such pertain to people with disabilities.

SECTION 8. AMENDATORY 74 O.S. 2001, Section 9.25, is amended to read as follows:

Section 9.25 The Office of ~~Handicapped~~ Disability Concerns shall be assisted by the Governor's Advisory Committee on Employment of People with Disabilities and the Governor's Advisory Committee to the Office of ~~Handicapped~~ Disability Concerns.

SECTION 9. AMENDATORY 74 O.S. 2001, Section 9.26, is amended to read as follows:

Section 9.26 The Governor's Advisory Committee to the Office of ~~Handicapped~~ Disability Concerns shall be composed of forty (40) members who shall be appointed by the Governor. Such members shall serve at the pleasure of the Governor. Twenty of such members shall be people with disabilities or the parents of people with disabilities. All members of the Committee traveling on authorized state business may be reimbursed for expenses incurred in such travel in accordance with the State Travel Reimbursement Act, Section 500.1 et seq. of this title.

SECTION 10. AMENDATORY 74 O.S. 2001, Section 9.27, is amended to read as follows:

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Section 9.27 The Office of ~~Handicapped~~ Disability Concerns is hereby authorized to make necessary rules and regulations to carry out the provisions of this act.

SECTION 11. AMENDATORY 74 O.S. 2001, Section 9.28, is amended to read as follows:

Section 9.28 All the powers, duties, functions, records, employees, property, matters pending and funds of the Governor's Advisory Committee on Employment of People with Disabilities are hereby transferred to the Office of ~~Handicapped~~ Disability Concerns.

SECTION 12. AMENDATORY 74 O.S. 2001, Section 9.29, is amended to read as follows:

Section 9.29 There is hereby created within the Office of ~~Handicapped~~ Disability Concerns a division for "The Governor's Advisory Committee on Employment of People with Disabilities".

SECTION 13. AMENDATORY 74 O.S. 2001, Section 9.33, is amended to read as follows:

Section 9.33 There is created in the State Treasury a revolving fund for the Office of ~~Handicapped~~ Disability Concerns to be designated as the "Office of ~~Handicapped~~ Disability Concerns Revolving Fund". The fund shall be a continuing fund, not subject to fiscal year limitations, and shall consist of all nonfederal monies received by the Office of ~~Handicapped~~ Disability Concerns, including receipts, from any state agency or institution, gifts, contributions, donations and bequests. All monies accruing to the credit of said fund are hereby appropriated and may be budgeted and expended by the

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Office of ~~Handicapped~~ Disability Concerns to perform duties as prescribed by law. Expenditures from said 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 14. AMENDATORY 74 O.S. 2001, Section 9.34, is amended to read as follows:

Section 9.34 The Office of ~~Handicapped~~ Disability Concerns shall accept, hold in trust, and authorize the use of any grant or devise of land, or any donations or bequests of money or other personal property made to the Office so long as the terms of the grant, donation, bequest or will are carried out. The Office may invest and reinvest any funds and money, lease, or sell any real or personal property, and invest the proceeds for the purpose of promoting the well-being of people with disabilities unless prohibited by the terms of the grant, donation, bequest, gift, or will. If, due to circumstances, the requests of the person or persons making the grant, donation, bequest, gift, or will cannot be carried out, the Office shall have the authority to use the remainder thereof for the purposes of this act. Said funds shall be deposited to the revolving fund to carry out the provisions of this act. Such gifts, donations, bequests, or grants shall be exempt for tax purposes. The Office shall report annually to the Governor all monies and properties received and expended by virtue of this section.

SECTION 15. This act shall become effective November 1, 2007.

COMMITTEE REPORT BY: COMMITTEE ON HUMAN SERVICES, dated 02-15-07 - DO PASS, As Coauthored.

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