

1 STATE OF OKLAHOMA

2 1st Session of the 51st Legislature (2007)

3 HOUSE BILL 1933

By: Steele

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5  
6 AS INTRODUCED

7 An Act relating to persons with disabilities;  
8 amending Section 6, Chapter 434, O.S.L. 2005, as  
9 amended by Section 1, Chapter 296, O.S.L. 2006 (56  
10 O.S. Supp. 2006, Section 198.11b), which relates to  
11 the Strategic Planning Committee on the Olmstead  
12 Decision; extending effective date of committee;  
13 adding to duties of the committee; directing the  
14 Commission for Rehabilitation Services to establish  
15 an Office of Ombudsman for Persons with Disabilities;  
16 providing for qualifications for Chief Administrative  
17 Officer; providing for powers and duties; authorizing  
18 Office to conduct certain program and to pursue  
19 certain legal and administrative remedies; providing  
20 for transfer of Office of Handicapped Concerns to  
21 Office of Ombudsman for Persons with Disabilities on  
22 certain date; transferring all administrative rules  
23 on certain date from Office of Handicapped Concerns  
24 to State Department of Rehabilitation Services for  
certain purpose; directing Secretary of State to make  
rule transfer official; allowing for future  
amendments to transferred rules; amending 74 O.S.  
2001, Section 9.31, which relates to the membership  
of the Governor's Advisory Committee on Employment of  
People with Disabilities; stating purpose of  
committee; repealing 74 O.S. 2001, Sections 9.21,  
9.22, 9.23, 9.24, 9.25, 9.26, 9.27, 9.27A, 9.28,  
9.29, 9.30, 9.33, 9.34 and 9.35, which relate to the  
Office of Handicapped Concerns; providing for  
codification; providing for recodification; providing  
an effective date; and declaring an emergency.

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

2 SECTION 1. AMENDATORY Section 6, Chapter 434, O.S.L.  
3 2005, as amended by Section 1, Chapter 296, O.S.L. 2006 (56 O.S.  
4 Supp. 2006, Section 198.11b), is amended to read as follows:

5 Section 198.11b A. It is the public policy of the State of  
6 Oklahoma to:

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

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

13 3. Support a service delivery system for individuals with  
14 disabilities ensuring that the individuals, their families, or  
15 guardians are well informed as to the types of services and  
16 resources available to such individuals in order to encourage their  
17 independence, self-esteem, and self-worth, regardless of the  
18 severity of the disability; and

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

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1 or service that benefits the needs and well-being of individuals  
2 with disabilities.

3 B. There is hereby created the Strategic Planning Committee on  
4 the Olmstead Decision to continue until July 1, ~~2007~~ 2010. The  
5 purpose of the Committee is to develop a comprehensive, strategic  
6 ~~plan of implementation~~ for the State of Oklahoma regarding the  
7 Olmstead Decision and to monitor and assist with the implementation  
8 of the plan.

9 C. The Strategic Planning Committee on the Olmstead Decision  
10 shall be composed of seventeen (17) appointed members, eighteen (18)  
11 ex officio members, and representatives from disability-related  
12 organizations, all of whom shall be voting members, as follows:

13 1. a. The Governor shall appoint:

14 (1) one person who is a community placement service  
15 provider for persons with disabilities,

16 (2) one person who is an advocate for persons with  
17 disabilities,

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

20 (4) one member from an organization that provides  
21 direct care services within the Advantage Waiver  
22 Program, and

23 (5) one member who is a consumer of disability  
24 services.

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

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

4                   (2)   one member of the State Senate who is a member of  
5                               the Appropriations Subcommittee on Health and  
6                               Human Services,

7                   (3)   a representative of a nonprofit agency, in a  
8                               city of five hundred thousand (500,000) or more  
9                               population, that collaborates on programs and  
10                              services for persons with disabilities,

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

13                   (5)   one member of the State Senate.

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

16                   (1)   one member of the House of Representatives who is  
17                               a member of the Human Services Committee,

18                   (2)   one member of the House of Representatives who is  
19                               a member of the Mental Health Committee,

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

22                   (4)   two members who are consumers of disability  
23                              services, and  
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1 (5) one member of the Oklahoma House of  
2 Representatives;

3 2. The ex officio voting members shall be:

- 4 a. the Attorney General, or designee,  
5 b. the Director of the Department of Human Services, or  
6 designee,  
7 c. the Division Director of the Developmental  
8 Disabilities Division of the Department of Human  
9 Services, if not the designee of the Director of Human  
10 Services,  
11 d. the State Commissioner of Health, or designee,  
12 e. the Commissioner of the Department of Mental Health  
13 and Substance Abuse Services, or designee,  
14 f. the Administrator of the Oklahoma Health Care  
15 Authority, or designee,  
16 g. the Director of the Office of State Finance, or  
17 designee,  
18 h. the Director of the State Department of Rehabilitation  
19 Services, or designee,  
20 i. the Director of the Office of Handicapped Concerns, or  
21 designee,  
22 j. the Director of the Oklahoma Employment Security  
23 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
- 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.~~ 3. The President Pro Tempore and the Speaker shall each designate a cochair from among the members of the Committee.

~~5.~~ 4. 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.~~ 5. Proceedings of all meetings of the Committee shall comply with the provisions of the Oklahoma Open Meeting Act.

~~7.~~ 6. The Committee may divide into subcommittees in furtherance of its purpose.

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

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

12 F. All departments, officers, agencies, and employees of this  
13 state shall cooperate with the Committee in fulfilling its duties  
14 and responsibilities including, but not limited to, providing any  
15 information, records, or reports requested by the Committee.

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

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

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

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

- 6 a. developing a comprehensive, strategic plan for  
7 Oklahomans with disabilities, pursuant to the Olmstead  
8 Decision,
- 9 b. reviewing ~~Oklahoma's~~ the service delivery system  
10 within the state and the way in which persons with  
11 disabilities currently access the services,
- 12 c. reviewing existing statutes, policies, programs,  
13 services and funding sources that affect Oklahomans  
14 with disabilities, including, but not limited to,  
15 identifying unique approaches and strategies to  
16 funding,
- 17 d. identifying and reviewing funding and resource  
18 information available to persons with disabilities and  
19 their families in this state,
- 20 e. identifying gaps and barriers in programs and services  
21 to individuals with disabilities and making any  
22 recommendations to enhance programs and the delivery  
23 system for persons with disabilities in Oklahoma, and

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- 1           f. examining the feasibility of expanding the eligibility  
2           criteria of people served by the Developmental  
3           Disabilities Services Division of the Department of  
4           Human Services to include people with disabilities who  
5           are not eligible for the advantage waiver program  
6           through the Division of Aging and those with other  
7           diagnoses who are at risk of out-of-home placement,  
8           g. assisting in the implementation of the strategic plan  
9           by providing technical assistance to individuals and  
10           entities within the service delivery system for  
11           persons with disabilities,  
12           h. monitoring the progress of the state in implementing  
13           provisions of the strategic plan, and  
14           i. taking all other actions necessary to develop and  
15           assist with the implementation of the comprehensive  
16           strategic plan.

17           I. The Committee shall prepare and submit a report of its  
18 findings and recommendations to the Legislature and Governor by July  
19 15, ~~2005~~ 2007, and each July 15 thereafter, and shall submit a final  
20 report by July 1, ~~2007~~ 2010.

21           SECTION 2.           NEW LAW           A new section of law to be codified  
22 in the Oklahoma Statutes as Section 166.12 of Title 74, unless there  
23 is created a duplication in numbering, reads as follows:  
24

1 A. The Commission for Rehabilitation Services is directed to  
2 establish an Office of Ombudsman for Persons with Disabilities and  
3 to employ personnel as may be necessary to carry out the purposes of  
4 this act.

5 B. The Chief Administrative Officer of the Office of Ombudsman  
6 for Persons with Disabilities shall have a minimum of five (5) years  
7 of experience developing and implementing policies that assist  
8 persons with disabilities. The Chief Administrative Officer shall  
9 report to the Commission and be supervised by the Commission.

10 C. The Office of Ombudsman for Persons with Disabilities shall  
11 have the following powers and duties:

12 1. To serve as a referral and information source for people  
13 with disabilities seeking services;

14 2. To generate community awareness and support for programs  
15 that assist persons with disabilities;

16 3. To advise and assist private and public entities in the  
17 development of policies affecting persons with disabilities;

18 4. To provide staff assistance to the Governor's Advisory  
19 Committee on Employment of People with Disabilities; and

20 5. To assist, as applicable, in the implementation of any  
21 federal or state statute pertaining to persons with disabilities.

22 SECTION 3. NEW LAW A new section of law to be codified  
23 in the Oklahoma Statutes as Section 166.13 of Title 74, unless there  
24 is created a duplication in numbering, reads as follows:

1 The Office of Ombudsman for Persons with Disabilities is  
2 authorized to conduct the Client Assistance Program for the State of  
3 Oklahoma pursuant to 29 U.S.C.A., Section 732 provided, federal  
4 funding is available for the program. The Office of Ombudsman is  
5 authorized to pursue legal and administrative remedies necessary to  
6 conduct the program.

7 SECTION 4. NEW LAW A new section of law to be codified  
8 in the Oklahoma Statutes as Section 166.14 of Title 74, unless there  
9 is created a duplication in numbering, reads as follows:

10 A. Effective July 1, 2007, the Office of Handicapped Concerns  
11 is hereby transferred to the Office of Ombudsman for Persons with  
12 Disabilities within the State Department of Rehabilitation Services  
13 created pursuant to Section 2 of this act.

14 B. The transfer shall include all powers, duties,  
15 responsibilities, properties, assets, fund balances, encumbrances,  
16 obligations, records, personnel and liabilities including, but not  
17 limited to, liability for all Office of Handicapped Concerns  
18 employees' sick leave, annual leave, holidays, unemployment benefits  
19 and workers' compensation benefits accruing to employees prior to  
20 July 1, 2007, which are attributable to the Office of Handicapped  
21 Concerns.

22 SECTION 5. NEW LAW A new section of law to be codified  
23 in the Oklahoma Statutes as Section 166.15 of Title 74, unless there  
24 is created a duplication in numbering, reads as follows:

1 Effective July 1, 2007, all administrative rules promulgated by  
2 the Office of Handicapped Concerns relating to the client assistance  
3 program shall be transferred to and become a part of the  
4 administrative rules of the State Department of Rehabilitation  
5 Services. The Office of Administrative Rules in the Secretary of  
6 State's office shall provide adequate notice in the Oklahoma  
7 Register of the transfer of such rules, and shall place the  
8 transferred rules under the Administrative Code section of the State  
9 Department of Rehabilitation Services. The rules shall continue in  
10 force and effect as rules of the State Department of Rehabilitation  
11 Services from and after July 1, 2007, and any amendment, repeal or  
12 addition to the transferred rules shall be under the jurisdiction of  
13 the Commission for Rehabilitation Services.

14 SECTION 6. AMENDATORY 74 O.S. 2001, Section 9.31, is  
15 amended to read as follows:

16 Section 9.31 A. The purpose of the Governor's Advisory  
17 Committee on Employment of People with Disabilities is to promote  
18 the employment of persons with disabilities by creating statewide  
19 interest in the rehabilitation and employment of persons with  
20 disabilities, and by obtaining and maintaining cooperation with  
21 representatives in the public and private sectors.

22 B. The Governor's Advisory Committee on Employment of People  
23 with Disabilities shall consist of not more than seventy-five (75)  
24 members composed of state leaders of industry, business,

1 agriculture, labor, veterans, women, religious, educational, civic,  
2 fraternal, welfare, scientific, and medical and other professions,  
3 groups or individuals who shall be appointed by the Governor for a  
4 term of two (2), four (4) or six (6) years. Vacancies on the  
5 Committee shall be filled by the Governor. All members of the  
6 Committee traveling on authorized state business may be reimbursed  
7 for expenses incurred in such travel in accordance with the State  
8 Travel Reimbursement Act.

9 SECTION 7. REPEALER 74 O.S. 2001, Sections 9.21, 9.22,  
10 9.23, 9.24, 9.25, 9.26, 9.27, 9.27A, 9.28, 9.29, 9.30, 9.33, 9.34  
11 and 9.35, are hereby repealed.

12 SECTION 8. RECODIFICATION 74 O.S. 2001, Section 9.31, as  
13 amended by Section 6 of this act, shall be recodified as Section  
14 166.16 of Title 74 of the Oklahoma Statutes, unless there is created  
15 a duplication in numbering.

16 SECTION 9. RECODIFICATION 74 O.S. 2001, Section 9.32,  
17 shall be recodified as Section 166.17 of Title 74 of the Oklahoma  
18 Statutes, unless there is created a duplication in numbering.

19 SECTION 10. This act shall become effective July 1, 2007.

20 SECTION 11. It being immediately necessary for the preservation  
21 of the public peace, health and safety, an emergency is hereby  
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1 declared to exist, by reason whereof this act shall take effect and  
2 be in full force from and after its passage and approval.

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