

STATE OF OKLAHOMA

1st Session of the 56th Legislature (2017)

COMMITTEE SUBSTITUTE
FOR ENGROSSED
HOUSE BILL NO. 1210

By: Griffith and Stone of the
House

and

Griffin of the Senate

COMMITTEE SUBSTITUTE

An Act relating to disabilities; amending 56 O.S. 2011, Section 198.11b, as amended by Section 233, Chapter 304, O.S.L. 2012 (56 O.S. Supp. 2016, Section 198.11b), which relates to the Strategic Planning Committee on the Olmstead Decision; re-creating the Committee and extending term until certain date; deleting certain reimbursement; requiring Committee to submit reports by certain dates; providing an effective date; and declaring an emergency.

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

SECTION 1. AMENDATORY 56 O.S. 2011, Section 198.11b, as amended by Section 233, Chapter 304, O.S.L. 2012 (56 O.S. Supp. 2016, Section 198.11b), is amended to read as follows:

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

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

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

7 3. Support a service delivery system for individuals with
8 disabilities ensuring that the individuals, their families, or
9 guardians are well informed as to the types of services and
10 resources available to such individuals in order to encourage their
11 independence, self-esteem, and self-worth, regardless of the
12 severity of the disability; and

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

20 B. There is hereby ~~created~~ re-created the Strategic Planning
21 Committee on the Olmstead Decision to continue until July 1, ~~2010~~
22 2020. The purpose of the Committee is to monitor the implementation
23 of the comprehensive, strategic plan for the State of Oklahoma
24 regarding the Olmstead Decision.

1 C. The Strategic Planning Committee on the Olmstead Decision
2 shall be composed of fifteen (15) appointed members, eighteen (18)
3 ex officio members, and representatives from disability-related
4 organizations, all of whom shall be voting members, as follows:

5 1. a. The Governor shall appoint:

- 6 (1) one person who is a community placement service
7 provider for persons with disabilities,
8 (2) one person who is an advocate for persons with
9 disabilities,
10 (3) one parent or personal representative of a person
11 with disabilities,
12 (4) one member from an organization that provides
13 direct care services within the Advantage Waiver
14 Program, and
15 (5) one member who is a consumer of disability
16 services.

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

- 18 (1) two members of the State Senate,
19 (2) two members who are consumers of disability
20 services, and
21 (3) one member with a disability who has moved from
22 an institutional setting into the community.

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

- (1) two members of the House of Representatives,
- (2) one parent or personal representative of a person with disabilities,
- (3) one member who is a consumer of disability services, and
- (4) one member with a disability who has moved from an institutional setting into the community;

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 Management and Enterprise Services, or designee,
- h. the Director of the State Department of Rehabilitation Services, or designee,

- i. the Director of the Office of Disability 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 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 shall also include as voting members:

- a. one representative from the Developmental Disabilities Council,
- b. one representative from the Statewide Independent Living Council,
- c. two representatives from the Centers for Independent Living,
- d. one representative from the Center for Learning and Leadership,
- e. one representative from the Oklahoma Disability Law Center,
- f. one representative from ABLE-Tech,
- g. one representative from the Oklahoma Mental Health Consumer Council, and
- h. a representative of a nonprofit agency, in a county of five hundred thousand (500,000) or more population, that collaborates on programs and services for persons with disabilities.

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. 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.

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

3 4. The cochairs of the Committee shall annually establish a
4 schedule of each year's meetings. The Committee shall meet at least
5 four times annually.

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

8 6. The Committee may divide into subcommittees in furtherance
9 of its purpose.

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

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

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

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

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

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

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

14 a. ~~monitoring~~

15 1. Monitoring the implementation of the comprehensive,
16 strategic plan for Oklahomans with disabilities, pursuant to the
17 Olmstead Decision~~;~~;

18 b. ~~reviewing~~

19 2. Reviewing the service delivery system within the state and
20 the way in which persons with disabilities currently access the
21 services~~;~~;

22 c. ~~reviewing~~

23 3. Reviewing existing statutes, policies, programs, services
24 and funding sources that affect Oklahomans with disabilities,

1 including, but not limited to, identifying unique approaches and
2 strategies to funding~~τ~~i;

3 ~~d. identifying~~

4 4. Identifying and reviewing funding and resource information
5 available to persons with disabilities and their families in this
6 state~~τ~~i;

7 ~~e. identifying~~

8 5. Identifying gaps and barriers in programs and services to
9 individuals with disabilities and making any recommendations to
10 enhance programs and the delivery system for persons with
11 disabilities in Oklahoma~~τ~~i;

12 ~~f. examining~~

13 6. Examining the feasibility of expanding the eligibility
14 criteria for people served by the Developmental Disabilities
15 Services Division of the Department of Human Services to include
16 people with disabilities who are not eligible for the Advantage
17 Waiver program through the Aging Services Division and those with
18 other diagnoses who are at risk of out-of-home placement~~τ~~i;

19 ~~g. studying~~

20 7. Studying the feasibility and impact of requiring that
21 assistive technology suppliers in this state meet national
22 certification requirements~~τ~~i and

23 ~~h. taking~~

1 8. Taking all other actions necessary to monitor and assist
2 with the implementation of the comprehensive strategic plan.

3 ~~F.~~ H. The Committee shall prepare and submit a report of its
4 findings and recommendations to the Legislature and Governor by July
5 15, ~~2007~~ 2018, and each July 15 thereafter, and shall submit a final
6 report by July 1, ~~2010~~ 2020.

7 SECTION 2. This act shall become effective July 1, 2017.

8 SECTION 3. It being immediately necessary for the preservation
9 of the public peace, health or safety, an emergency is hereby
10 declared to exist, by reason whereof this act shall take effect and
11 be in full force from and after its passage and approval.

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