

1 **HOUSE OF REPRESENTATIVES - FLOOR VERSION**

2 STATE OF OKLAHOMA

3 1st Session of the 57th Legislature (2019)

4 ENGROSSED SENATE
5 BILL NO. 75

By: Simpson of the Senate

and

Townley of the House

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9 An Act relating to the State Department of
10 Rehabilitation Services; amending 7 O.S. 2011,
11 Section 8, which relates to special library services
12 to blind and physically handicapped persons; updating
13 term; deleting omitted cite; deleting certain
14 requirement; amending 7 O.S. 2011, Section 71, which
15 relates to activities to promote business
16 opportunities; updating term; amending 62 O.S. 2011,
17 Section 34.77, as amended by Section 398, Chapter
18 304, O.S.L. 2012 (62 O.S. Supp. 2018, Section 34.77),
19 which relates to rehabilitation services encumbrance
20 and preaudit claim settlement system; updating term;
21 amending 63 O.S. 2011, Section 2701, which relates to
22 public policy; updating terms; amending 63 O.S. 2011,
23 Section 2702, which relates to immunity; updating
24 term; amending 74 O.S. 2011, Section 3001, as last
 amended by Section 117, Chapter 15, O.S.L. 2013 (74
 O.S. Supp. 2018, Section 3001), which relates to the
 State Use Committee; updating term; and providing an
 effective date.

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

SECTION 1. AMENDATORY 7 O.S. 2011, Section 8, is amended
to read as follows:

1 Section 8. ~~(a) See Title 74, State Officers and Employees,~~
2 ~~Section 285(23) note.~~

3 ~~(b)~~ A. The state plan for library services shall be amended in
4 accordance with the Federal Library Services and Construction Act
5 and applicable regulations to reflect the authority and duty of the
6 ~~Section of Services to the Blind (Visual Services) of the Commission~~
7 ~~for Rehabilitation Services~~ Division of Services for the Blind and
8 Visually Impaired of the State Department of Rehabilitation Services
9 to provide special library services, including braille and recorded
10 books, to blind and visually handicapped persons as provided by
11 state law.

12 ~~(c)~~ B. Special library services for blind and physically
13 handicapped adults, children, and students shall be provided by the
14 ~~Section of Services to the Blind (Visual Services) of the Commission~~
15 ~~for Rehabilitation Services~~ Division of Services for the Blind and
16 Visually Impaired of the Department in accordance with the Federal
17 Library Services and Construction Act, as amended, and applicable
18 federal regulations relating thereto; and consistent with applicable
19 statutes and regulations. ~~The library standards of the National~~
20 ~~Accreditation Council for Agencies Serving the Blind and Visually~~
21 ~~Handicapped shall be observed and followed in providing such special~~
22 ~~library services.~~ The Commission for Rehabilitation Services shall,
23 within the availability of state funds, annually make available for
24 such special library services sufficient funds to earn the maximum

1 available federal funds under the Federal Library Services and
2 Construction Act and appropriations made in pursuance thereof by
3 Congress.

4 ~~(d)~~ C. All federal requirements for interlibrary cooperation
5 and consultation shall be observed and entitlement of the Department
6 of Libraries to receive federal funds for library services or
7 construction shall not be impaired by any state law prescribing the
8 duties, responsibilities and functions of the ~~Section of Services to~~
9 ~~the Blind (Visual Services)~~ Division of Services for the Blind and
10 Visually Impaired of the Department.

11 SECTION 2. AMENDATORY 7 O.S. 2011, Section 71, is
12 amended to read as follows:

13 Section 71. A. For purposes of assisting blind persons to
14 become self-supporting, the State Department of Rehabilitation
15 Services is hereby authorized to carry on activities to promote
16 business opportunities for individuals who are blind, including, but
17 not limited to, the licensing and establishment of such persons as
18 operators of vending facilities in public and other buildings.
19 Facilities shall maximize job opportunities for other persons who
20 are blind.

21 B. The Department shall be the sole state licensing agency for
22 the purpose of implementing and carrying out the provisions of the
23 Act of Congress known as the Randolph-Sheppard Act (20 USCA Sections
24 107-107f), and amendments thereto, providing for the licensing of

1 individuals who are blind to operate vending facilities in federal
2 buildings, or any other Acts of Congress which may be hereafter
3 enacted. Provided, that no game of chance or gambling machine shall
4 be operated. The Division of ~~Visual~~ Services for the Blind and
5 Visually Impaired of the Department shall administer this program.

6 SECTION 3. AMENDATORY 62 O.S. 2011, Section 34.77, as
7 amended by Section 398, Chapter 304, O.S.L. 2012 (62 O.S. Supp.
8 2018, Section 34.77), is amended to read as follows:

9 Section 34.77. A. The State Department of Rehabilitation
10 Services is authorized to establish an encumbrance and preaudit
11 system for settlement of claims relating to social service benefits
12 and medical benefits to or for persons eligible under applicable
13 federal laws and regulations, Oklahoma Statutes, and policies
14 established by the Commission for Rehabilitation Services for the
15 following programs:

- 16 1. Vocational and other rehabilitation;
- 17 2. Educational services;
- 18 3. Disability Determination Services; and
- 19 4. ~~Visual~~ Services for the Blind and Visually Impaired.

20 B. Prior to inclusion in this procedure, the State Department
21 of Rehabilitation Services shall provide to the Director of the
22 Office of Management and Enterprise Services, for approval, detailed
23 listings of the type of payments to be made for each of these
24 programs specified in subsection A of this section.

1 C. The State Department of Rehabilitation Services shall
2 provide the Director of the Office of Management and Enterprise
3 Services a daily report of the dollar amount of claims settled and
4 checks or warrants issued, the dollar amount of checks or warrants
5 canceled, and the dollar amount of checks or warrants canceled by
6 statutes.

7 SECTION 4. AMENDATORY 63 O.S. 2011, Section 2701, is
8 amended to read as follows:

9 Section 2701. It is declared to be the public policy of this
10 state, in order to safeguard the public health, safety and welfare,
11 to encourage certain knowledgeable persons to make written report to
12 the Division of ~~Visual~~ Services for the Blind and Visually Impaired
13 of the State Department of Rehabilitation Services as to individuals
14 suffering from blindness or serious visual impairment so that ~~said~~
15 the Division of ~~Visual Services~~ may inform them as to rehabilitative
16 education and training programs of the state.

17 SECTION 5. AMENDATORY 63 O.S. 2011, Section 2702, is
18 amended to read as follows:

19 Section 2702. Any licensed surgeon, medical doctor, osteopathic
20 physician, optometrist, dentist, intern or registered nurse who,
21 from attending or examining an individual, concludes that such
22 individual is blind or visually impaired to a material and
23 uncorrected extent, and in good faith participates in the making of
24 written report of said conclusion to the Division of ~~Visual~~

1 ~~Services,~~ Services for the Blind and Visually Impaired of the State
2 Department of Rehabilitation Services, shall have immunity from
3 liability, civil and criminal, for so reporting.

4 SECTION 6. AMENDATORY 74 O.S. 2011, Section 3001, as
5 last amended by Section 117, Chapter 15, O.S.L. 2013 (74 O.S. Supp.
6 2018, Section 3001), is amended to read as follows:

7 Section 3001. A. There is hereby created in the Office of
8 Management and Enterprise Services a committee to be known as the
9 "State Use Committee". The Committee shall consist of seven (7)
10 members and one nonvoting member as follows:

11 1. A private citizen conversant with the employment needs of
12 people with severe disabilities who shall be appointed by and serve
13 at the pleasure of the Governor to act as an advocate for the
14 employment needs of people with severe disabilities;

15 2. The Director of the Office of Management and Enterprise
16 Services or designee;

17 3. The Director of ~~Visual Services~~ the Division of Services for
18 the Blind and Visually Impaired of the State Department of
19 Rehabilitation Services, or designee;

20 4. The past president of Oklahoma Community-Based Providers or
21 designee to serve for a one-year period, who may be reappointed by
22 the succeeding president;

23 5. An individual or a parent or guardian of an individual with
24 severe disabilities who participates in vocational programming

1 through a sheltered environment facility, to be selected by the
2 Committee;

3 6. The Director of Human Services, or designee;

4 7. A certified procurement officer from any state agency
5 appointed by the State Purchasing Director, selected to represent
6 the customer agencies of the State of Oklahoma; and

7 8. As a nonvoting member, a person employed by the Office of
8 Management and Enterprise Services as a contracting officer in the
9 purchasing division, appointed by the State Purchasing Director with
10 the advice of the Committee and designated specifically to solicit,
11 develop, and negotiate contracts with agencies and individuals.

12 B. The Committee shall elect from among its membership a Chair
13 and a Vice Chair who shall both serve for a period of one (1) year.

14 C. The private citizen on the Committee shall serve for a
15 period of two (2) years and may be reappointed by the appointing
16 authority. Any private citizen appointed pursuant to this section
17 to fill a vacancy occurring prior to the expiration of the term for
18 which the predecessor was appointed shall be appointed only for the
19 remainder of the term.

20 D. Any member of the Committee shall be prohibited from voting
21 on any issue in which the member has an interest.

22 SECTION 7. This act shall become effective November 1, 2019.

23 COMMITTEE REPORT BY: COMMITTEE ON CHILDREN, YOUTH AND FAMILY
24 SERVICES, dated 03/27/2019 - DO PASS.