February, 2019 DRS Legislative Report

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We have completed review of the 2,818 bills for the 2019 session. Of these there are 1,200 on our tracking list, but 636 are shell bills (no substantive language). Major topics for this year are again education and teacher pay raises, guns, marijuana and opioid regulation, and government reform.

On government reform, Pro Tem Treat has filed a series of bills allowing the Governor to appoint the top ten agency directors (we are 18 by state appropriations). Rep. McCall has bills to change the top ten boards to advisory boards appointed by the governor and the legislature. Like last year, Sen. Julie Daniels, filed SB 270, which permits the governor, Speaker and Pro Tem to remove any of their appointed officer or appointments on any agency, board or commission. And a new bill, SB0630, by Sen. Brent Howard, R-Altus, that requires the Governor, elected and nonelected state officers, and any appointed member of a state board or commission to be liable and subject to impeachment for willful neglect of duty, corruption in office, habitual drunkenness, incompetency, or any offense involving moral turpitude committed while in office.

Of the remaining 567 bills, there are 13 we have identified of particular interest to the agency on our Watch List. Our request bills are on the list (SB 75,76, 77, and 95), along with a number of bills making us a part of various studies (HB1979(TBI), HB2136 (United We Ride counsel), and SB154 (LEAD K, deaf education). The remaining bills are of greater concern.

Both of Sen Standridge's bills would make changes to the Workforce system and the agencies involved with it. SB 174 and its companion 175 would create an office of Workforce Development and consolidate most of the workforce board agencies and programs under it. It is unclear if we would be included or exempted.

Sen Dahm's bill, SB 329, prohibits an agency subject to a federal rule or regulation from following, interpreting or abiding by any requirements of the rule or regulation if disapproved by the Legislature. This could jeopardize our federal funding.

Finally, SB0913, by Sen. Kay Floyd, makes major changes to the Oklahoma Personnel Act. While we do not necessarily see any issues, the scope of the bill makes it one we will need to watch.

The next legislative deadline is February 28 to report out Senate bills from Senate committees.

**Active Bills; In tracking list 'Watch List'**

***HB1979*,** by Rep. Trish Ranson, D-Stillwater, requires a traumatic brain injury (TBI) information packet to be given to the family of the TBI survivor in rehabilitation. It creates the TBI Advisory Council. It requires the advisory council to consist of an executive director, a representative of the Oklahoma Intercollegiate Legislature, a representative of the Brain Injury Association of Oklahoma, an individual representing veterans, a representative of the State Department of Rehabilitation Services, a state representative or senator, a doctor who provides rehabilitative services, a family advocate and a special education teacher. It provides for the purpose of the council. It requires every survivor to be provided an individual plan for rehabilitation and reintegration. It requires students living with and without disabilities as well as young adults who have sustained a traumatic brain injury to assist with helping veterans with TBI.

**Status :** H Introduced

**Status Date :** 02/04/2019

***HB2136***, by Rep. Cyndi Munson, D-Oklahoma City, creates the Oklahoma Council on Access to Transportation. It provides the duties of the Council. It provides for Council membership. It requires the Council to appoint an Advisory Committee to assist the Council in evaluating Oklahoma's passenger transportation services and in formulating recommendations for their improvement. It requires these members to serve the Council for a three-year term beginning upon appointment and can be reappointed at the discretion of the Council. It requires each Advisory Committee member to continue to serve until a new appointment has been made for his or her position. It provides for Advisory Committee membership. It requires the Council to meet at such times and places as it deems appropriate. It requires Council and Advisory Committee members to serve without compensation. It provides for travel reimbursement. It requires the Council to elect a chair and vice-chair from its membership. It requires the Council to report to the Governor regarding its progress and status on January 1, 2020, and annually thereafter.

**Status :** H Introduced

**Status Date :** 02/04/2019

***SB0075****,* by Sen. Frank Simpson, R-Ardmore, clarifies references to the Division of Services for the Blind and Visually Impaired of the State Department of Rehabilitation Services. The bill removes the requirement that the library standards of the National Accreditation Council for Agencies Serving the Blind and Visually Handicapped be observed and followed in providing special library services.

**Status :** S Introduced

**Status Date :** 02/04/2019

***SB0076***, by Sen. Frank Simpson, R-Ardmore, clarifies references to the Disability Determination Service at the Department of Rehabilitation Service.

**Status :** S Introduced

**Status Date :** 02/04/2019

***SB0077***, by Sen. Frank Simpson, R-Ardmore, adds payment for unused leave to the list of administrative rules required to be adopted by the Commission for Rehabilitation Services.

**Status :** S Introduced

**Status Date :** 02/04/2019

***SB0095***, by Sen. Frank Simpson, R-Ardmore, permits the Commission for Rehabilitation Services to accept and receive gifts, donations, devices, bequests, grants or contracts of any kind for money or property, either real or personal, for the benefit of the Oklahoma School for the Blind and the Oklahoma School for the Deaf. It directs, authorizes and empowers the commission to hold such funds or property outright or in trust, invest or sell the property and use the principal or interest or proceeds of sale for the benefit of the Oklahoma School for the Blind and the Oklahoma School for the Deaf. It requires the commission to utilize its best efforts to comply with the terms of any conditional gift, devise or bequest in fulfillment of the donor's stipulations and provisions of applicable laws. It permits any real or personal property donated with conditions which are at any time determined to be infeasible to meet or continue may be returned to the donor, or if the donor is no longer living or no longer a legally organized entity to be sold and the proceeds of the sale deposited in the commission's general fund or the property may be further donated in kind.

**Status :** S Introduced

**Status :** S Introduced

***SB0154***, by Sen. Frank Simpson, R-Ardmore, creates, until Dec. 31, 2020, the 17-member Language Equality and Acquisition for Deaf Kids (LEAD-K) Task Force to develop a resource for parents to monitor and track deaf or hard of hearing children's expressive and receptive language acquisition using American Sign Language, English or both, and developmental stages toward English literacy and developing a framework for assessing children who are deaf or hard of hearing to determine their competencies in language and literacy skills for the purpose of ensuring they have the opportunity to achieve kindergarten readiness in an equitable manner. The bill establishes membership and meeting requirements. The bill requires the task force to submit a report of its findings and recommendations by Dec. 31, 2020, to the Governor, Senate President Pro Tempore, House Speaker, chairs of the Senate and House education committees and chairs of the Senate and House health committees. (Emergency Measure)

**Status :** S Introduced

**Status Date :** 02/04/2019

***SB0168,*** by Sen. Frank Simpson, R-Ardmore, creates the Blind Persons Literacy Rights and Education Act. The bill requires that in developing an individualized education program (IEP) for a student with a visual impairment, a provision shall be made for instruction in Braille and the use of Braille, unless determined otherwise. It clarifies that nothing therein requires the exclusive use of Braille if other special education services are appropriate to the student's educational needs and the provision of other appropriate services will not preclude Braille use or instruction. It outlines specifications for a student's IEP if it includes such a provision for instruction in Braille and use of Braille. It requires instruction in Braille reading and writing to be sufficient enough to enable each student with a visual impairment to communicate effectively and efficiently with the same level of proficiency expected of the student's peers of comparable ability and grade level. The bill requires any teacher who is certified to teach students with a visual impairment to be required to demonstrate competency in reading and writing Braille, beginning July 1, 2020. It prohibits the State Board of Education from issuing or renewing a certificate to teach students who have a visual impairment unless the teacher candidate demonstrates that he or she is proficient in reading and writing Braille based upon standards adopted by the National Library Service for the Blind and Physically Handicapped. It requires that in the absence of a federal law or regulation establishing a national standard for electronic files to be used for production of accessible instructional materials, a file format standard must be prescribed by the State Department of Rehabilitation Services. It requires the agency to include a requirement that the electronic version is encoded in text suitable for conversion into Braille or synthesized speech and has been prepared using a markup language which maintains the structural integrity of the information and can be processed by Braille translation software. (Emergency Measure)

**Status :** S Introduced

**Status Date :** 02/04/2019

***SB0174***, by Sen. Robert Standridge, R-Norman, requires all state and federal grants relating to the federal Workforce Innovation and Opportunity Act and the authority of the State's Workforce Investment Board to be administered by the Department of Labor for use and benefit of the Division of the Office of Workforce Development and the Work-based Learning Program, beginning July 1, 2020. It consolidates all state and local grant programs designed to further the development of employment opportunities and workforce training services in this state, except those relating to the Oklahoma Employment Security Commission, under the authority of the Department of Labor, Division of the Office of Workforce Development for convenience to the citizens who utilize said programs and services and for expedited and efficient administration. It creates the Division of the Office of Workforce Development in the Department of Labor to continue until July 1, 2026. It requires the Commissioner of Labor to administer and regulate the Division of the Office of Workforce Development through the powers and duties set forth and in the respective state and federal laws pertaining to the federal Workforce Innovation and Opportunity Act, and the authority of the State's Workforce Investment Board. It requires the Division to coordinate its efforts and responsibilities with the Work-based Learning Program to establish a comprehensive workforce development program. It creates the Workforce Development Revolving Fund in the State Treasury for the Department of Labor. It specifies the purpose of the fund. It requires the Commissioner of Labor to, no later than March 1, 2020, and thereafter each time the position becomes vacant, hire a Director of the Office of Workforce Development and set his or her salary. The bill outlines the authority, duties and responsibilities of the Commissioner and the Director. It requires the Office of the Attorney General to provide contractual legal services upon request to the Department of Labor, Division of the Office of Workforce Development on all matters relating to federal grants, funding, governmental agreements, public-private partnerships, sharing governmental resources and all applicable laws relating to the Department of Labor administering workforce development programs. It requires the Commissioner to establish and coordinate all Division of the Office of Workforce Development with the Governor's Council For Workforce and Economic Development, which is recognized as the State's Workforce Investment Board for purposes of federal Workforce Innovation and Opportunity Act funds, the Work-based Learning Program and the Secretary of State to form a comprehensive Office of Workforce Development program. It requires the Commissioner of Labor to promulgate rules, procedures and forms to establish, implement, regulate, administer and enforce the provisions of this act and all applicable laws and rules relating to the Division and its responsibilities for workforce development in the state.

**Status :** S Introduced

**Status Date :** 02/04/2019

***SB0191***, by Sen. Robert Standridge, R-Norman, creates the Oklahoma Workforce Development Act. The bill creates the Oklahoma Office of Workforce Development as a division of the Department of Labor, beginning July 1, 2020, and continuing until July 1, 2026, to administer federal grant funding allocations from the federal Workforce Innovation and Opportunity Act and other federal grants and sources of funding relating to state workforce development programs, employment and training services to various citizens of this state and those recipients of federal assistance funds. The bill provides the Oklahoma Office of Workforce Development will operate without direct state appropriated funding and will be contingent upon federal funding and other sources of monies derived from federal resources and nonappropriated funds, except as otherwise specifically authorized for state interagency agreements, state agency personnel resource sharing agreements, monies earned from office space rental agreements between state agencies, state agency contractual agreements, memorandum of understanding agreements between state agencies, or other state agency resource sharing agreements. It requires any grant funds for the office requiring state matching dollars be declared and brought before the Legislature for approval and budgeting before such funding source may be accepted by the department on the office's behalf. It also requires any state budgeted and appropriated dollars to be allocated and used by the Department of Labor in support of the Oklahoma Office of Workforce Development be declared in a line item on the department's budget request. It also requires each state agency participating with the Oklahoma Office of Workforce Development to declare by line item all state appropriated dollars to be allocated and used in support of the purposes of the Office of Workforce Development. The bill requires the Legislature to monitor and evaluate the financial structure of this division annually in each budget request, or as may be required by the Legislature. The bill permits the Department of Labor to accept and apply for gifts, grants, donations, and funds from public and private sources to support the duties of the office and to use money from job training funds and other money to implement the requirements of this act. The bill defines applicable terms. The bill establishes duties of the Department of Labor. The bill requires the office to ensure that an individual employment plan developed for a recipient of financial assistance or an individual participating in an employment program includes specific postemployment strategies to assist the recipient or the participant in making a transition to stable employment at a wage that enables the person and the person's family to maintain self-sufficiency. It establishes specific requirements for the plans. The bill requires the office, in cooperation and collaboration with local workforce development boards, to develop an electronic system for tracking employment services and referral programs that includes a database with each provider's performance indicators for services and the success or outcomes of such referrals. The bill establishes requirements for financial literacy training. The bill permits the office to provide ongoing job retention and reemployment assistance for a recipient of federal public assistance or an individual who has participated in a job training program. The bill establishes requirements for various programs. The bill requires activities of the Governor's Council for Workforce and Economic Development be coordinated with the Oklahoma Office of Workforce Development's executive director. The bill establishes a July 1, 2026, sunset date for the Work-based Learning Program. The bill establishes that the Oklahoma Office of Workforce Development will assist the Governor's Council on Workforce and Economic Development in providing oversight to the Work-based Learning Program.

**Status :** S Introduced

**Status Date :** 02/04/2019

***SB0321***, by Sen. Frank Simpson, R-Ardmore, makes the Department of Rehabilitation Services immune from liability for monetary damages to licensed individuals or their subcontractors.

**Status :** S Introduced

**Status Date :** 02/04/2019

***SB0329***, by Sen. Nathan Dahm, R-Broken Arrow, requires state agencies upon receipt of a requirement to adopt, follow or otherwise submit to any new federal rule or regulation, change to an existing federal rule or regulation or interpretation of any rule or regulation to send the federal rule or regulation by electronic mail to the Senate President Pro Tempore, the House Speaker and Governor. It permits the Legislature by adoption of a joint resolution to disapprove the implementation of any federal rule or regulation imposed on a state agency. It prohibits an agency subject to a rule or regulation from following, interpreting or abiding by any requirements of the rule or regulation if disapproved by the Legislature. It requires the agency to file notice of legislative disapproval with the Oklahoma Attorney General. It provides a federal rule or regulation will be deemed authorized if a joint resolution disapproving the rule is vetoed by the Governor and the veto is not overridden. It exempts from liability state agencies and their employees complying with the provisions of the bill. It provides any rights, privileges or interests gained by any person by operation of a federal rule or regulation applied prior to the adoption of a joint resolution will not be affected by reason of any subsequent disapproval or rejection of such rule or regulation by either house of the Legislature.

**Status :** S Introduced

**Status Date :** 02/04/2019

***SB0913***, by Sen. Kay Floyd, D-Oklahoma City, renames the Oklahoma Career Service Act from the Oklahoma Personnel Act. The act states the intent is to allow agencies flexibility in human resource management within a framework of consistent best practices across all the state agencies and entities, retaining employees based on performance and counseling inadequate performance and unacceptable conduct and assuring employees are protected against coercion from partisan political purposes and are prevented from using their official authority. The act redefines multiple human resources practices covered in the act and removes multiple required training and assessment programs. The act renames the Merit Rules of Personnel Act the Career Service Act, it changes the Merit Rules of Personnel Administration to the Career Service System of Human Resources Administration as well as other similarly named offices. The act adds the Minority Leader of each chamber to annual fiscal reports on state agency workloads.

**Status :** S Introduced

**Status Date :** 02/04/2019