

1 **SENATE FLOOR VERSION**

2 February 9, 2023

3 SENATE BILL NO. 598

By: Kirt of the Senate

4 and

5 Pae of the House

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7
8 An Act relating to statutory terms; amending 7 O.S.
9 2021, Sections 8, 12, and 19.1, which relate to blind
10 persons; updating terminology; amending 74 O.S. 2021,
11 Sections 85.58E, 840-2.9, as amended by Section 8,
12 Chapter 243, O.S.L. 2022, 954, 2280, 3003, as amended
13 by Section 3, Chapter 252, O.S.L. 2022, 5010.2, and
14 7009 (74 O.S. Supp. 2022, Sections 840-2.9 and 3003),
15 which relate to state government; updating
16 terminology; updating statutory references; and
17 providing an effective date.

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

19 SECTION 1. AMENDATORY 7 O.S. 2021, Section 8, is amended
20 to read as follows:

21 Section 8. A. The state plan for library services shall be
22 amended in accordance with the Federal Library Services and
23 Construction Act and applicable regulations to reflect the authority
24 and duty of the Division of Services for the Blind and Visually
Impaired of the State Department of Rehabilitation Services to
provide special library services, including braille and recorded

1 books, to blind and visually ~~handicapped~~ impaired persons as
2 provided by state law.

3 B. Special library services for blind ~~and physically~~
4 ~~handicapped adults, children, and students~~ and visually impaired
5 persons and persons with disabilities shall be provided by the
6 Division of Services for the Blind and Visually Impaired of the
7 Department in accordance with the Federal Library Services and
8 Construction Act, as amended, and applicable federal regulations
9 relating thereto; and consistent with applicable statutes and
10 regulations. The Commission for Rehabilitation Services shall,
11 within the availability of state funds, annually make available for
12 such special library services sufficient funds to earn the maximum
13 available federal funds under the Federal Library Services and
14 Construction Act and appropriations made in pursuance thereof by
15 Congress.

16 C. All federal requirements for interlibrary cooperation and
17 consultation shall be observed and entitlement of the Department of
18 Libraries to receive federal funds for library services or
19 construction shall not be impaired by any state law prescribing the
20 duties, responsibilities and functions of the Division of Services
21 for the Blind and Visually Impaired of the Department.

22 SECTION 2. AMENDATORY 7 O.S. 2021, Section 12, is
23 amended to read as follows:
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1 Section 12. Any driver of a vehicle who knowingly approaches
2 within fifteen (15) feet of a person who is in the roadway or at an
3 intersection and who is wholly or partially blind and who is
4 carrying a cane or walking stick white in color, or white tipped
5 with red, or who is using a dog guide wearing a specialized harness,
6 or who is wholly or partially deaf and is using a signal dog wearing
7 an orange identifying collar, or who is ~~physically handicapped~~ a
8 person with a disability and is using a service dog, shall
9 immediately come to a full stop and take such precautions before
10 proceeding as may be necessary to avoid accident or injury ~~to the~~
11 ~~person wholly or partially blind, deaf or physically handicapped.~~
12 For purposes of this section, a "dog guide" means any dog that is
13 specially trained to guide a blind person.

14 SECTION 3. AMENDATORY 7 O.S. 2021, Section 19.1, is
15 amended to read as follows:

16 Section 19.1. A. Any blind, ~~physically handicapped~~ or visually
17 impaired person, person with a disability, deaf or hard-of-hearing
18 person who is a passenger on any common carrier, airplane, motor
19 vehicle, railroad train, motorbus, streetcar, boat, or any other
20 public conveyance or mode of transportation operating within this
21 state or any dog trainer from a recognized training center when in
22 the act of training guide, signal, or service dogs shall be entitled
23 to have with him or her a guide, signal, or service dog specially
24 trained or being trained for that purpose, without being required to

1 pay an additional charge therefor, but shall be liable as hereafter
2 set forth in subsection B of this section.

3 B. A blind, ~~physically handicapped~~ or visually impaired person,
4 person with a disability, deaf or hard-of-hearing person and his or
5 her guide, signal, or service dog or a dog trainer from a recognized
6 training center in the act of training guide, signal, or service
7 dogs shall not be denied admittance to or refused access to any of
8 the following because of such dog: Any street, highway, sidewalk,
9 walkway, any common carrier, airplane, motor vehicle, railroad
10 train, motor bus, streetcar, boat, or any other public conveyance or
11 mode of transportation, hotel, motel, or other place of lodging,
12 public building maintained by any unit or subdivision of government,
13 building to which the general public is invited, college dormitory
14 and other educational facility, restaurant or other place where food
15 is offered for sale to the public, or any other place of public
16 accommodation, amusement, convenience, or resort to which the
17 general public or any classification of persons from the general
18 public is regularly, normally, or customarily invited within the
19 State of Oklahoma. Such blind, ~~physically handicapped~~ or visually
20 impaired person, person with a disability, deaf or hard-of-hearing
21 person or dog trainer from a recognized training center in the act
22 of training guide, signal, or service dogs shall not be required to
23 pay any additional charges for his or her guide, signal, or service
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1 dog, but shall be liable for any damage done to the premises by such
2 dog.

3 C. A dog used by a deaf or hard-of-hearing person shall be
4 required to wear an orange identifying collar.

5 D. For the purposes of this section and Section 113.1 of Title
6 41 of the Oklahoma Statutes:

7 1. ~~"Physically handicapped person"~~ "Person with a disability"
8 means any person who has a physical impairment which severely and
9 permanently restricts mobility of two or more extremities, or who is
10 so severely disabled as to be unable to move without the aid of a
11 wheelchair;

12 2. "Service dog" means any dog individually trained to the
13 ~~physically handicapped person's~~ requirements of the person with a
14 disability; and

15 3. "Signal dog" means any dog trained to alert a deaf or hard-
16 of-hearing person to intruders or sounds.

17 SECTION 4. AMENDATORY 74 O.S. 2021, Section 85.58E, is
18 amended to read as follows:

19 Section 85.58E. A. The Risk Management Administrator, pursuant
20 to the provisions of this section and ~~Section 85.34 of Title 74 of~~
21 ~~the Oklahoma Statutes~~ Section 85.5A of this title, may obtain or
22 provide insurance coverage for any vehicle used by any entity
23 specified in subsection B of this section for transportation
24 services for elderly persons and/or ~~handicapped~~ persons with

1 disabilities. The Risk Management Administrator is authorized to
2 determine eligibility criteria for participation in the Risk
3 Management Program by such transportation services. In addition,
4 the Risk Management Administrator is authorized to establish
5 equipment and safety standards for the vehicles to be covered by the
6 Risk Management Program.

7 B. The Risk Management Administrator may obtain or provide the
8 insurance coverage authorized by subsection A of this section for:

- 9 1. Counties;
10 2. Municipalities;
11 3. Community action agencies designated pursuant to Sections
12 5035 through 5040 of ~~Title 74 of the Oklahoma Statutes~~ this title;

13 4. Any charitable corporation formed for the purpose of
14 providing either a volunteer or full-time fire department,
15 established pursuant to Section 592 of Title 18 of the Oklahoma
16 Statutes, furnishing transportation for elderly persons and
17 ~~handicapped~~ persons with disabilities; and

18 5. Any vehicle owned and operated by a nonprofit organization
19 that pursuant to contract with the state or a political subdivision
20 of the state provides older persons transportation to and from
21 medical, dental and religious services and relief from business and
22 social isolation.

23 C. The governing authorities of such transportation services
24 for elderly persons and ~~handicapped~~ persons with disabilities shall

1 be required to make payments for such insurance coverage as provided
2 by ~~Section 85.37 of Title 74 of the Oklahoma Statutes~~ Section 85.58M
3 of this title.

4 D. Requests for the insurance coverage provided pursuant to the
5 provisions of this section shall be submitted in writing to the Risk
6 Management Administrator by the transportation services for elderly
7 persons and ~~handicapped~~ persons with disabilities specified in
8 subsection B of this section. Those transportation services for
9 elderly persons and ~~handicapped~~ persons with disabilities meeting
10 eligibility criteria shall be approved for participation in the Risk
11 Management Program by the Risk Management Administrator if the
12 vehicles used by transportation services for elderly persons and
13 ~~handicapped~~ persons with disabilities meet the equipment and safety
14 standards established by the Risk Management Administrator.

15 SECTION 5. AMENDATORY 74 O.S. 2021, Section 840-2.9, as
16 amended by Section 8, Chapter 243, O.S.L. 2022 (74 O.S. Supp. 2022,
17 Section 840-2.9), is amended to read as follows:

18 Section 840-2.9. A. No person in the state service shall be
19 appointed to or demoted or dismissed from any position in the state
20 service, or in any way favored or discriminated against with respect
21 to employment in the state service because of political or religious
22 opinions or affiliations, race, creed, gender, color or national
23 origin or by reason of any ~~physical handicap~~ disability so long as
24 the ~~physical handicap~~ disability does not render the employee unable

1 to do the work for which he or she is employed. The hiring of
2 special disabled veterans pursuant to Sections 401 through 404 of
3 Title 72 of the Oklahoma Statutes shall not constitute favoritism as
4 herein prohibited.

5 B. No person shall use or promise to use, directly or
6 indirectly, any official authority or influence, whether possessed
7 or anticipated, to secure or attempt to secure for any person an
8 appointment or advantage in appointment to a position or an increase
9 in pay or other advantage in employment in any such position, for
10 the purpose of influencing the vote or political action of any
11 person, or for any consideration. Letters of inquiry,
12 recommendation and reference for public employees by public
13 officials shall not be considered official authority or influence
14 unless such letter contains a threat, intimidation, or irrelevant,
15 derogatory or false information.

16 C. No person shall make any false statement, certificate,
17 score, rating or report with regard to any test, certification or
18 appointment to state service or in any manner commit any fraud
19 related to employment in state service preventing the implementation
20 of the provisions of law and rules made pursuant thereto.

21 D. No employee, examiner or other person shall deny, deceive or
22 obstruct any person in his or her right to examination, eligibility,
23 certification or appointment or furnish to any person any special or
24

1 secret information for the purpose of effecting the rights or
2 prospects of any person with respect to employment in state service.

3 E. No person shall, directly or indirectly, give, render, pay,
4 offer, solicit or accept any money, service or other valuable
5 consideration for or as a result of any appointment, proposed
6 appointment, promotion or proposed promotion to or any advantage in,
7 a position in state service.

8 F. Alleged violation of this section shall be reported to the
9 Oklahoma Attorney General.

10 SECTION 6. AMENDATORY 74 O.S. 2021, Section 954, is
11 amended to read as follows:

12 Section 954. It is hereby prohibited for any department or
13 agency of the State of Oklahoma, or any official or employee of the
14 same for and on behalf of the State of Oklahoma: to refuse to
15 employ or to discharge any person, otherwise qualified, on account
16 of race, color, creed, national origin, age, ~~handicap~~ disability, or
17 ancestry; to discriminate for the same reasons in regard to tenure,
18 terms, or conditions of employment; to deny promotion or increase in
19 compensation solely for these reasons; to publish an offer of
20 employment based on such discrimination; to adopt or enforce any
21 rule or employment policy which so discriminates as to any employee;
22 or to seek such information as to any applicant or employee or to
23 discriminate in the selection of personnel for training solely on
24

1 such basis. These provisions shall be cumulative and in addition to
2 existing laws relating to discrimination in the classified service.

3 It shall be the duty of the Oklahoma Merit Protection Commission
4 to investigate, upon its own initiative, upon complaint filed by any
5 aggrieved person, or upon complaint filed by the Attorney General's
6 Office of Civil Rights Enforcement, any violation of this section
7 and to enforce compliance with the same, both in the classified and
8 the nonclassified service. The Attorney General's Office of Civil
9 Rights Enforcement shall investigate, upon its own initiative or on
10 complaint filed with it, any such violation and may file a formal
11 complaint with the Oklahoma Merit Protection Commission. When any
12 complaint is filed by the Attorney General with the Oklahoma Merit
13 Protection Commission, the Oklahoma Merit Protection Commission
14 shall set a hearing on the same, at which hearing the Attorney
15 General, or his or her representative, may appear and present the
16 finding of the Attorney General in regard to such violation. In the
17 enforcement of this section, the Oklahoma Merit Protection
18 Commission shall follow the provisions of existing laws relating to
19 hearings, procedures, and notices, and shall have power to enforce
20 its orders pertaining to violations of this section as is provided
21 by law in regard to the classified service.

22 SECTION 7. AMENDATORY 74 O.S. 2021, Section 2280, is
23 amended to read as follows:
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1 Section 2280. A. There is hereby created a state trails system
2 composed of:

3 1. State nature trails, which shall be trails designed to
4 deepen the public's awareness and understanding of various
5 ecological, geological or cultural qualities within the state by
6 means of an interpretive service program;

7 2. State hiking trails, which shall be extensive trails and
8 will serve to connect parks, scenic areas, historical points and
9 neighboring communities;

10 3. State special-use trails, which shall be trails designed to
11 provide for those trail activities which require special trail
12 definition and will include trails for bicycling, public riding and
13 motorcycle and minibike activities, as well as trails designed to
14 meet the needs of ~~the handicapped~~ persons with disabilities, the
15 blind and visually impaired persons, and the elderly; and

16 4. State heritage trails, which shall be trails designed to
17 promote the identification and interpretation of significant
18 cultural and historic sites throughout the state.

19 B. The Commission, in accordance with appropriate federal,
20 state and local governmental organizations, shall establish a
21 uniform marker for the trails system.

22 C. In the planning and designation of trails, the Commission
23 shall give due regard to the interest of federal or state agencies,
24 all political subdivisions, private land owners, interested

1 individuals and citizen groups. Furthermore, the Commission
2 encourages citizen participation in trail acquisition, construction,
3 development and maintenance where such activities will not conflict
4 with the purposes of the Oklahoma Trails System Act.

5 SECTION 8. AMENDATORY 74 O.S. 2021, Section 3003, as
6 amended by Section 3, Chapter 252, O.S.L. 2022 (74 O.S. Supp. 2022,
7 Section 3003), is amended to read as follows:

8 Section 3003. As used in Section 3001 et seq. of this title:

9 1. "Blind or visually impaired person" means a person having a
10 visual acuity not to exceed 20/200 in the better eye, with
11 correcting lenses, or visual acuity greater than 20/200 but with
12 limitation in the field of vision such that the widest diameter of
13 visual field subtends an angle no greater than twenty (20) degrees;

14 2. "Council" means the State Use Advisory Council;

15 3. "Qualified nonprofit agency for the employment of people
16 with significant disabilities" means a nonprofit agency employing
17 persons with significant disabilities who constitute at least
18 seventy-five percent (75%) of the direct labor hours engaged in
19 direct production, manufacturing, processing and/or assembling of
20 products or services offered by the agency for procurement by this
21 state or who meet the definition of blind or visually impaired
22 person as provided for in paragraph 1 of this section, or which is
23 certified as a sheltered workshop by the Wage and Hour Division of
24 the United States Department of Labor;

1 4. "Person with significant disabilities" means an individual
2 with a physical or mental disability constituting a substantial
3 ~~handicap~~ impediment to employment and preventing the person from
4 engaging in normal competitive employment and/or includes any blind
5 or visually impaired person;

6 5. "Qualified organization" means a blind or visually impaired
7 person or qualified nonprofit agency for the employment of people
8 with significant disabilities contracting to supply goods or
9 services;

10 6. "Manufactured" means goods made by manual labor;

11 7. "Produced" means to have brought into existence or created
12 from raw materials;

13 8. "Processed" means the action of taking something through an
14 established and mostly routine set of procedures or steps to
15 substantially convert a potential product from one form to another.
16 This action involves a sequence of multiple steps each requiring a
17 distinct decision-making process to evolve a potential product to
18 the next step;

19 9. "Assemble" means to put or fit together or put together the
20 parts of a potential product;

21 10. "Central nonprofit agency (CNA)" means a qualified 501(c)3
22 nonprofit entity meeting the qualifications in the Request for
23 Procurement (RFP) issued by the Office of Management and Enterprise
24

1 Services selected to administer and oversee the State Use Program;
2 and

3 11. "Procurement schedule" means a designated schedule of
4 products and services currently approved by the Office of Management
5 and Enterprise Services Central Purchasing Division as suitable to
6 procure from qualified organizations participating in the State Use
7 Program.

8 SECTION 9. AMENDATORY 74 O.S. 2021, Section 5010.2, is
9 amended to read as follows:

10 Section 5010.2. For purposes of this act:

11 1. "Disadvantaged business" means a business employing less
12 than twenty-five persons of which at least fifty-one percent (51%)
13 of the outstanding stock is owned, regardless of minority status, by
14 a person who is:

15 a. by reason of social or economic background unable to
16 compete in the free enterprise system due to
17 diminished capital and credit opportunities of a
18 quality or quantity similar to those available to
19 others in the same business area who are not
20 disadvantaged, ~~and~~

21 b. impeded from normal entry into the economic mainstream
22 because of historical practices of discrimination
23 based on race, color, religion, ethnic background,
24 sex, age, ~~handicap~~ disability, national origin, or

1 service in the armed forces during the Vietnam
2 conflict, ~~and~~

- 3 c. unable to compete effectively because of tendencies of
4 regular financing and commercial organizations to
5 restrict their services to established businesses, and
6 d. in a state of low income;

7 2. "Low income" means annual income which is eighty percent
8 (80%) or less of the median annual income of the citizens of this
9 state as reported by the latest estimates of the U.S. Bureau of the
10 Census;

11 3. "Minority business" means a business employing less than
12 twenty-five persons which is fifty-one percent (51%) owned and
13 operated by one or more minority persons; and

14 4. "Minority person" means a citizen of the United States who
15 is Black, Hispanic, ~~Oriental~~ Asian, American Indian, ~~Eskimo~~ Alaska
16 Native, Aleut, or ~~handicapped~~ a person with a disability.

17 SECTION 10. AMENDATORY 74 O.S. 2021, Section 7009, is
18 amended to read as follows:

19 Section 7009. A. Participation in the State Charitable
20 Campaign shall be limited to voluntary, charitable, health and
21 welfare agencies that provide or support direct health and welfare
22 services to individuals or their families and meet the criteria set
23 out in this section. The health and welfare services shall be
24 available to state employees, unless they are rendered to needy

1 persons overseas. The services shall directly benefit human beings,
2 whether children, youth, adults, the aged, the ill and infirm, or
3 ~~the mentally or physically handicapped~~ children and adults with
4 disabilities. The services shall consist of care, research, or
5 education in the fields of human health or social adjustment and
6 rehabilitation; relief for victims of natural disasters and other
7 emergencies; or assistance to those who are impoverished and,
8 therefore, in need of food, shelter, clothing, and basic human
9 welfare services.

10 B. For the purposes of the State Charitable Campaign, basic
11 human welfare service shall not include:

12 1. Organizations whose primary purpose is the direct or
13 indirect support of institutions of higher education;

14 2. Lobbying; and

15 3. Religious activities.

16 C. To be included in the State Charitable Campaign, a voluntary
17 charitable agency, in addition to meeting the other requirements set
18 forth in this section, shall:

19 1. Be a nonprofit, tax-exempt charitable organization and
20 submit to the participating federation a 501(c)(3) exemption from
21 the Internal Revenue Service;

22 2. Be incorporated or authorized to do business in this state
23 as a private, nonprofit organization;

1 3. Register, annually, with the Secretary of State to solicit
2 or accept contributions in this state;

3 4. Submit to the participating federation an audit of the
4 agency, conducted by an accounting firm or individual holding a
5 permit to practice public accounting in this state according to the
6 generally accepted standards of accounting for nonprofit
7 organizations; and

8 5. Submit to the participating federation a copy of the annual
9 form 990.

10 D. Applications to the State Charitable Campaign shall be
11 submitted to the Oversight Committee for State Employee Charitable
12 Contributions from local federations which shall include United
13 Ways, United Funds, Combined Health Appeals, International Social
14 Service Agencies and any other local federation consisting of at
15 least five local agencies which meet the requirements of this
16 section. Each federation shall certify the application for its
17 member agencies and shall give state charitable agencies precedence
18 over national agencies if both qualify for the charitable
19 contribution campaign. Applications from individual agencies shall
20 not be accepted.

21 SECTION 11. This act shall become effective November 1, 2023.

22 COMMITTEE REPORT BY: COMMITTEE ON GENERAL GOVERNMENT
23 February 9, 2023 - DO PASS
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