

1 STATE OF OKLAHOMA

2 1st Session of the 59th Legislature (2023)

3 SENATE BILL 598

By: Kirt

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5  
6 AS INTRODUCED

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

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

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

20 Section 8. A. The state plan for library services shall be  
21 amended in accordance with the Federal Library Services and  
22 Construction Act and applicable regulations to reflect the authority  
23 and duty of the Division of Services for the Blind and Visually  
24 Impaired of the State Department of Rehabilitation Services to  
provide special library services, including braille and recorded  
books, to blind and visually ~~handicapped~~ impaired persons as  
provided by state law.

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

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

20 SECTION 2. AMENDATORY 7 O.S. 2021, Section 12, is  
21 amended to read as follows:

22 Section 12. Any driver of a vehicle who knowingly approaches  
23 within fifteen (15) feet of a person who is in the roadway or at an  
24 intersection and who is wholly or partially blind and who is

1 carrying a cane or walking stick white in color, or white tipped  
2 with red, or who is using a dog guide wearing a specialized harness,  
3 or who is wholly or partially deaf and is using a signal dog wearing  
4 an orange identifying collar, or who is ~~physically handicapped~~ a  
5 person with a disability and is using a service dog, shall  
6 immediately come to a full stop and take such precautions before  
7 proceeding as may be necessary to avoid accident or injury ~~to the~~  
8 ~~person wholly or partially blind, deaf or physically handicapped.~~  
9 For purposes of this section, a "dog guide" means any dog that is  
10 specially trained to guide a blind person.

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

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

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

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

3 D. For the purposes of this section and Section 113.1 of Title  
4 41 of the Oklahoma Statutes:

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

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

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

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

17 Section 85.58E. A. The Risk Management Administrator, pursuant  
18 to the provisions of this section and ~~Section 85.34 of Title 74 of~~  
19 ~~the Oklahoma Statutes~~ Section 85.5A of this title, may obtain or  
20 provide insurance coverage for any vehicle used by any entity  
21 specified in subsection B of this section for transportation  
22 services for elderly persons and/or ~~handicapped~~ persons with  
23 disabilities. The Risk Management Administrator is authorized to  
24 determine eligibility criteria for participation in the Risk  
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1 Management Program by such transportation services. In addition,  
2 the Risk Management Administrator is authorized to establish  
3 equipment and safety standards for the vehicles to be covered by the  
4 Risk Management Program.

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

7 1. Counties;

8 2. Municipalities;

9 3. Community action agencies designated pursuant to Sections  
10 5035 through 5040 of ~~Title 74 of the Oklahoma Statutes~~ this title;

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

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

21 C. The governing authorities of such transportation services  
22 for elderly persons and ~~handicapped~~ persons with disabilities shall  
23 be required to make payments for such insurance coverage as provided  
24

1 by ~~Section 85.37 of Title 74 of the Oklahoma Statutes~~ Section 85.58M  
2 of this title.

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

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

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

1 special disabled veterans pursuant to Sections 401 through 404 of  
2 Title 72 of the Oklahoma Statutes shall not constitute favoritism as  
3 herein prohibited.

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

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

20 D. No employee, examiner or other person shall deny, deceive or  
21 obstruct any person in his or her right to examination, eligibility,  
22 certification or appointment or furnish to any person any special or  
23 secret information for the purpose of effecting the rights or  
24 prospects of any person with respect to employment in state service.

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

6 F. Alleged violation of this section shall be reported to the  
7 Oklahoma Attorney General.

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

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

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

20 SECTION 7. AMENDATORY 74 O.S. 2021, Section 2280, is  
21 amended to read as follows:

22 Section 2280. A. There is hereby created a state trails system  
23 composed of:  
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1           1. State nature trails, which shall be trails designed to  
2 deepen the public's awareness and understanding of various  
3 ecological, geological or cultural qualities within the state by  
4 means of an interpretive service program;

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

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

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

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

20           C. In the planning and designation of trails, the Commission  
21 shall give due regard to the interest of federal or state agencies,  
22 all political subdivisions, private land owners, interested  
23 individuals and citizen groups. Furthermore, the Commission  
24 encourages citizen participation in trail acquisition, construction,

1 development and maintenance where such activities will not conflict  
2 with the purposes of the Oklahoma Trails System Act.

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

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

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

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

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

23 4. "Person with significant disabilities" means an individual  
24 with a physical or mental disability constituting a substantial

1 ~~handicap~~ impediment to employment and preventing the person from  
2 engaging in normal competitive employment and/or includes any blind  
3 or visually impaired person;

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

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

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

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

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

19 10. "Central nonprofit agency (CNA)" means a qualified 501(c)3  
20 nonprofit entity meeting the qualifications in the Request for  
21 Procurement (RFP) issued by the Office of Management and Enterprise  
22 Services selected to administer and oversee the State Use Program;  
23 and

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

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

8 Section 5010.2. For purposes of this act:

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

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

19 b. impeded from normal entry into the economic mainstream  
20 because of historical practices of discrimination  
21 based on race, color, religion, ethnic background,  
22 sex, age, ~~handicap~~ disability, national origin, or  
23 service in the armed forces during the Vietnam  
24 conflict, ~~and~~

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

5 2. "Low income" means annual income which is eighty percent  
6 (80%) or less of the median annual income of the citizens of this  
7 state as reported by the latest estimates of the U.S. Bureau of the  
8 Census;

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

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

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

17 Section 7009. A. Participation in the State Charitable  
18 Campaign shall be limited to voluntary, charitable, health and  
19 welfare agencies that provide or support direct health and welfare  
20 services to individuals or their families and meet the criteria set  
21 out in this section. The health and welfare services shall be  
22 available to state employees, unless they are rendered to needy  
23 persons overseas. The services shall directly benefit human beings,  
24 whether children, youth, adults, the aged, the ill and infirm, or

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

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

- 10 1. Organizations whose primary purpose is the direct or  
11 indirect support of institutions of higher education;
- 12 2. Lobbying; and
- 13 3. Religious activities.

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

- 17 1. Be a nonprofit, tax-exempt charitable organization and  
18 submit to the participating federation a 501(c)(3) exemption from  
19 the Internal Revenue Service;
- 20 2. Be incorporated or authorized to do business in this state  
21 as a private, nonprofit organization;
- 22 3. Register, annually, with the Secretary of State to solicit  
23 or accept contributions in this state;

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

6 5. Submit to the participating federation a copy of the annual  
7 form 990.

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

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