

ENROLLED SENATE
BILL NO. 165

BY: DICKERSON and COLE (Tom) of
the SENATE

and

STEIDLEY, ADAIR, BASTIN,
BATES, BOYD, BRYANT,
CROCKER, FERGUSON, HAMILTON
(Jeff), HUDSON, HUTCHCROFT,
LITTLEFIELD, MAXEY,
MITCHELL, MONKS, MONSON,
PAULK, PILGRIM, RHODES
(Dusty), RICE, ROACH,
ROBERTS (Walt), ROSS,
SETTLE, VAUGHN (George),
WEAVER and YORK of the
HOUSE

AN ACT RELATING TO STATE GOVERNMENT; AMENDING
SECTION 1, CHAPTER 28, O.S.L. 1984, AS LAST
AMENDED BY SECTION 11, CHAPTER 370, O.S.L. 1989
(62 O.S. SUPP. 1990, SECTION 7.10), AND SECTION
38, CHAPTER 338, O.S.L. 1982, AS RENUMBERED BY
SECTION 34, CHAPTER 255, O.S.L. 1986, AND AS
AMENDED BY SECTION 1, CHAPTER 219, O.S.L. 1987
(74 O.S. SUPP. 1990, SECTION 4242), WHICH RELATE
TO STATE EMPLOYEE PAYROLL DEDUCTIONS AND
PROHIBITED POLITICAL ACTS BY CERTAIN STATE
EMPLOYEES; AUTHORIZING PAYROLL DEDUCTIONS FOR
CONTRIBUTIONS TO CERTAIN POLITICAL ACTION
COMMITTEE; RESTORING CERTAIN PROHIBITED
POLITICAL ACTS TO CLASSIFIED STATE EMPLOYEES;
AND PROHIBITING CERTAIN RETALIATION BY PUBLIC
EMPLOYEES OR OFFICIALS.

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

SECTION 1. AMENDATORY Section 1, Chapter 28, O.S.L.
1984, as last amended by Section 11, Chapter 370, O.S.L. 1989 (62
O.S. Supp. 1990, Section 7.10), is amended to read as follows:

Section 7.10 A. 1. Upon the request of a state employee, a
state agency, board, or commission shall make voluntary payroll
deductions for the employee to a credit union which primarily serves
state employees or employees of a political subdivision of the
state.

2. The governing body of any county, municipality, or school
district may provide for voluntary payroll deductions to a credit
union serving the employees of the county, municipality, or school
district.

B. Upon the request of a state employee and pursuant to
procedures established by the Administrator of the Office of
Personnel Management, a state agency, board, or commission shall
make payroll deductions for:

1. the payment of any insurance premiums due a private
insurance organization with a minimum participation of five hundred

(500) state employees for life, accident, and health insurance which is supplemental to that provided for by the state;

2. premiums or payments for retirement plans with a minimum participation of five hundred (500) state employees for retirement plans which are supplemental to that provided for by the state;

3. salary adjustment agreements included in a flexible benefits plan as authorized by the State Employees Flexible Benefits Act; ~~and~~

4. membership dues in the Oklahoma Public Employees Association or any other statewide association limited to state employee membership with a minimum membership of one thousand (1,000) dues-paying members; and

5. contributions to a political action committee that is affiliated with a statewide association limited to state employees with a minimum membership of one thousand (1,000) dues-paying members.

C. The administrative costs of processing payroll deductions or administering salary adjustment agreements for insurance premiums as provided for in subsection B of this section shall be a charge of two percent (2%) of the gross annual premiums for insurance plans. The administrative costs of processing payroll deductions or administering salary adjustment agreements for payments for retirement plans as provided for in subsection B of this section shall be one percent (1%) of the gross annual payments for retirement plans. These charges shall be collected monthly from the private insurance or retirement plan organization by the Office of Personnel Management and shall be deposited to the credit of the General Revenue Fund. Provided that these costs shall not be collected from state employees or state agencies unless otherwise directed in this act.

D. Any insurance or retirement plan organization with a payroll deduction as of the date the Office of State Finance begins administering this section shall be exempt from the minimum state employee participation requirement for a period of six (6) months from said date.

E. Any statewide association granted a payroll deduction prior to the effective date of this act shall be exempt from the minimum state employee membership requirement.

F. Approval of a payroll deduction or salary adjustment agreement for any insurance organization, line of coverage or policy shall not be construed as an assumption of liability, for the term of policy or the performance of the insurance organization, by this state, or any of its agencies, boards, commissions, institutions or any officer or employee thereof. Contracts for such insurance shall be in all respects subject to the insurance laws of this state, and shall be enforceable solely pursuant to such laws.

G. The Oklahoma Employment Security Commission is authorized to deduct from the wages or salary of its employees the employees' contribution to the Employment Security Commission Retirement Plan.

H. Payroll deductions shall be made for premium payments for group insurance for retired members or beneficiaries of any state-supported retirement system upon proper authorization given by the member or beneficiary to the board from which the member or beneficiary is currently receiving retirement benefits.

SECTION 2. AMENDATORY Section 38, Chapter 338, O.S.L. 1982, as renumbered by Section 34, Chapter 255, O.S.L. 1986, and as amended by Section 1, Chapter 219, O.S.L. 1987 (74 O.S. Supp. 1990, Section 4242), is amended to read as follows:

Section 4242. A. No classified employee shall:

1. Use his official authority or influence for the purpose of interfering with an election to or a nomination for office, or affecting the result thereof;

2. Wear a campaign button, hat or badge during the hours that the employee is officially in work status for an agency; or

3. Become a candidate for an elective public office in a partisan election;

~~4. Serve as an officer of a political party at the national, state or local level;~~

~~5.~~ Directly or indirectly solicit contributions or other funds for a partisan political candidate or party;

~~6.~~ 5. Directly or indirectly solicit, receive, collect, handle, disburse or account for assessments, contributions or other funds for a partisan political purpose; or

~~7.~~ 6. Organize, sell tickets to promote or actively participate in a fund-raising activity of a candidate in a partisan election or of a political party.

B. In addition to those prohibitions specified in subsection A of this section, no classified employee of the Oklahoma State Bureau of Investigation or the Oklahoma State Bureau of Narcotics and Dangerous Drugs Control who has the power of a peace officer shall:

1. Serve as an officer of a political party at the national, state or local level;

2. Organize or reorganize a political party organization;

3. Solicit votes in support of or in opposition to a candidate for public office in a partisan election or a candidate for political party office;

4. Act as a watcher at the polls in behalf of a political party or a candidate in a partisan election;

5. Drive voters to the polls on behalf of a political party or a candidate in a partisan election;

6. Endorse or oppose a candidate for public office in a partisan election or a candidate for political party office in a political advertisement, broadcast, campaign, literature or similar material;

7. Serve as a delegate, alternate or proxy to a political party convention;

8. Address a convention, caucus, rally or similar gathering of a political party in support of or in opposition to a partisan candidate for public office or political party office;

9. Initiate or circulate a partisan nominating petition; or

10. Take any active part in political organization management.

C. A classified employee shall retain the right to:

1. Register and vote in any election;

2. Express his opinion as an individual privately and publicly on political subjects and candidates;

3. Display a political picture, sticker, badge or button;

4. Participate in the activities of a civic, community, social, labor or professional organization or of a similar organization;

5. Be a member of a political party or other political organization and participate in its activities consistent with subsections A and B of this section;

6. Serve as an officer of a political party at the national, state or local level;

7. Attend a political convention, rally, fund-raising function or other political gathering;

~~7.~~ 8. Sign a political petition as an individual;

~~8.~~ 9. Make a voluntary financial contribution to a candidate, political party or organization;

~~9.~~ 10. Be politically active in connection with a question such as an amendment to the State Constitution, referendum, approval of a municipal ordinance or any other question or issue of a similar character;

~~10.~~ 11. Serve as an election judge or clerk, or in a similar position to perform duties as prescribed by state or local law; and

~~11.~~ 12. Otherwise participate fully in public affairs, except as prohibited by law, in a manner which does not materially compromise the neutrality, efficiency or integrity of his administration of state functions.

D. Subsection C of this section shall not authorize a classified employee to engage in political activity, while on duty, or while in a uniform that identifies him as a state employee. Nor shall a classified state employee be permitted to engage in political activities in the assigned work areas of a state agency in a manner that would conflict with the efficient performance of agency operations.

E. No state public employee or ~~elected~~ public official shall directly or indirectly coerce, attempt to coerce, command, advise or direct any state employee to pay, lend or contribute any part of his or her salary or compensation, his time, his effort or anything else of value to any party, committee, organization, agency or person for political purposes. Pursuant to the provisions of Section 4245 of this title, no public employee or official shall retaliate against any employee for exercising his or her rights as provided in this section, or for not participating in permitted political activities.

Passed the Senate the 14th day of May, 1991.

President of the Senate

Passed the House of Representatives the 16th day of May, 1991.

Speaker of the House of Representatives