

STATE OF OKLAHOMA

2nd Session of the 43rd Legislature (1992)

HOUSE BILL NO. 2266

BY: GRAVES

AS INTRODUCED

AN ACT RELATING TO STATE GOVERNMENT; AMENDING 29 O.S. 1991, SECTION 3-103, 74 O.S. 1991, SECTIONS 840.5, 840.8 (SECTION 3, CHAPTER 308, O.S.L. 1991), 840.19 AND 3915, WHICH RELATE TO EMPLOYMENT PRACTICES OF THE STATE; ELIMINATING AFFIRMATIVE ACTION PROGRAMS AND REQUIREMENTS RELATING TO SUCH EMPLOYMENT PRACTICES; REPEALING 74 O.S. 1991, SECTIONS 840.25, 840.25a AND 840.25b, WHICH RELATE TO AFFIRMATIVE ACTION; PROVIDING AN EFFECTIVE DATE; AND DECLARING AN EMERGENCY.

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

SECTION 1. AMENDATORY 29 O.S. 1991, Section 3-103, is amended to read as follows:

Section 3-103. A. The Wildlife Conservation Commission shall constitute an advisory, administrative and policymaking board with whom the Director shall consult regarding the administration of the affairs of the Department. The Commission is authorized and empowered to require from the Director complete reports and information relative to the affairs of the Department at such time and in such manner as the Commission may deem advisable. The Commission shall meet on the first Monday in each month in regular

session and in such special sessions as may be called by the Chairman or a majority of the Commission. All regular sessions and all special sessions will be held at the Commission headquarters at 1801 North Lincoln in Oklahoma City, Oklahoma.

B. In addition to the other powers and duties prescribed by law, the Commission shall:

~~1. Institute an affirmative action plan setting goal of hiring women and minorities throughout the agency; and~~

~~2.~~ Elect a chairman, vice-chairman, and secretary, who shall perform the duties required of them by the rules and regulations of the Commission and the statutes and Constitution of the State of Oklahoma. Said chairman, vice-chairman, and secretary shall receive no extra compensation therefor; and

~~3.~~ 2. Appoint a Director, and determine the qualifications of said Director and all assistants and employees. A Commissioner shall not be eligible for employment in any position within the Department; and

~~4.~~ 3. Prescribe rules, regulations, and policies for the transaction of its business and the control of the Department; and

~~5.~~ 4. Develop and implement a plan to provide step raises for Commission Employees so that discrepancies within pay levels within a pay grade will be eliminated; and

~~6.~~ 5. Acquire by purchase, lease, gift, or devise, waters, real property, and personal property incident to the exercise of its functions and to maintain, operate, and dispose of the same; and

~~7.~~ 6. Acquire real property by condemnation only when the Attorney General or other counsel deems it an appropriate means of clearing title from willing or unavailable sellers; and

~~8.~~ 7. Supervise the establishment, extension, improvement, and operation of the wildlife refuges, propagation areas or stations, public hunting areas, public fishing areas, game management areas, and fish hatcheries; and

~~9.~~ 8. Prescribe the manner of cooperation with the Tourism and Recreation Department, colleges and universities within the state, other state agencies, any agency of the federal government, and any city, town, school district, or any other agency or organization in study of conservation and propagation of wildlife and in the establishment, maintenance, and operation of visual educational facilities, recreational facilities, and hunting and fishing facilities, in the study and propagation of wildlife; and

~~10.~~ 9. Supervise the letting of all contracts and purchases for the Department, with all purchases of personal property to be made through the Purchasing Division of the Office of Public Affairs; and

~~11.~~ 10. Authorize all claims or expenditures prior to the incurring of payment therefor except as otherwise provided in this Code; and

~~12.~~ 11. Prescribe rules and regulations for the sale of all regular or special licenses; and

~~13.~~ 12. Publicize and encourage the conservation and appreciation of wildlife and all other natural resources; and

~~14.~~ 13. Regulate the seasons and harvest of wildlife; and

~~15.~~ 14. Annually report to the Governor and the Legislature on the complete operation, activities, and plans of the Department, together with such recommendations for future activities as the Commission may deem to be in the best interest of the state; and

~~16.~~ 15. Provide the Governor and the Legislature with an annual inventory of all property and equipment.

SECTION 2. AMENDATORY 74 O.S. 1991, Section 840.5, is amended to read as follows:

Section 840.5 There is hereby created the Office of Personnel Management. The chief administrative officer of said Office of Personnel Management shall be the Administrator who shall be experienced in the field, theory, and application of personnel administration. The Administrator shall be appointed by the

Governor with the confirmation of the Senate, and serve at his pleasure. In addition to the other duties imposed upon him by law, the Administrator shall:

1. Be responsible for the development of an efficient and effective system of personnel administration that meets the management needs of the various state agencies, departments, commissions, and boards;

2. Prepare, maintain, and revise a classified system of employment designed to assure the impartial consideration of applicants for employment and to protect state employees from arbitrary dismissal or unfair treatment;

3. Develop and maintain a classification and compensation system for all classified, unclassified, and exempt positions in the executive branch of state government including those established by the Oklahoma Constitution. The Administrator shall conduct a study of the feasibility of uniform classification and compensation procedures for judicial, legislative and higher educational positions and submit same to the Governor, the President Pro Tempore of the Senate, and the Speaker of the House of Representatives no later than November 1, 1986;

4. Conduct an analysis of the rates of pay prevailing in the state in the public and private sectors for comparable jobs and report the findings to the Governor, the President Pro Tempore of the Senate, and the Speaker of the House of Representatives no later than November 1 of each year. Such analysis shall include all forms of compensation including fringe benefits;

5. Develop a program for the recruitment of qualified persons, including the administration of valid job-related nondiscriminatory selection procedures providing for competitive examinations when practical and for reasonable selection criteria when competitive examinations are not practical;

6. ~~Implement state affirmative action policies, and assure~~
Assure equal employment opportunity;

7. Develop and implement a reasonable and expeditious method for referral of capable candidates for vacancies, probationary periods of employment, and the employment of individuals on other types of appointments as necessary;

8. Assist state agencies in implementing their duties and obligations pursuant to the Oklahoma Personnel Act, Section 840.1 et seq. of this title, and provide standard forms to the agencies if necessary;

9. Develop, in cooperation with appointing authorities, a management training program, a recruiting program, and a system of performance appraisals and assist appointing authorities in the setting of productivity goals;

10. Establish leave and pay regulations, regulations for performance pay increases, rates for pay differentials, on-call pay, and other types of pay incentives and salary adjustments;

11. Prepare and submit an annual budget covering the costs of administering the personnel program;

12. Make an annual report regarding the work of the Office of Personnel Management;

13. Adopt and implement rules and regulations necessary to perform the duties imposed by law on the Office of Personnel Management in accordance with the provisions of the Administrative Procedures Act, Sections 301 through 326 of Title 75 of the Oklahoma Statutes. All rules adopted by the Oklahoma Merit Protection Commission shall remain in full force and effect until modified by the appropriate authority;

14. Assist the Oklahoma Merit Protection Commission and the Executive Director in effectuating their duties, enforcement of the rules of the Merit System of Personnel Administration, and implementation of corrective action issued by the Commission;

15. Be responsible for the development and maintenance of a uniform occupation code system, grouped by job titles or duties, for all classified, unclassified, and exempt state positions. Said responsibility shall include the establishment of rules governing the identification, tracking, and reporting of all state positions. In addition to adopting titles for job classes, said responsibility shall also include development and maintenance of a standard system of nomenclature for establishing job titles for all administrative, executive and managerial positions in the classified, unclassified and exempt service;

16. Be responsible for advising state agencies on personnel policy and administration; and

17. Review and certify the qualifications of Personnel Staff selections of state agencies.

SECTION 3. AMENDATORY 74 O.S. 1991, Section 840.8 (Section 3, Chapter 308, O.S.L. 1991), is amended to read as follows:

Section 840.8 The following offices, positions, and personnel comprise the exempt unclassified service:

1. Persons chosen by popular vote or appointment to fill an elective office, and their employees, except the employees of the Corporation Commission, the State Department of Education and the Department of Labor;

2. Members of boards and commissions, and heads of agencies; also one principal assistant or deputy and one executive secretary for each state agency;

3. All judges, elected or appointed, and their employees;

4. Federally funded time-limited employees hired for the specific purpose of providing public service employment or one-time special or research project services for a limited period of time and shall not exceed the period of time for which that specific federal funding is provided;

5. All officers and employees of The Oklahoma State System of Higher Education, State Board of Education and State Department of Vocational and Technical Education;

6. Persons employed in a professional or scientific capacity to make or conduct a temporary and special inquiry, investigation, or examination on behalf of the Legislature or a committee thereof or by authority of the Governor;

7. Election officials and employees;

8. Temporary employees employed to work less than one thousand (1,000) hours in any twelve-month period. This category of employees shall include persons employed on an intermittent, provisional, seasonal, temporary or emergency basis;

9. Temporary lake patrol officers, regardless of the number of hours worked, who are employed by the Department of Public Safety during the period March 16 through October 31 in any calendar year; provided, the hours worked shall be considered in determining the temporary employee's eligibility for subsequent employment in any other unclassified temporary employment category;

10. Professional trainees only during the prescribed length of their course of training or extension study;

11. Students who are employed on a part-time basis, which shall be seventy-five percent (75%) of a normal forty-hour work week or thirty (30) hours per week, or less, or on a full-time basis if the employment is pursuant to a cooperative education program such as that provided for under Title I IV-D of the Higher Education Act of 1965 (20 U.S.C. 1087a-1087c), as amended, and who are regularly enrolled in (a) an institution of higher learning within The Oklahoma State System of Higher Education (b) an institution of higher learning qualified to become coordinated with said State System of Higher Education (c) for purposes of this act a student shall be considered a regularly enrolled student if he is enrolled in a minimum of five (5) hours of accredited graduate courses or a

minimum of ten (10) hours of accredited undergraduate courses, and regularly attending classes during that semester of employment or (d) high school students regularly enrolled in a high school in Oklahoma and regularly attending classes during such time of enrollment;

12. The spouses of personnel who are employed on a part-time basis to assist or work as a relief for their spouses in the Oklahoma Tourism and Recreation Department;

13. Service substitute attendants who are needed to replace museum and site attendants who are unavoidably absent. Service substitutes may work as part-time or full-time relief for absentees for a period of not more than four (4) weeks per year in the Oklahoma Historical Society sites and museums; such substitutes will not count towards the agency's Full-Time-Equivalent Employee Limit;

14. Employees of State Capitol cafeterias;

15. Employees of either the House of Representatives or the State Senate;

16. Grand River Dam Authority personnel occupying the following offices and positions:

- a. The general manager, assistant general managers, secretaries to the general manager, and assistant general managers,
- b. The chief engineer and the engineers, superintendents, and assistant superintendents,
- c. The general counsel and the attorneys on the general counsel's staff,
- d. The secretary,
- e. The treasurer,
- f. Rate analysts, and
- g. Unclassified employees hired prior to May 1, 1989, who hold engineering job titles but who are not registered engineers, provided said persons are reassigned

nonengineering job titles. At such time as the positions occupied by said unclassified employees are vacated, the positions shall revert to the classified service;

17. Oklahoma Tax Commission personnel occupying the following offices and positions:

- a. All revenue administrators, the budget officer and the comptroller of the Tax Commission,
- b. All administrators and unit managers in the Management Information Services Division,
- c. All Computer Programming Systems Specialist positions,
- d. All Data Processing Programmer Analyst Supervisor and Data Processing Programmer Analyst III positions,
- e. All Public Affairs Officer and Assistant Public Affairs Officer positions,
- f. Public Information Officer, and
- g. All Tax Economist positions;

18. Corporation Commission personnel occupying the following offices and positions:

- a. Administrative assistant, administrative aides, and executive secretaries to the Commissioners,
- b. Directors of all the divisions, and
- c. General Counsel;

19. State Department of Education personnel occupying the following offices and positions:

- a. Administrative Assistants,
- b. Informational Representatives III,
- c. Driver Educational Electronics Technician,
- d. Media Technical Assistants,
- e. Executive Secretaries,
- f. Accounting Supervisor,
- g. Supervisor of Records,

- h. Supervisor of Printing Services,
- i. Migrant Records Transfer System Representative,
- j. Financial Managers, and
- k. In addition to the State Department of Education offices and positions listed in this paragraph, any and all offices and positions within the State Department of Education for which the annual salary is Twenty-one Thousand Nine Hundred Forty-three Dollars (\$21,943.00) or more shall also be in the unclassified service of this state.

Nothing in this paragraph is intended to change the status, whether classified or unclassified, of any person employed by the Department of Education prior to May 1, 1989. No position shall become unclassified while it is occupied by a classified employee because of any change in salary or grade. Hereafter, any position paid an annual salary of Twenty-one Thousand Nine Hundred Forty-three Dollars (\$21,943.00) or more shall be in the unclassified service upon being vacated;

20. At the option of the employing agency, the Supervisor, Director, or Educational Coordinator in any other state agency having a primary responsibility to coordinate educational programs operated for children in state institutions;

21. Bill Willis Community Mental Health Center personnel occupying the following offices and positions:

- a. Director of Facility,
- b. Deputy Director for Administration,
- c. Clinical Services Director, and
- d. Executive Secretary to Director;

22. The State Comptroller, Office of the Director of State Finance;

23. Employees of the Oklahoma Development Finance Authority;

24. Those positions so specified in the annual business plan of the Department of Commerce;

25. Those positions so specified in the annual business plan of the Oklahoma Center for the Advancement of Science and Technology;

26. The following positions and employees of the Oklahoma School of Science and Mathematics:

- a. positions for which the annual salary is Twenty-four Thousand One Hundred Ninety-three Dollars (\$24,193.00) or more, as determined by the Office of Personnel Management, provided no position shall become unclassified because of any change in salary or grade while it is occupied by a classified employee,
- b. positions requiring certification by the State Department of Education, and
- c. positions and employees authorized to be in the unclassified service of the state elsewhere in this section or in Section 840.10 of this title;

27. State Insurance Fund personnel occupying the following offices and positions:

- a. Commissioner,
- b. Deputy Commissioner,
- c. Administrative Assistants to the Commissioner,
- d. Executive Secretaries to the Commissioner and Deputy Commissioner,
- e. Law Clerks and Legal Assistants,
- f. Special Counsel,
- g. General Counsel,
- h. Medical Analysts Supervisor,
- i. Medical Analysts,
- j. Field Adjusters,
- k. Investment Officer, and
- l. Collections Attorneys;

28. The Carl Albert Internship Program Coordinator within the Office of Personnel Management;

29. Department of Corrections personnel occupying the following offices and positions:

- a. Associate Director,
- b. Executive Secretary,
- c. General Counsel,
- d. Assistant General Counsel,
- e. Deputy Director,
- f. Public Information Officer,
- g. Personnel Manager,
- h. Administrator of Planning and Research,
- i. Administrator of Finance and Accounting,
- j. Executive Assistant,
- k. Administrator of Information Services,
- l. ~~Affirmative Action Officer,~~
- ~~m.~~ System Development Manager,
- ~~n.~~ m. Computer Operations Manager,
- ~~o.~~ n. Training Director,
- ~~p.~~ o. Assistant Training Director,
- ~~q.~~ p. Administrator of Construction and Maintenance,
- ~~r.~~ q. Administrative Assistant,
- ~~s.~~ r. Secretary,
- ~~t.~~ s. Administrator of Classification and Programs,
- ~~u.~~ t. Coordinator of Facility Classification,
- ~~v.~~ u. Mediation Coordinator,
- ~~w.~~ v. Inspector General,
- ~~x.~~ w. Medical Director,
- ~~y.~~ x. Psychiatrist,
- ~~z.~~ y. Physician,
- ~~aa.~~ z. Optometrist,
- ~~ab.~~ aa. Dental Services Supervisor,

~~ae.~~ ab. Dentist,
~~ad.~~ ac. Psychologist,
~~ae.~~ ad. Administrator of Dietary Services,
~~af.~~ ae. Warden I,
~~ag.~~ af. Warden II,
~~ah.~~ ag. Warden III,
~~ai.~~ ah. Deputy Warden I,
~~aj.~~ ai. Deputy Warden II,
~~ak.~~ aj. Deputy Warden III,
~~al.~~ ak. Community Treatment Center Superintendent,
~~am.~~ al. Community Treatment Center Assistant
Superintendent,
~~an.~~ am. Probation and Parole District Supervisor,
~~ao.~~ an. Probation and Parole Assistant District
Supervisor,
~~ap.~~ ao. Administrator of Human Resources, and
~~aq.~~ ap. Facility Staffing Pattern Analyst;

30. Department of Corrections personnel occupying the following offices and positions as representatives of the Oklahoma State Industries:

- a. Administrator of Industrial Production,
- b. Administrator of Agriculture Production,
- c. OSI Sales Representative,
- d. OSI Sales Manager, and
- e. Marketing Manager.

The positions listed in this paragraph shall be funded from the Department of Corrections Industries' Revolving Fund only. In addition to the regular salary, any unclassified sales representative of the Oklahoma State Industries of the Department of Corrections who is responsible for obtaining a contract for products manufactured or services provided by prison industries may, at the discretion of the Director of the Department of Corrections, be

awarded additional compensation of not more than five percent (5%) of the total amount of said contracts but not more than Five Thousand Dollars (\$5,000.00) per year. This compensation may be in addition to the salary of the employee and may be paid in one lump sum from any funds available to the Department of Corrections. No such compensation shall be made unless funds are available. Funds for payment of any compensation awards shall be encumbered to the extent of the awards.

Incumbents in positions listed in paragraph 29 of this section and in this paragraph that are classified under the Merit System of Personnel Administration on the effective date of this act shall have the option of remaining in their classified status under the Merit System of Personnel Administration. Incumbents that choose to accept unclassified appointments shall so signify in writing. All future appointees to these positions shall be unclassified. Incumbents that choose to remain in the classified service under the Merit System of Personnel Administration shall be subject to all rules and procedures of the Merit System of Personnel Administration. By the end of the first full work week of each month, the Director of the Department of Corrections shall submit to the Director of State Finance a report listing the total number of part-time employees employed during the preceding month, the positions for which they were employed, and the number of hours worked for each part-time position;

31. Department of Labor personnel occupying the following offices and positions:

- a. Deputy Commissioner,
- b. Executive Secretary to the Commissioner,
- c. Chief of Staff, and
- d. Administrative Assistant, Legal; and

32. The State Bond Advisor and his employees.

SECTION 4. AMENDATORY 74 O.S. 1991, Section 840.19, is amended to read as follows:

Section 840.19 A. The Administrator shall be responsible for conducting promotional examinations and entrance examinations as required under this act, Section 840.1 et seq. of this title. Such examinations shall be of such character as to determine the qualifications, fitness and ability of the persons tested to perform the duties of the class of positions for which such tests or examinations are given. Provided however, tests and examinations of handicapped persons who have satisfactorily completed vocational and technical education courses in vocational training units or divisions approved by the Division of Rehabilitative and Visual Services of the Department of Human Services shall be limited in scope so as to relate to the skill and physical capability required for a particular position. Adequate public notice shall be given of all examinations except for promotion within a department or agency.

B. No person shall be required to take an entrance examination if that person has been previously tested and licensed by the State of Oklahoma; such person shall be rated according to training and experience.

C. No entrance examination shall be required when the job specifications require a bachelor's degree or its equivalent, plus three (3) years of qualifying work experience; such person shall be rated according to training and experience.

D. Promotional examinations for promotion within an agency, unless requested by the agency, shall not be required; provided that said promotion is in accordance with guidelines adopted by the Administrator and is in accordance with a plan adopted by the promoting agency.

E. The Administrator shall accept Certificates of Proficiency issued by accredited private or public schools, colleges or the

Oklahoma Employment Security Commission in lieu of typing and shorthand tests.

F. The appointing authority may certify that an applicant meets necessary job qualifications of a position in the classified service, for the purpose of allowing said applicant to take any required examination or otherwise compete for said position. Any statute which creates any position or qualifications for any position in the classified service shall not be construed to limit the power of the Administrator to interpret or add to those qualifications in a reasonable manner consistent with the intent of the Legislature and the duties of that position. Any statute which empowers any agency head or other employer to hire or nominate persons for employment within the classified service shall not be construed to empower that agency head or other employer to waive or modify any qualification or rule for employment established by the Administrator. The Administrator shall not be construed to have the authority to limit or reduce any qualification established by statute for any position. The constructions established herein shall apply to any statutes or positions heretofore or hereafter created unless that statute clearly and specifically states that such constructions do not apply.

G. Subsections A, B, C, D, E and F of this section shall not apply to special disabled veterans who are considered for employment under the provisions of Sections 401 through 404 of Title 72 of the Oklahoma Statutes. Provided, said veterans may elect instead to be considered for employment according to the procedures set out in subsections A through F of this section.

H. Subsections A, B, C, D, E and F of this section shall not apply to special handicapped persons who are considered for employment under the provisions of this subsection. Provided, said persons may elect instead to be considered for employment according

to the procedures set out in subsections A through F of this section.

1. As used in this subsection "special handicapped persons" means persons certified as handicapped according to standards and procedures established by the Administrator. Said standards and procedures shall be developed by the Office of Personnel Management with the assistance of the Office of Handicapped Concerns and the Department of Human Services.

2. Agencies of this state may employ special handicapped persons who are legal residents of the state in competitive and noncompetitive jobs. Except for the requirement of minimum qualifications specified in applicable job specifications, such handicapped persons shall be exempt from entrance examinations and hiring procedures administered by the Office of Personnel Management pursuant to Sections 840.19 and 840.20 of this title.

3. Special handicapped persons hired pursuant to this subsection shall be appointed for a probationary period of one (1) year. At the end of the probationary period if the work of said handicapped person is satisfactorily performed, the handicapped person shall acquire permanent status.

4. Upon acquiring permanent status, special handicapped persons shall be subject to the rules and regulations of the Office of Personnel Management.

5. A list of special handicapped persons employed by state agencies pursuant to this section shall be provided by each state agency to the Office of Personnel Management which shall maintain records regarding the employment of special handicapped persons and report the total number of such handicapped persons so employed to the Director of the Office of Handicapped Concerns.

I. 1. This subsection shall be known and may be cited as the "Fair Employment Practices Act".

2. Agencies of this state may use the optional hiring procedure provided in this subsection to employ females, blacks, Hispanics, Asian/Pacific Islanders and American Indians/Alaskan natives, as defined by the Equal Employment Opportunity Commission, who are legal residents of the state in competitive and noncompetitive jobs. Individuals must meet the minimum qualifications and pass any required examinations established by the Office of Personnel Management or by statute. Except for any required examinations and minimum qualifications specified in applicable job specifications, such persons shall be exempt from the hiring procedures administered by the Office of Personnel Management. Persons may only be employed under this subsection in a job class, group or category which has been identified as underutilized ~~and in which an appropriate hiring goal has been set in the state agency's affirmative action plan approved by the Office of Personnel Management pursuant to the provisions of Section 840.25 of this title. In addition, the appointing authority of the employing agency must determine that a manifest imbalance exists which justifies remedial action pursuant to this subsection in order to reach the affirmative action hiring goal.~~ Provided further, that eligible war veterans, as defined by Section 67.13a of Title 72 of the Oklahoma Statutes, ~~who are members of the group for which a hiring goal has been set~~ shall be considered by the employing agency before a nonveteran is appointed pursuant to this subsection.

3. ~~To be eligible for appointment, the persons who are members of the group for which a hiring goal has been set must score within the top ten scores of other available members of said group based on any examination or rating of education and experience.~~

4. Persons hired pursuant to this subsection shall be appointed for a probationary period of six (6) months, except that the appointing authority may extend a probationary period, not to exceed a total of nine (9) months for an individual, provided, however,

that the employee and the Administrator of the Office of Personnel Management shall be notified in writing as to such action and the reason therefor. At the end of the probationary period if the work of such person is satisfactorily performed as reflected in a service rating made pursuant to Section 841.16 of this title, such person shall acquire permanent status.

~~5.~~ 4. Upon acquiring permanent status, the employee shall be subject to the rules and regulations of the Office of Personnel Management and to full rights and entitlements of state employees in the classified service.

~~6.~~ 5. The authority for an agency to make appointments pursuant to this subsection shall be temporary and shall cease when the appointing authority of an agency can no longer justify remedial action pursuant to this subsection.

~~7.~~ 6. A list of persons employed by state agencies pursuant to this subsection shall be provided by each state agency to the Office of Personnel Management which shall maintain records regarding the employment of persons and annually report the total number of persons so employed to the Governor, Speaker of the House of Representatives, President Pro Tempore of the Senate and the Merit Protection Commission.

SECTION 5. AMENDATORY 74 O.S. 1991, Section 3915, is amended to read as follows:

Section 3915. In evaluating each statutory entity the review committee shall consider factors including, but not limited to:

1. The extent to which statutory changes have been recommended which would benefit the statutory entity;
2. The extent to which operation of the statutory entity has been efficient and responsive to public needs;
3. The extent to which the public has been encouraged to participate in rule- and decision-making as opposed to participation solely by persons regulated;

4. The extent to which complaints have been expeditiously processed to completion in the public interest;

~~5. The extent to which affirmative action requirements of state and federal statutes and constitutions have been complied with by the agency or the industry it regulates;~~

~~6. An identification of other statutory entities having the same or similar objectives along with a comparison of the cost and effectiveness of said statutory entities and any duplication of the statutory entity under review;~~

~~7.~~ 6. An examination of the extent to which the objectives of the statutory entity have been achieved in comparison with the objectives as initially set forth in the enabling legislation and an analysis of any significant variance between project and actual performance;

~~8.~~ 7. A specification, to the extent feasible, in quantitative terms, of the objectives of said statutory entity for the next six (6) years; and

~~9.~~ 8. An examination of the impact of said statutory entity on the economy of the state.

SECTION 6. REPEALER 74 O.S. 1991, Sections 840.25, 840.25a and 840.25b, are hereby repealed.

SECTION 7. This act shall become effective July 1, 1992.

SECTION 8. It being immediately necessary for the preservation of the public peace, health and safety, an emergency is hereby declared to exist, by reason whereof this act shall take effect and be in full force from and after its passage and approval.

43-2-7676

MCD