

ENGROSSED SENATE  
BILL NO. 216

By: Haney and Hobson of the  
Senate

and

Hamilton and Steidley of  
the House

[ budget limits - Department of Central Services -  
effective date -  
emergency ]

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

DEPARTMENT OF CENTRAL SERVICES

SECTION 1. The Department of Central Services is authorized to expend an amount not to exceed Five Hundred Eighty-four Thousand Seven Hundred Seventy-five Dollars (\$584,775.00) or so much thereof as may be necessary from the Motor Vehicle Liability Account of the Risk Management Revolving Fund created pursuant to Section 85.35 of Title 74 of the Oklahoma Statutes to provide such salaries and administrative expenses as required by the Comprehensive Professional Risk Management Program provided for in Section 85.34 of Title 74 of the Oklahoma Statutes.

SECTION 2. The Department of Central Services is authorized to expend an amount not to exceed Two Hundred Seventy-four Thousand Six Hundred Thirty-seven Dollars (\$274,637.00) or so much thereof as may be necessary from the Risk Management Participation Revolving Fund created pursuant to Section 85.34B of Title 74 of the Oklahoma Statutes to provide such salaries and administrative expenses as

required by the Comprehensive Professional Risk Management Program provided for in Section 85.34 of Title 74 of the Oklahoma Statutes.

SECTION 3. The Department of Central Services is authorized to expend an amount not to exceed Forty-two Thousand Six Hundred Sixty-six Dollars (\$42,666.00) or so much thereof as may be necessary from the Oklahoma Motor License Agent Indemnity Fund created pursuant to Section 1143.1 of Title 47 of the Oklahoma Statutes to provide such salaries and administrative expenses as required by the Comprehensive Professional Risk Management Program provided for in Section 85.34 of Title 74 of the Oklahoma Statutes.

SECTION 4. Expenditures from the Property and Casualty Revolving Fund shall not be subject to the budgetary limitations established for the Department of Central Services in Sections 5 and 6 of this act. Payment of claims from the Property and Casualty Revolving Fund, Motor Vehicle Liability Revolving Fund, Oklahoma Motor License Agent Indemnity Fund, Risk Management Participation Revolving Fund, and Risk Management Elderly and Handicapped Transportation Revolving Fund shall not be subject to the budgetary limitations established for the Department of Central Services in Sections 5 and 6 of this act.

SECTION 5. For the fiscal year ending June 30, 1996, the Department of Central Services shall budget all funds in the following categories and amounts:

<u>Category</u>	<u>Appropriation</u>	<u>Total</u>
Administration	\$0.00	\$0.00
Core Services	0.00	0.00
Central Printing	0.00	0.00
Public Employees Relations		
Board	0.00	0.00
Basic Health Benefits		
Board	0.00	0.00
Property Distribution	0.00	0.00

Santa Claus Commission	0.00	0.00
Capitol-Medical Zoning		
Commission	0.00	0.00
Bond Advisor	0.00	0.00
Motor Pool	0.00	0.00
Alternative Fuels	0.00	0.00
Risk Management	<u>0.00</u>	<u>0.00</u>
TOTAL	\$0.00	\$0.00

SECTION 6. The duties and compensation of employees, not otherwise prescribed by law, necessary to perform the duties imposed upon the Department of Central Services by law shall be set by the Director of the Department of Central Services. The salary of the Director shall not exceed Sixty-nine Thousand Three Hundred Twenty Dollars (\$69,320.00) per annum, payable monthly for the fiscal year ending June 30, 1996. The Department of Central Services for the fiscal year ending June 30, 1996, shall be subject to the following budgetary limitations, except as may be authorized pursuant to the provisions of Section 3603 of Title 74 of Oklahoma Statutes:

<u>Budgetary Limitation</u>	<u>Amount</u>
Average Full-time-equivalent Employees	390.0
Lease-Purchase Agreements	\$0.00

The asbestos abatement program in the Department of Central Services shall not be subject to the full-time-equivalent employee limitation established for the Department of Central Services in this section.

SECTION 7. AMENDATORY 47 O.S. 1991, Section 1143.1, as amended by Section 11, Chapter 329, O.S.L. 1994 (47 O.S. Supp. 1994, Section 1143.1), is amended to read as follows:

Section 1143.1 A. There is hereby created the Oklahoma Motor License Agent Indemnity Fund. The fund shall be a continuing fund, not subject to fiscal year limitations, and shall consist of annual assessments levied on motor license agencies. All monies accruing to the credit of the funds are hereby appropriated and may be

expended, in amounts and as authorized by the Legislature, by the Department of Central Services. The purpose of the fund shall be established is to ensure that the Oklahoma Tax Commission recovers tax revenue not remitted to the Commission because of negligence, malfeasance or fraud by a motor license agent. ~~The Department of Central Services shall administer the fund.~~ Upon final determination by the Oklahoma Tax Commission of a tax revenue shortage or liability of a motor license agent whose agency has been closed, a claim in the amount of such liability may be made by the Commission against the fund. The claim shall be paid out of the fund by the Department of Central Services. At least sixty (60) days' written notice shall be given to the delinquent motor license agent before any such claim is paid. The Department of Central Services shall have the power to seek restitution to the fund from any motor license agent whose liability was paid out of the fund. The monies in the fund shall be invested by the State Treasurer and the interest shall be deposited in the fund.

B. Each fiscal year, the Department of Central Services shall collect and deposit into the fund an annual assessment from all motor license agencies that have been operating for a period of not less than one (1) year. Such assessments shall be payable by each motor license agency on a quarterly basis. The amount on which the assessment shall be based shall be determined annually for each motor license agency by the Oklahoma Tax Commission by dividing the volume of tax monies collected each fiscal year by the agency by the number of reporting periods required by the Commission. The assessments shall be in the following amounts:

1. Each motor license agency which has been in operation for more than three (3) years and subject to the assessment pursuant to this subsection shall pay such assessment as follows:

- a. when the fund contains less than Five Hundred Thousand Dollars (\$500,000.00) on June 30 of any year, the

assessment shall be one percent (1%) of the amount determined for the motor license agency by the Oklahoma Tax Commission, and

- b. when the fund contains Five Hundred Thousand Dollars (\$500,000.00) or more on June 30 of any year, the Oklahoma Tax Commission shall reduce or suspend the assessment for such agencies if the Commission determines that the fund is fiscally sound and meets the needs for which the fund is established.

Provided, however, if the fund contains less than Five Hundred Thousand Dollars (\$500,000.00) at any time during the fiscal year for which the Tax Commission has reduced or suspended the assessment hereunder, the Tax Commission shall immediately issue an assessment pursuant to subparagraph a of this paragraph in an amount equal to the amount which would have been paid during the remaining quarters of the fiscal year; and

2. Each motor license agency which has been in operation for less than three (3) years but more than one (1) year shall pay the assessment in an amount equal to one percent (1%) of the amount determined for the motor license agency by the Oklahoma Tax Commission until the agency reaches the end of its third year of operation. At such time, such agency shall be subject to the assessment specified in subparagraph a of paragraph 1 of this subsection.

- C. Any assessments required by subsection B of this section, shall be paid in quarterly amounts and due on September 30, December 30, March 30 and June 30 of each year. Such payments shall be deemed delinquent after October 15, January 15, April 15 and July 15 of each year. Motor license agents who are delinquent in remitting any quarterly payment for their operating agencies in excess of fifteen (15) days after the date of the delinquency shall be subject to dismissal.

D. No annual assessment shall exceed One Thousand Two Hundred Dollars (\$1,200.00).

SECTION 8. AMENDATORY 74 O.S. 1991, Section 63, as amended by Section 27, Chapter 330, O.S.L. 1993 (74 O.S. Supp. 1994, Section 63), is amended to read as follows:

Section 63. A. The Department of Central Services shall have power to promulgate rules not inconsistent with the laws of this state.

B. The Department of Central Services shall have charge of the construction, repair, maintenance, insurance, and operation of all buildings owned, used, or occupied by or on behalf of the state including buildings owned by the Oklahoma Capitol Improvement Authority where such services are carried out by contract with the Authority.

C. The Director of the Department of Central Services shall have authority to purchase all material and perform all other duties necessary in the construction, repair, and maintenance of all buildings under its management or control, shall make all necessary contracts by or on behalf of the state for any buildings or rooms rented for the use of the state or any of the officers thereof, and shall have charge of the arrangement and allotment of space in such buildings among the different state officers.

D. The Department of Central Services shall not have any authority or responsibility for buildings, rooms or space under the management or control of the University Hospitals Authority.

E. The Department of Central Services shall have the custody and control of all state property, and all other property managed or used by the state, except military stores and such property under the control of the State Banking Department and the two houses of the State Legislature, shall procure all necessary insurance thereon against loss and shall allot the use of the property to the several

offices of the state, and prescribe where the property shall be kept for public use.

F. The Department of Central Services shall keep an accurate account of all property purchased for the state or any of the departments or officers thereof, except that purchased for and by the two houses of the State Legislature. The two houses shall have the exclusive use, care, and custody of their respective chambers, committee rooms, furniture, and property, and shall keep their respective records of said furniture and property.

G. The Department of Central Services shall not have any authority or responsibility for property purchased for or under the management or control of the University Hospitals Authority except as expressly provided by law.

H. The Director of the Department of Central Services, by January 1 of each year, shall submit a report to the Governor, the President Pro Tempore of the Senate, the Speaker of the House of Representatives, and the Director of the Office of State Finance describing the activities of the Department of Central Services in the previous fiscal year. Such report shall contain a description of each activity as included in the budget work program, workload data for each activity, number of full-time-equivalent employees assigned to each activity, the budget or actual expenditures, as appropriate, of each activity for the current fiscal year and the immediately preceding fiscal year.

SECTION 9. AMENDATORY 74 O.S. 1991, Section 840.8, as last amended by Section 8, Chapter 242, O.S.L. 1994, and as renumbered by Section 54, Chapter 242, O.S.L. 1994 (74 O.S. Supp. 1994, Section 840-5.5), is amended to read as follows:

Section 840-5.5 A. The following offices, positions, and personnel shall be in the unclassified service and shall not be placed under the classified 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. Persons employed with one-time, limited duration, federal or other grant funding that is not continuing or indefinitely renewable. The length of the unclassified employment shall not exceed the period of time for which that specific federal funding is provided. Provided any person unclassified pursuant to this paragraph on the effective date of this act in a capacity that does not meet the criteria listed in this paragraph may continue to be employed in such status until July 1, 1995;

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. These appointments and authorizations shall terminate on the first day of the regular legislative session immediately following the appointment, if not terminated earlier. However, nothing in this paragraph shall prevent the reauthorization and reappointment of any such person;

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 may 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. For purposes of this act a student shall be considered a regularly enrolled student if he or she is enrolled in a minimum of five (5) hours of accredited graduate courses or a minimum of ten (10) hours of accredited undergraduate courses, provided, however, the student shall only be required to be enrolled in a minimum of six (6) hours of accredited undergraduate courses during the summer, and such student is regularly attending classes during that semester of employment, or
- c. 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 either the House of Representatives or the State Senate or the Legislative Service Bureau;

15. 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;

16. 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;

17. 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;

18. Office of State Finance personnel occupying the following offices and positions:

- a. State Comptroller,
- b. Information Services Division Manager,
- c. Network Manager, and

d. Network Technician;

19. Employees of the Oklahoma Development Finance Authority;

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

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

22. 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 subsection B of this section;

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

24. 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;

25. The State Bond Advisor and his employees;

26. The Oklahoma Employment Security Commission employees occupying the following positions:

a. Associate Director,

b. Secretary to the Associate Director, and

c. Assistant to the Executive Director;

27. Oklahoma Human Rights Commission personnel occupying the position of Administrative Assistant;

28. The officers and employees of the State Banking Department;

29. Officers and employees of the University Hospitals Authority except personnel in the state classified service pursuant to Section 3211 of Title 63 of the Oklahoma Statutes and members of the University Hospitals Authority Model Personnel System created pursuant to subsection E of Section 3211 of Title 63 of the Oklahoma Statutes;

30. Alcoholic Beverage Laws Enforcement Commission employees occupying the three Administrative Service Assistant positions;

31. The Oklahoma State Bureau of Investigation employee occupying the Special Investigator position; ~~and~~

32. The Governor's Representative of the Oklahoma Highway Safety Office of the Oklahoma Department of Public Safety who shall be appointed by the Governor; and

33. Department of Central Services personnel occupying the position of Executive Secretary.

B. The unclassified service of the state may include, at the discretion of the appointing authority, the following regular offices, positions and personnel:

1. Licensed medical doctors, osteopathic physicians, dentists, and psychologists;

2. Certified public accountants;

3. Licensed attorneys; and

4. Licensed veterinarians.

SECTION 10. This act shall become effective July 1, 1995.

SECTION 11. 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.

Passed the Senate the 23rd day of February, 1995.

President of the Senate

Passed the House of Representatives the \_\_\_\_ day of

\_\_\_\_\_, 1995.

Speaker of the House of  
Representatives