

ENROLLED HOUSE
BILL NO. 1587

By: Hutchison of the House

and

Shurden of the Senate

An Act relating to game and fish; amending 29 O.S. 1991, Section 3-103, as amended by Section 1, Chapter 318, O.S.L. 1994 (29 O.S. Supp. 1994, Section 3-103), which relates to the Wildlife Conservation Commission; directing the Commission to prescribe rules related to the use of department owned vehicles; amending 47 O.S. 1991, Section 156.1, as amended by Section 1 of Enrolled Senate Bill No. 337 of the 1st Session of the 45th Oklahoma Legislature; which relates to use of state-owned vehicles; authorizing certain employees of the Department of Wildlife Conservation to use state vehicles overnight; 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, as amended by Section 1, Chapter 318, O.S.L. 1994 (29 O.S. Supp. 1994, 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. The Commission may hold any regular or special session at any location within this state. Should a location be chosen other than Commission headquarters in Oklahoma City for a regular or special meeting, notice shall be posted at Commission headquarters in Oklahoma City as well as being advertised in the local newspaper of the city in which the meeting is to be held, at least one time during each of the two (2) weeks prior to such meeting. The advertisements shall include time, date and address of location of ~~said~~ the meeting.

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

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

5. 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. 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. 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. 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. 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. 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 Department of Central Services; ~~and~~

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

12. Prescribe rules on the use of vehicles owned by the Department by the Director, department heads and other essential employees as the Commission deems necessary in order to perform their duties;

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

~~13.~~ 14. Publicize and encourage the conservation and appreciation of wildlife and all other natural resources; ~~and~~

~~14.~~ 15. Regulate the seasons and harvest of wildlife; ~~and~~

~~15.~~ 16. 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.~~ 17. Provide the Governor and the Legislature with an annual inventory of all property and equipment.

SECTION 2. AMENDATORY 47 O.S. 1991, Section 156.1, as amended by Section 1 of Enrolled Senate Bill No. 337 of the 1st Session of the 45th Oklahoma Legislature, is amended to read as follows:

Section 156.1 A. It shall be unlawful for any state official, officer, or employee, except any essential employees approved by the Governor and those officers or employees authorized in subsection B of this section, to ride to or from the employee's place of residence in a state-owned automobile, truck, or pickup, except in the performance of the employee's official duty, or to use any such automobile, truck, ambulance, or pickup for other personal or private purposes. Any person convicted of violating the provisions

of this section shall be guilty of a misdemeanor and shall be punished by a fine of not more than One Hundred Dollars (\$100.00) or by imprisonment in the county jail for a period to not exceed thirty (30) days, or by both said fine and imprisonment, and in addition thereto, shall be discharged from state employment.

B. 1. Any state employee, other than the law enforcement officers provided for in paragraph 2 of this subsection, who receives emergency telephone calls regularly at the employee's residence when the employee is not on duty and is regularly called upon to use a vehicle after normal work hours in response to such emergency calls, may be permitted to use a vehicle belonging to the State of Oklahoma to provide transportation between the employee's residence and the assigned place of employment, provided such distance does not exceed seventy-five (75) miles in any round trip or is within the county where the assigned place of employment is located. Provided further, an employee may be permitted to use a state-owned vehicle to provide temporary transportation between a specific work location other than the assigned place of employment and the employee's residence, if such use shall result in a monetary saving to the agency, and such authorization shall not be subject to the distance or area restrictions provided for in this paragraph. Authorization for temporary use of a state-owned vehicle for a specific project shall be in writing stating the justification for this use and the saving expected to result. Such authorization shall be valid for not to exceed sixty (60) days. Any state entity other than law enforcement that avails itself of this provision shall keep a monthly record of all participating employees, the number of emergency calls received, and the number of times that a state vehicle was used in the performance of such emergency calls.

2. Any employee of the Department of Public Safety, Oklahoma State Bureau of Narcotics and Dangerous Drugs Control, Oklahoma State Bureau of Investigation, Alcoholic Beverage Laws Enforcement Commission, Oklahoma Horse Racing Commission, Office of the Inspector General within the Department of Human Services or Office of the State Fire Marshal, who is a law enforcement officer, may be permitted to use a state-owned vehicle to provide transportation between the employee's residence and the assigned place of employment and between the residence and any location other than the assigned place of employment to which the employee travels in the performance of the employee's official duty.

3. The Director, department heads and other essential employees of the Department of Wildlife Conservation, as authorized by the Wildlife Conservation Commission, may be permitted to use a state-owned vehicle to provide transportation between the employee's residence and the assigned place of employment and between the residence and any location other than the assigned place of employment to which the employee travels in the performance of the employee's official duty.

C. The principal administrator of the state agency with which the employee is employed shall so designate the employee's status in writing or provide a copy of the temporary authorization to the Governor, the President Pro Tempore of the Senate, and the Speaker of the House of Representatives. Such employee status report shall also be provided to the State Fleet Manager of the Division of Fleet Management if the motor vehicle for emergency use is provided by said Division.

SECTION 3. This act shall become effective July 1, 1995.

SECTION 4. 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 House of Representatives the 11th day of May, 1995.

Speaker of the House of
Representatives

Passed the Senate the 18th day of May, 1995.

President of the Senate