

ENROLLED HOUSE
BILL NO. 2463

By: Dunegan of the House

and

Dickerson of the Senate

An Act relating to the Oklahoma Personnel Act; amending 74 O.S. 1991, Sections 840.3, as renumbered by Section 54, Chapter 242, O.S.L. 1994, and as last amended by Section 1, Chapter 310, O.S.L. 1995, 840.5, as amended by Section 3, Chapter 242, O.S.L. 1994, and as last renumbered by Section 24, Chapter 310, O.S.L. 1995, Section 5, Chapter 242, O.S.L. 1994, as amended by Section 2, Chapter 310, O.S.L. 1995, 840.7a, as renumbered by Section 54, Chapter 242, O.S.L. 1994, and as last amended by Section 11, Chapter 358, O.S.L. 1995, 840.7d, as renumbered by Section 54, Chapter 242, O.S.L. 1994, and as last amended by Section 1, Chapter 74, O.S.L. 1995, 840.30, as renumbered by Section 54, Chapter 242, O.S.L. 1994, and as amended by Section 10, Chapter 310, O.S.L. 1995, 840.19, as renumbered by Section 54, Chapter 242, O.S.L. 1994, and as last amended by Section 14, Chapter 310, O.S.L. 1995 and 840.20, as renumbered by Section 54, Chapter 242, O.S.L. 1994, and as last amended by Section 21 of Enrolled House Bill No. 2428 of the 2nd Session of the 45th Oklahoma Legislature (74 O.S. Supp. 1995, Sections 840-1.3, 840-1.6A, 840-1.15, 840-2.20, 840-2.23, 840-3.13 and 840-4.12), which relate to the Oklahoma Personnel Act; modifying definitions; modifying duties of the Administrator of the Office of Personnel Management; authorizing certain fees; deleting certain reference; modifying due date of recommendations; modifying provisions related to certain delegations; modifying accrual rate provisions for certain eligible employees; authorizing reinstatement of certain leave time; providing for treatment of leave in the event of emergency conditions; providing for treatment of leave in the event of certain weather conditions; prescribing procedures related to leave; providing for applicability of provisions; modifying references; modifying provisions related to shared leave; modifying provisions related to personnel interchange assignments; providing for rights of participating employees; modifying provision related to appointments to certain positions; providing for effect of appointment to positions in unclassified service on or after certain date; providing for interpretation of provisions on certain positions; providing for inapplicability to certain institutions; providing for appointments to positions related to professional practice

licensure and certain other positions; amending 75 O.S. 1991, Section 250.4, as last amended by Section 4, Chapter 330, O.S.L. 1995 (75 O.S. Supp. 1995, Section 250.4), which relates to the Administrative Procedures Act; modifying applicability of certain provisions to Commissioner of Public Safety; exempting certain activity from applicability of Article II of the Administrative Procedures Act; providing for codification; and declaring an emergency.

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

SECTION 1. AMENDATORY 74 O.S. 1991, Section 840.3, as renumbered by Section 54, Chapter 242, O.S.L. 1994, and as last amended by Section 1, Chapter 310, O.S.L. 1995 (74 O.S. Supp. 1995, Section 840-1.3), is amended to read as follows:

Section 840-1.3 As used in this act:

1. "Agency" means any office, department, board, commission or institution of the executive branch of state government;
2. "Employee" or "state employee" means an elected or appointed officer or employee of an agency unless otherwise indicated;
3. "Appointing authority" means the chief administrative officer of an agency;
4. "Class" or "class of positions" means positions that are sufficiently similar in duties, levels of responsibility, and requirements of the work to warrant similar treatment as to title, pay grade, and minimum qualifications;
5. "Class specification" means a written document that describes a class;
6. "Classification plan" means the orderly arrangement of positions within an agency into separate and distinct classes so that each class will contain those positions which involve similar or comparable skills, duties and responsibilities;
7. "Classified service" means state employees and positions under the jurisdiction of the Oklahoma Merit System of Personnel Administration;
8. ~~"Examination" means any technique or procedure designed to determine the qualification, fitness, and ability of the persons examined to perform the duties and responsibilities of the class or position~~ "Entrance examination" means any employment test used by the Office of Personnel Management to rank the names of applicants who possess the minimum requirements of education, experience, or licensure for a class on a register of eligibles established by the Office of Personnel Management;
9. "Promotional examination" means any employment test designated by the Office of Personnel Management to determine further the qualifications of a permanent classified employee of a state agency for employment in a different class for which the employee possesses the minimum qualifications of education, experience, or licensure within that agency;
10. "Interagency transfer" means an action in which an employee leaves employment with one agency and enters employment with another agency while continuously employed with the state;
- ~~10.~~ 11. "Intra-agency transfer" means moving an employee from one position to another position with the same agency either with or without reclassification;

~~11.~~ 12. "Job-related organization" means a membership association which collects annual dues, conducts annual meetings and provides job-related education for its members and which includes state employees, including any association for which payroll deductions for membership dues are authorized pursuant to paragraph 5 of subsection B of Section 7.10 of Title 62 of the Oklahoma Statutes;

~~12.~~ 13. "Lateral transfer" means reclassification of an employee to another class with the same salary grade;

~~13.~~ 14. "Merit Rules" or "Merit Rules for Employment" or "Merit System of Personnel Administration Rules" means rules adopted by the Administrator of the Office of Personnel Management or the Oklahoma Merit Protection Commission pursuant to the Oklahoma Personnel Act;

~~14.~~ 15. "Noncompetitive appointment" means the appointment of a person to a noncompetitive class;

~~15.~~ 16. "Noncompetitive class" means a class of positions of unskilled or semiskilled labor or a similar class designated by the Office of Personnel Management as noncompetitive;

~~16.~~ 17. "Permanent classified employee" means a classified service employee who has acquired permanent status in accordance with the Oklahoma Personnel Act, and rules adopted pursuant thereto, and who has the right to appeal involuntary demotion, suspension without pay, and discharge to the Commission;

~~17.~~ 18. "Presiding official" means a person serving the Oklahoma Merit Protection Commission in the capacity of administrative hearing officer, mediator, or other alternative dispute resolution arbitrator or facilitator;

~~18.~~ 19. "Progressive discipline" means a system designed to ensure the consistency, impartiality and predictability of discipline and the flexibility to vary penalties if justified by aggravating or mitigating conditions;

~~19.~~ 20. "Regular and consistent" means, in connection with the work assignments of an employee, the usual and normal work assignments of the employee, excluding incidental, casual, or occasional tasks and activities the employee assumes without direction to do so. Temporary work assignments of less than sixty (60) days in any twelve (12) consecutive months period shall not be considered regular and consistent;

~~20.~~ 21. "Regular unclassified service employee" means an unclassified service employee who is not on a temporary or other time-limited appointment;

~~21.~~ 22. "Unclassified service" or "exempt service" means employees and positions excluded from coverage of the Oklahoma Merit System of Personnel Administration;

~~22.~~ 23. "Merit System" means the Oklahoma Merit System of Personnel Administration;

~~23.~~ 24. "Administrator" means the appointing authority of the Office of Personnel Management;

~~24.~~ 25. "Executive Director" means the appointing authority of the Oklahoma Merit Protection Commission;

~~25.~~ 26. "Office" means the Office of Personnel Management;

~~26.~~ 27. "Commission" means the Oklahoma Merit Protection Commission; and

~~27.~~ 28. "Veteran" means a person who has been honorably discharged from the Armed Forces of the United States and has been a resident of Oklahoma for at least one (1) year prior to the date of the examination.

SECTION 2. AMENDATORY 74 O.S. 1991, Section 840.5, as amended by Section 3, Chapter 242, O.S.L. 1994, and as last

renumbered by Section 24, Chapter 310, O.S.L. 1995 (74 O.S. Supp. 1995, Section 840-1.6A), is amended to read as follows:

Section 840-1.6A 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~~ the Governor's 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 agencies;
2. Effective July 1, 1995, organize the Office to provide both service and regulatory functions that are effective and efficient in meeting the management needs of various state agencies. The Administrator is directed to establish an agency service function to assist agencies with human resource needs based upon the administrative capacity and resources of the various agencies;
3. 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;
4. Develop and maintain a classification and compensation system for all classified positions in the executive branch of state government including those established by the Oklahoma Constitution;
5. 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;
6. 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;
7. Implement state affirmative action policies, and assure equal employment opportunity;
8. 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;
9. Assist state agencies in implementing their duties and obligations pursuant to the Oklahoma Personnel Act, Section ~~840.1~~ 840-1.1 et seq. of this title, and provide standard forms to the agencies if necessary;
10. Develop, in cooperation with appointing authorities, a employee training programs, management training program programs, a certified public manager program, a recruiting program, and a system of performance appraisals, and assist appointing authorities in the setting of productivity goals. The Administrator may establish and collect fees for participation in training programs;
11. 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;
12. Prepare and submit an annual budget covering the costs of administering the personnel program;
13. Make an annual report regarding the work of the Office of Personnel Management;

14. 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. All rules adopted by the Oklahoma Merit Protection Commission shall remain in full force and effect until modified by the appropriate authority;

15. 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;

16. 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 as provided in Section 4 840-2.13 of this ~~act~~ title;

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

18. Establish standards for continuing training, including affirmative action, and certification of personnel professionals in the executive branch of state government, excluding institutions within The Oklahoma State System of Higher Education. Employees appointed to professional personnel positions shall complete an initial training program within six (6) months after assuming the professional personnel position. Thereafter, they shall complete annual training requirements. Each appointing authority shall ensure that all professional personnel employees are notified of, and scheduled to attend, required training programs and shall make time available for employees to complete the programs. The Administrator shall be authorized to bill agencies for the training of personnel professionals pursuant to this paragraph to recover reasonable costs associated with the training. Monies received for such training shall be deposited in the Office of Personnel Management Revolving Fund. Expenditure of such funds collected for the training shall be exempt from any expenditure limit on the Office of Personnel Management established by law.

SECTION 3. AMENDATORY Section 5, Chapter 242, O.S.L. 1994, as amended by Section 2, Chapter 310, O.S.L. 1995 (74 O.S. Supp. 1995, Section 840-1.15), is amended to read as follows:

Section 840-1.15 A. Effective September 1, 1994, there is hereby created a nine-member Human Resources Management Advisory Committee. The membership of the advisory body shall be as follows:

1. The Administrator of the Office of Personnel Management or a designee; and

2. The Executive Director of the Oklahoma Merit Protection Commission or a designee; and

3. The Executive Director of the Oklahoma Public Employees Association or a designee; and

4. Two members shall be appointed by the Governor, one of whom shall be an employee of an agency employing less than two hundred full-time-equivalent employees and the other shall be an employee of an agency employing more than two hundred full-time-equivalent employees; and

5. Two members appointed by the Speaker of the House of Representatives, one of whom shall be a member of the House of Representatives, the other shall have human resource management experience in the public sector; and

6. Two members appointed by the President Pro Tempore of the Senate, one of whom shall be a member of the Senate, the other shall have human resource management experience in the public sector.

B. The Administrator or designee shall chair the Advisory Committee. ~~The Chairman of the Advisory Committee shall call the first meeting of the Advisory Committee by September 15, 1994.~~ A majority of the members of the Advisory Committee shall constitute a quorum to transact business, but no vacancy shall impair the right of the remaining members to exercise all of the powers of the Advisory Committee, and every act of a majority of a quorum of the members present shall be deemed an act of the Advisory Committee. Any vacancy in office shall be filled in the same manner as the original appointment. Staff for the Advisory Committee shall be provided by the Office of Personnel Management and the Oklahoma Merit Protection Commission.

The Advisory Committee shall be exempt from the Administrative Procedures Act and shall not have authority to promulgate administrative rules pursuant to Article I of the Administrative Procedures Act.

C. Members of the Advisory Committee shall receive no compensation for serving on the Advisory Committee but shall receive travel reimbursement for their necessary travel expenses incurred in the performance of their duties on the Advisory Committee as follows:

- a. legislative members of the Advisory Committee shall be reimbursed in accordance with Section 456 of Title 74 of the Oklahoma Statutes from the legislative body in which they serve,
- b. nonlegislative members of the Advisory Committee who are officers or employees of the state shall be reimbursed by their employing agency in accordance with the State Travel Reimbursement Act, and
- c. members of the Advisory Committee who are not otherwise officers or employees of the state shall be reimbursed by the Office of Personnel Management in accordance with the State Travel Reimbursement Act.

D. The Advisory Committee shall conduct the following ~~studies~~ study and shall make recommendations to the Governor, the President Pro Tempore of the Senate, and the Speaker of the House of Representatives ~~according to the following schedule:~~

~~1. Study of the State Government Positions.~~

~~The Advisory Committee shall study the nature, status, functions, and composition of the classified and unclassified services of the state. In making recommendations based on this study, the Advisory Committee shall include recommendations regarding:~~

- ~~a. appropriate conditions and provisions for employment in the classified and unclassified services,~~
- ~~b. the types of offices, positions, and personnel that should comprise the classified service and the unclassified service, including recommendations for the transfer of positions from the classified service to the unclassified service and vice versa, and~~
- ~~c. the establishment of a career or senior executive service.~~

~~These recommendations shall be submitted by December 1, 1994;~~

~~2. Study of Recruitment and Selection.~~

~~The Advisory Committee shall study the laws, standards, policies, and procedures for recruiting, screening, and certifying persons for appointment and promotion within the Merit System. The study may include but shall not be limited to:~~

- ~~a. use of a wide array of testing methods ranging from improved tests, rankings of individual achievement records, oral interviews and simulations,~~
- ~~b. creation of a method for combining and ranking written tests with individual achievement records and other valid assessment criteria,~~
- ~~c. creation of alternative assessment criteria based on superior academic record or other professional achievement,~~
- ~~d. creation of tests for a broad series of similar occupations, and~~
- ~~e. exempting classifications requiring state or nationally recognized professional licensure from this testing and rating procedures.~~

~~The Advisory Committee's recommendations shall be submitted by February 1, 1995;~~

~~3. Study of Single Leave.~~

~~The Advisory Committee is to study the feasibility and the advantages or disadvantages of creating a system for state government to accrue leave on an undifferentiated basis in lieu of the current practice that divides leave accrual into annual and sick leave. The Advisory Committee shall consider the fiscal impact and potential benefits that state employees may derive from such reform in the leave system for the state service. The Advisory Committee shall submit its recommendations regarding this study by July 1, 1995; January 1, 1997.~~

~~4. Study of Performance Appraisals.~~

~~The Advisory Committee shall study the purposes for, and uses of, employee performance appraisals within Merit System agencies. It shall consider:~~

- ~~a. an annual evaluation of the employee's performance of assigned duties and responsibilities,~~
- ~~b. factors that affect individual, work group, or agency performance,~~
- ~~c. consideration of acquisition of additional skills and competencies relevant to agency performance,~~
- ~~d. information solicited from the state employee's peers, if appropriate, and~~
- ~~e. an annual evaluation of supervisors in agencies that shall include performance evaluation information from employees of their supervisors.~~

~~The recommendations of the Advisory Committee shall include guidelines for a new performance appraisal system for the classified service. The recommendations shall be submitted by July 1, 1995;~~

~~5. Study of Delegation of Personnel Functions of the Office of Personnel Management, Model Projects and Annual Agency Human Resource Management Plans and Self-Evaluations.~~

~~E. The Advisory Committee shall recommend systems and establish standards and procedures for delegating to appointing authorities the authority to administer human resources functions normally conducted by the Office of Personnel Management to appointing authorities. The delegation projects shall not include discipline or compensation. Recommendations for legislation to implement the Delegation Program shall be submitted by March 1, 1995. Additional recommendations for implementation shall be submitted by August 1, 1995. Delegation would be restricted to two initial delegation approvals, one involving position classification and one involving certification of candidates. One delegation effort would be to an agency with more than two hundred full-time-equivalent employees and the other to an agency under two hundred full-time-equivalent~~

~~employees.~~ The Administrator shall have the authority to approve delegation applications which shall constitute authority for the agency to implement approved delegations of personnel authority. ~~No initial delegation could start before January 1, 1996. No additional delegations may start before January 1, 1997.~~

The Advisory Committee is to develop recommendations to create a program to allow agencies to design model human resource projects to test and evaluate the effect of innovative policies, standards, and procedures.

The number and scope of model projects would be limited only by capacity of the agency to implement the model projects, the quality of model project applications, and the ability of the Office of Personnel Management to monitor the projects. The Advisory Committee would have to approve the projects and would receive recommendations from the Office of Personnel Management Administrator. Upon approval by the Advisory Committee, the Administrator shall have the authority to approve model project applications which shall constitute authority for the agency to implement approved model projects. ~~No model projects would be able to start before January 1, 1996.~~

Such procedures for delegations of personnel authority and model projects may include, but not be limited to, an evaluation component, employee participation in the development of the plan and notification of approved delegation of personnel authority or model project, audits, and conditions for termination of a delegation of personnel authority or a model project by the Administrator.

A Human Resource Management Plan and Self-Evaluation Report system for agencies should include but not be limited to provisions related to affirmative action; staffing, recruitment, and promotion; classification and compensation; training and staff development expenditures; the reporting of internal agency grievances and discrimination complaints filed, discharges, suspensions without pay and demotions, and number of investigations directed by the Oklahoma Merit Protection Commission and the outcome of all such actions; and strategies for assuring employee participation in the development of agency personnel activities. The self-evaluation should include comparisons with the previous year or years' personnel actions. ~~The Advisory Committee shall submit its recommendations regarding this study by January 1, 1996.~~

SECTION 4. AMENDATORY 74 O.S. 1991, Section 840.7a, as renumbered by Section 54, Chapter 242, O.S.L. 1994, and as last amended by Section 11, Chapter 358, O.S.L. 1995 (74 O.S. Supp. 1995, Section 840-2.20), is amended to read as follows:

Section 840-2.20 The Administrator of the Office of Personnel Management shall promulgate such emergency and permanent rules regarding annual leave and sick leave as are necessary to assist the state and its agencies in the equitable implementation of the State Disability Insurance Program. Such rules shall be so designed as to provide for coordination between leave accrual, leave accumulation, leave use, and eligibility for disability insurance coverage, such disability insurance coverage to be determined by the State and Education Employees Group Health, Dental and Life Insurance Board.

The Administrator of the Office of Personnel Management, in adopting new rules, amending rules and repealing rules, shall ensure that the following provisions are incorporated:

1. Eligible employees who enter on duty or who are reinstated after a break in service shall receive leave benefits in accordance with the schedule outlined below. Leave will be accrued on a monthly basis and prorated, as appropriate, for less than full-time service. Years of service shall be based on cumulative periods of

employment calculated in the manner that cumulative service is determined for longevity purposes pursuant to Section 840-2.18 of this title.

2. a. The following accrual rates and accumulation limits apply to eligible employees who initially enter into the state service prior to July 1, 1996, and who have less than ten (10) years' cumulative service:

	<u>ACCRUAL RATES</u>		<u>ACCUMULATION LIMITS</u>
	Cumulative Years of Service	Annual Leave	Sick Leave
Persons employed 0-5 yrs =	15 day/yr	15 days/yr	30 days
5-20 5 -10 yrs =	18 day/yr	15 days/yr	60 days
over 20 yrs = 20 day/yr	20 day/yr	15 days/yr	60 days

- b. The following accrual rates and accumulation limits apply to eligible employees who either:
- (i) initially enter into the state service prior to July 1, 1996, and who have ten (10) years or more cumulative service, or
- (ii) initially enter into the state service on or after July 1, 1996:

	<u>ACCRUAL RATES</u>		<u>ACCUMULATION LIMITS</u>
	<u>Cumulative Years of Service</u>	<u>Annual Leave</u>	<u>Sick Leave</u>
<u>Persons employed 0-5 yrs =</u>	<u>10 day/yr</u>	<u>15 days/yr</u>	<u>30 days</u>
<u>5-10 yrs =</u>	<u>15 day/yr</u>	<u>15 days/yr</u>	<u>60 days</u>
<u>10-20 yrs =</u>	<u>20 day/yr</u>	<u>15 days/yr</u>	<u>60 days</u>
<u>over 20 yrs =</u>	<u>25 day/yr</u>	<u>15 days/yr</u>	<u>60 days</u>

All accrued annual leave and all leave eligibility under O.A.C. 530:10-15-11(b) (5) which is in excess of annual leave limits shall not be reduced or eliminated as a result of these rule changes.

~~3. Employees entering on duty in eligible status and eligible employees reinstated or reemployed following a break in service on or after July 1, 1985, shall accrue annual and sick leave in accordance with the provisions of paragraph 2 of this section on and after the effective date of this act, Section 840.1 et seq. of this title, but shall not be entitled to any additional leave for the period between July 1, 1985, and the effective date of this act as a result of the provisions of this act.~~

~~4.~~ Temporary employees and other limited term employees are ineligible to accrue, use, or be paid for sick leave and annual leave. Such employees shall be eligible for paid holiday leave at the discretion of the appointing authority.

~~5.~~ 4. Employees shall not be entitled to retroactive accumulation of leave as a result of amendments to this section. Effective September 1, 1994, employees shall be eligible to accrue leave pursuant to paragraph 1 of this section.

~~6.~~ 5. The Administrator of the Office of Personnel Management and the Executive Director of the Oklahoma Merit Protection Commission shall cooperate to assist agencies in developing policies to prevent violence in state government workplaces without abridging the rights of state employees. Such policy shall include a paid administrative leave provision as a cooling-off period which the

Administrator of the Office of Personnel Management is authorized to provide pursuant to the Administrative Procedures Act. Such leave shall not be charged to annual or sick leave accumulations.

6. State employees who terminated their employment in the state service on or after October 1, 1992, may be eligible to have sick leave accrued at the time of termination of employment restored if they return to state employment, provided that the state employees' enter-on-duty dates for reemployment occur on or before two (2) years after their termination of employment and they are eligible to accrue sick leave before the two (2) years expire.

7. The Persons subject to the University Hospitals Authority Model Personnel System shall be exempt from the provisions of this section.

SECTION 5. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 840-2.20A of Title 74, unless there is created a duplication in numbering, reads as follows:

A. When an agency of the State of Oklahoma or part of such an agency is closed because of an imminent peril threatening the public health, safety, or welfare of state employees or the public, the appointing authority shall place employees who are scheduled to work in the closed area on paid administrative leave or shall assign them to work in another location. Employees who are on paid administrative leave shall be in standby or on-call status during their normal scheduled duty hours. The appointing authority may call such employees to return to their normal duties and work location or respond to the demands of the situation as necessary.

B. When the Governor or a designee of the Governor authorizes agencies or parts of agencies to maintain basic minimum services because hazardous weather conditions impede or delay the movement of employees to and from work, employees responsible for providing such basic minimum services shall report to work. Appointing authorities of agencies shall be responsible for determining essential agency functions and ensuring that employees who staff such functions are so informed. Leave alternatives for those employees not responsible for basic minimum services shall be established by the Administrator of the Office of Personnel Management.

C. Appointing authorities of affected agencies shall notify the Office of Personnel Management of agency closings and reductions in services pursuant to this section.

D. The provisions of this section are applicable to agencies and employees in the executive department of state government, including those on temporary and other limited term appointments. The provisions of this section shall not be applicable to employees of institutions within The Oklahoma State System of Higher Education.

E. The Administrator of the Office of Personnel Management shall adopt rules necessary to implement the provisions of this section.

SECTION 6. AMENDATORY 74 O.S. 1991, Section 840.7d, as renumbered by Section 54, Chapter 242, O.S.L. 1994, and as last amended by Section 1, Chapter 74, O.S.L. 1995 (74 O.S. Supp. 1995, Section 840-2.23), is amended to read as follows:

Section 840-2.23 A. There is hereby created the state leave sharing program. The purpose of the state leave sharing program is to permit state employees to donate annual or sick leave to a fellow state employee who is eligible for and requires family leave, or who is suffering from or has a relative or household member suffering from an extraordinary or severe illness, injury, impairment, or physical or mental condition which has caused or is likely to cause the employee to take leave without pay or terminate employment.

B. As used in this section:

1. "Relative of the employee" shall be limited to the spouse, child, stepchild, grandchild, grandparent, stepparent, or parent of the employee;

2. "Household members" means those persons who reside in the same home, who have reciprocal duties to and do provide financial support for one another. This term shall include foster children and legal wards even if they do not live in the household. The term does not include persons sharing the same general house, when the living style is primarily that of a dormitory or commune;

3. "Severe" or "extraordinary" means serious, extreme or life threatening; and

4. "State employee" means a permanent classified employee or a regular unclassified employee with over six (6) months continuous service with the state. It does not include classified employees in probationary status or unclassified employees on temporary or other limited term appointments.

C. An employee may be eligible to receive shared leave pursuant to the following conditions:

1. The chief administrative officer of the employee determines that the employee meets the criteria described in this section; and

2. The employee has abided by state policies regarding the use of ~~sick~~ leave.

D. An employee may donate annual or sick leave to another employee only pursuant to the following conditions:

1. a. The receiving employee has exhausted, or will exhaust, all annual leave and sick leave due to an illness, injury, impairment, or physical or mental condition, which is of an extraordinary or severe nature, and involves the employee, a relative of the employee or household member~~;~~

b. The condition has caused, or is likely to cause, the employee to go on leave without pay or terminate employment~~;~~ and

c. The chief administrative officer of the employee permits the leave to be ~~shared with~~ donated to an eligible employee~~;~~

2. The donating employee may donate any amount of annual or sick leave provided the donation does not cause the annual leave balance of the employee to fall below eighty (80) hours ~~or~~ and provided the donation does not cause the sick leave balance of the employee to fall below eighty (80) hours~~;~~ and

3. Employees may not donate excess annual or sick leave that the donor would not be able to otherwise take.

E. The chief administrative officer of the employee shall determine the amount of donated leave an employee may receive and may only authorize an employee to use up to a maximum of two hundred sixty-one (261) days of ~~shared~~ donated leave during total state employment.

F. The chief administrative officer of the employee shall require the employee to submit, prior to approval or disapproval, a medical certificate from a licensed physician or health care practitioner verifying the ~~severe or extraordinary nature~~ need for the leave and expected duration of the condition.

G. Donated annual or sick leave is transferable between employees in different state entities with the agreement of both chief administrative officers of the entities.

H. The receiving employee shall be paid his or her regular rate of pay; therefore, one hour of ~~shared~~ donated leave may cover more or less than one hour of the salary of the recipient. The

calculation of the leave value of the recipient shall be in accordance with Office of Personnel Management policies, regulations, and procedures. The dollar value of the leave is converted from the donor to the recipient. The leave received will be designated as ~~shared~~ donated leave and be maintained separately from all other leave balances.

I. Any donated leave may only be used by the recipient for the purposes specified in this section.

J. All forms of paid leave available for use by the recipient must be used prior to using ~~shared~~ donated leave.

K. Any ~~shared~~ donated leave not used by the recipient during each occurrence as determined by the chief administrative officer of the employee shall be returned to the donor. The ~~shared~~ donated leave remaining will be divided among the donors on a prorated basis based on the original donated value and returned at its original donor value and reinstated to the ~~annual~~ original leave balance of each donor.

L. All donated leave must be given voluntarily. No employee shall be coerced, threatened, intimidated, or financially induced into donating annual or sick leave for purposes of the leave sharing program.

SECTION 7. AMENDATORY 74 O.S. 1991, Section 840.30, as renumbered by Section 54, Chapter 242, O.S.L. 1994, and as amended by Section 10, Chapter 310, O.S.L. 1995 (74 O.S. Supp. 1995, Section 840-3.13), is amended to read as follows:

Section 840-3.13 A. All personnel interchange assignments are intended to be temporary in nature. An individual's period of assignment to any receiving agency shall not exceed twelve (12) months in any ~~thirty-six (36) month~~ thirty-six-month period; except that the period of assignment for mentor executives participating in the mentor program established by Section 840-3.8 of this title shall not exceed twenty-four (24) months in any thirty-six-month period.

B. An individual shall be assigned as a participating employee only upon the individual's freely given written consent, without any form of coercion or duress. Personnel interchanges shall be executed by mutual consent agreement by the appointing authority of the sending agency, the appointing authority of the receiving agency, and the participating individual.

C. A participating employee shall be considered an employee of the sending agency for all purposes other than supervision. The receiving agency shall be responsible for all costs and liabilities arising from the performance of work assigned to the participating employee by the receiving agency which is found to be contrary to law and public policy by a court of competent jurisdiction.

D. A participating classified or unclassified employee may be assigned to a classified or unclassified position for the duration of the assignment without regard to the status of the employee in the sending agency.

E. Work assigned to a participating employee by a receiving agency shall be exempt from the classification and compensation provisions of the Oklahoma Personnel Act. Further, although all agencies are encouraged to resolve employee complaints at the lowest possible level, nothing in this section shall be construed to require a receiving agency to establish or adopt a grievance procedure pursuant to Section 840-6.2 of this title, to hear formal grievances, or to designate a grievance manager. Whenever an interchange agreement is terminated in accordance with this act and rules promulgated by the Administrator of the Office of Personnel Management, the participating employee shall be entitled to return

to the previous class of the employee or its successor class, if one exists in the sending agency. Otherwise, the reduction-in-force provision of Section 840-2.27 of this title shall apply.

F. Except as provided in subsection E of this section, a participating employee who is assigned to a receiving agency shall neither lose, or suffer diminution of, any right, power, privilege, or benefit to which the employee would otherwise be entitled, including but not limited to salary, seniority, promotion, reinstatement, insurance, retirement, classified or unclassified status, progressive discipline, and use of grievance and appeals procedures. An employee's class shall not be adversely affected by another employee's participation in an interchange.

G. Any participating employee who suffers injury, occupational disease, or death, arising out of and in the course of an assignment to a receiving agency or sustained in the discharge of duties in connection with said assignment shall be considered an employee of the sending agency, and shall not be deprived by virtue of participating in said program of any right or expectancy that would otherwise accrue pursuant to the laws of this state governing labor and workers' compensation.

H. Except as provided in this section, a participating employee shall neither receive nor accept any compensation from the receiving agency to which the employee is assigned. Any receiving agency shall, in accordance with any applicable laws and policies, reimburse the per diem and travel expenses of any participating employee assigned thereto.

I. Nothing in the State Personnel Interchange Program is intended to preclude the adoption of rules governing the interchange of employees of state governmental entities via other interchange provisions, such as leaves of absence without pay and career executive appointments.

SECTION 8. AMENDATORY 74 O.S. 1991, Section 840.19, as renumbered by Section 54, Chapter 242, O.S.L. 1994, and as last amended by Section 14, Chapter 310, O.S.L. 1995 (74 O.S. Supp. 1995, Section 840-4.12), is amended to read as follows:

Section 840-4.12 A. The Administrator shall be responsible for conducting promotional examinations and entrance examinations as required under the Oklahoma Personnel Act. 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 persons with severe disabilities who have satisfactorily completed vocational and technical education courses in vocational training units or divisions approved by the Department of Rehabilitation 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 Office of Personnel Management shall certify that a candidate meets the necessary job qualifications of a position classification in the classified service for the purpose of allowing ~~a~~ that candidate to take any required examination or otherwise compete for be appointed to a position in that class. The Administrator of the Office of Personnel Management may delegate the certification function provided by this section to an agency pursuant to paragraph 5 of subsection D of Section 840-1.15 of this title. 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 persons with severe disabilities 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 "persons with severe disabilities" means persons certified as having disabilities according to standards and procedures established by the Administrator. Said standards and procedures shall be developed by the Administrator of the Office of Personnel Management with the assistance of the Office of Handicapped Concerns, and the Department of Rehabilitation Services.

2. Agencies of this state may employ persons with severe disabilities 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 persons with disabilities shall be exempt from entrance examinations and hiring procedures administered by the Office of Personnel Management pursuant to ~~Sections 840-4.12~~ this section and Section 840-4.13 of this title.

3. Persons with severe disabilities hired pursuant to this subsection shall be appointed for a probationary period of six (6) months. At the end of the probationary period if the work of said

person with severe disabilities is satisfactorily performed, the person with a severe disability shall acquire permanent status.

4. Persons with severe disabilities hired pursuant to this subsection shall be subject to the rules of the Administrator of the Office of Personnel Management.

5. A list of persons with severe disabilities 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 persons with severe disabilities and report the total number of such persons with severe disabilities 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 840-2.1 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 840-4.17 of this title, such person shall acquire permanent status.

5. 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. 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. 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 9. AMENDATORY 74 O.S. 1991, Section 840.20, as renumbered by Section 54, Chapter 242, O.S.L. 1994, and as last amended by Section 21 of Enrolled House Bill No. 2428 of the 2nd Session of the 45th Oklahoma Legislature, is amended to read as follows:

Section 840-4.13 A. Based upon the results of competitive entrance examinations and registers, as provided by the Oklahoma Personnel Act, the Administrator of the Office of Personnel Management shall certify to the appointing authority the names of the ten persons receiving the highest grade or score in said examinations plus all eligible applicants whose grade or score is tied with the lowest ranking of those so eligible. The Administrator of the Office of Personnel Management is authorized to implement a pilot project which will allow agencies to make appointments from broad band certificates issued by the Administrator. The pilot project shall include no more than twenty (20) classes and will begin no earlier than January 1, 1996, and end July 1, 1997. During the pilot project, the Administrator may implement a variety of broad band certification methods that certify to appointing authorities no fewer names for appointment than they otherwise receive. The Administrator shall consult with employing agencies prior to implementing broad band certification for a specific class and shall notify eligibles for a specific class subject to the pilot project.

B. In addition to establishing statewide registers pursuant to subsection A of this section, the Administrator is hereby authorized to promulgate rules creating a local register to fill a vacancy in a local office of an agency by providing a certificate of available names of eligible persons who are residents of the county where the local office is located or said county and adjacent counties or a group of contiguous counties comprising a service area of an agency. Available eligible residents shall be certified ahead of other available eligible persons who reside outside the area of the local register. In filling vacant positions, the appointing authority shall select any one of the persons whose names have been so certified and may give preference in all cases to persons who have resided in this state for at least one (1) year prior to the date of the examination. Provided, however, that any appointing authority authorized to employ persons who are not citizens of the United States, pursuant to Section 255 of this title, may request the Office to certify only the names of persons who are citizens of the United States in carrying out the provisions of this section; and such appointing authority may select any person so certified to the Administrator to fill such vacant positions even though a noncitizen may have received a higher grade on the examination. Provided, further, that any appointing authority may select special disabled veterans considered for employment pursuant to Sections 401 through 404 of Title 72 of the Oklahoma Statutes. The Department of Public Safety, in filling vacancies for Highway Patrol Cadets, may disqualify any eligible whose name has been certified for Highway Patrol Cadet pursuant to subsection A of this section, if the Department of Public Safety considers the eligible in connection with the hiring of three other eligibles pursuant to subsection A of

this section from that certificate. The name of such disqualified eligible shall be omitted from future certification to, and consideration by, the Department of Public Safety for appointment as a Highway Patrol Cadet. Such disqualification shall not deprive any person of any preference pursuant to paragraph 3 of subsection A of Section 840-4.14 of this title. The Department of Public Safety shall provide written notice of the disqualification to the Office of Personnel Management.

C. Agencies may fill positions requiring professional practice licensure and hard-to-fill positions pursuant to authorization by the Administrator without regard to subsections A and B of this section. The Administrator shall promulgate rules to authorize agencies to fill positions directly, pursuant to this subsection. Such rules shall include criteria for identifying professional practice licensure positions and hard-to-fill positions which shall not require establishment of an employment list of eligible persons or the application of veterans preference. The Administrator shall monitor appointments made by agencies pursuant to this subsection and shall establish recordkeeping and reporting procedures and the conditions under which the Administrator may withdraw authorization for agencies to directly hire persons into hard-to-fill positions. Nothing in this subsection shall be construed to waive any requirement for any job classification or position established by statute or the Administrator.

D. Every person, except for agents employed by the Alcoholic Beverage Laws Enforcement Commission who shall be appointed for probationary periods of one (1) year, upon initial appointment under the classified service, 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. The probationary appointment of any person may be terminated at any time during the probationary period without the right of appeal. At the close of the probationary period, as herein provided, said person shall acquire a permanent status under the conditions prescribed in the Oklahoma Personnel Act.

SECTION 10. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 840-5.1A of Title 74, unless there is created a duplication in numbering, reads as follows:

A. Within state government, persons appointed to a position in the unclassified service after June 30, 1996, shall serve at the pleasure of the appointing authority. Appointing authorities shall not convey any right or expectation of continued employment to such unclassified employees. The appointing authority may separate such unclassified employees at any time with or without cause. No provision of the Oklahoma Personnel Act shall be construed as granting any property interest in employment to any unclassified service employee.

B. Nothing in this section is intended to change the status of any unclassified employee appointed to a position on or before June 30, 1996.

C. This section shall not apply to persons in positions in institutions under the jurisdiction of the Oklahoma State Regents for Higher Education or subject to the University Hospitals Authority Model Personnel System created pursuant to Section 3211 of Title 63 of the Oklahoma Statutes.

SECTION 11. AMENDATORY 75 O.S. 1991, Section 250.4, as last amended by Section 4, Chapter 330, O.S.L. 1995 (75 O.S. Supp. 1995, Section 250.4), is amended to read as follows:

Section 250.4 A. 1. Except as is otherwise specifically provided in this subsection, each agency is required to comply with Article I of the Administrative Procedures Act, Section 250.3 of this title.

2. The Corporation Commission shall be required to comply with the provisions of Article I of the Administrative Procedures Act except for subsections A, B, C and F of Section 303 of this title and Section 306 of this title. To the extent of any conflict or inconsistency with Article I of the Administrative Procedures Act, pursuant to Section 35 of Article IX of the Oklahoma Constitution, it is expressly declared that Article I of the Administrative Procedures Act is an amendment to and alteration of Sections 18 through 34 of Article IX of the Oklahoma Constitution.

3. The Oklahoma Military Department shall be exempt from the provisions of Article I of the Administrative Procedures Act to the extent it exercises its responsibility for military affairs.

4. The Oklahoma Ordnance Works Authority shall be exempt from Article I of the Administrative Procedures Act.

5. The Oklahoma Transportation Commission and the Oklahoma Department of Transportation shall be exempt from Article I of the Administrative Procedures Act to the extent they exercise their authority in adopting standard specifications, special provisions, plans, design standards, testing procedures, federally imposed requirements and generally recognized standards, project planning and programming, and the operation and control of the State Highway System.

6. The Oklahoma State Regents for Higher Education shall be exempt from Article I of the Administrative Procedures Act with respect to:

- a. prescribing standards of higher education,
- b. prescribing functions and courses of study in each institution to conform to the standards,
- c. granting of degrees and other forms of academic recognition for completion of the prescribed courses,
- d. allocation of state-appropriated funds, and
- e. fees within the limits prescribed by the Legislature.

7. The Commissioner of Public Safety shall be exempt from Section 253, subsections C and D of Section 303 and Sections 303.1, 307.1, 308 and 308.1 of this title insofar as it is necessary to adopt rules under the ~~Oklahoma Hazardous Materials Transportation and Motor Carrier Act~~ Motor Carrier Safety and Hazardous Materials Transportation Act, to maintain a current incorporation of federal motor carrier safety and hazardous material regulations for which the Commissioner has no discretion when the state is mandated to adopt rules identical to federal rules and regulations. Such rules may be adopted by the Commissioner and shall be deemed promulgated twenty (20) days after notice of adoption is published in The Oklahoma Register. Such publication need not set forth the full text of the rule but may incorporate the federal rules and regulations by reference. Provided, for any rules for which the Commissioner has discretion to allow variances, tolerances or modifications from the federal rules and regulations, the Commissioner shall fully comply with Article I of the Administrative Procedures Act.

B. As specified, the following agencies or classes of agency activities are not required to comply with the provisions of Article II of the Administrative Procedures Act:

1. The Oklahoma Tax Commission;
2. The Commission for Human Services;
3. The Oklahoma Ordnance Works Authority;
4. The Oklahoma Corporation Commission;
5. The Pardon and Parole Board;
6. The Midwestern Oklahoma Development Authority;
7. The Grand River Dam Authority;
8. The supervisory or administrative agency of any penal, mental, medical or eleemosynary institution, only with respect to the institutional supervision, custody, control, care or treatment of inmates, prisoners or patients therein; provided, that the provisions of Article II shall apply to and govern all administrative actions of the Oklahoma Alcohol Prevention, Training, Treatment and Rehabilitation Authority;
9. The Board of Regents or employees of any university, college, or other institution of higher learning, except with respect to expulsion of any student for disciplinary reasons; provided, that upon any alleged infraction by a student of rules of such institutions, with a lesser penalty than expulsion, such student shall be entitled to such due process, including notice and hearing, as may be otherwise required by law, and the following grounds of misconduct, if properly alleged in disciplinary proceedings against a student, shall be cause to be barred from the campus and be removed from any college or university-owned housing, upon conviction in a court of law:
 - a. participation in a riot as defined by the penal code,
 - b. possession or sale of any drugs or narcotics prohibited by the penal code, Section 1 et seq. of Title 21 of the Oklahoma Statutes, or
 - c. willful destruction of or willful damage to state property;
10. The Oklahoma Horse Racing Commission, its employees or agents only with respect to hearing and notice requirements on the following classes of violations which are an imminent peril to the public health, safety and welfare:
 - a. any rule regarding the running of a race,
 - b. any violation of medication laws and rules,
 - c. any suspension or revocation of an occupation license by any racing jurisdiction recognized by the Commission,
 - d. any assault or other destructive acts within Commission-licensed premises,
 - e. any violation of prohibited devices, laws and rules,
 - f. any filing of false information;
11. The Commissioner of Public Safety only with respect to drivers' license hearings and hearings conducted pursuant to the provisions of Section 2-115 of Title 47 of the Oklahoma Statutes;
12. The Administrator of the Department of Securities only with respect to hearings conducted pursuant to provisions of the Oklahoma Take-over Disclosure Act of 1985;
13. Hearings conducted by a public agency pursuant to Section 962 of Title 47 of the Oklahoma Statutes;
14. The Oklahoma Military Department;
15. The Oklahoma Transportation Commission and the Oklahoma Department of Transportation until January 1, 1990;
16. The University Hospitals Authority, including all hospitals or other institutions operated by the University Hospitals Authority; ~~and~~
17. The Oklahoma Health Care Authority Board and the Administrator of the Oklahoma Health Care Authority; and

18. The position audit procedure, including the impartial review process, of the Office of Personnel Management pursuant to Section 840-4.3 of Title 74 of the Oklahoma Statutes. Provided, that any appeal from an impartial review determination to a court of competent jurisdiction shall be confined to the record in accordance with the provisions of Article II of the Administrative Procedures Act.

SECTION 12. 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 28th day of May, 1996.

Speaker of the House of
Representatives

Passed the Senate the 28th day of May, 1996.

President of the Senate