

1 STATE OF OKLAHOMA

2 1st Session of the 47th Legislature (1999)

3 COMMITTEE SUBSTITUE  
4 FOR  
5 HOUSE BILL NO. 1106

By: Erwin

6  
7 COMMITTEE SUBSTITUTE

8 ( Corporation Commission - effective date -  
9 emergency.)

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12  
13 BE IT ENACTED BY THE PEOPLE OF THE STATE OF OKLAHOMA:

14 SECTION 1. AMENDATORY 17 O.S. 1991, Section 31, as  
15 amended by Section 2, Chapter 180, O.S.L. 1998 (17 O.S. Supp. 1998,  
16 Section 31), is amended to read as follows:

17 Section 31. The Corporation Commission shall employ ~~two~~ four  
18 (4) Senior Utility Rate Analysts. Said positions shall be in the  
19 unclassified service and shall have a maximum annual salary, payable  
20 monthly, which shall be specified in the Commission's annual  
21 appropriation bill. Any person filling said position shall possess  
22 either:

23 1. A bachelor's degree or advanced degree in the area of  
24 accounting, business administration, economics, engineering,  
25 finance, law, or equivalent and a minimum of two (2) years'  
26 experience in utility regulation on behalf of utility applicants,  
27 commission staff, or intervenors; or

28 2. A minimum of five (5) years' experience in utility  
29 regulation on behalf of utility applicants, commission staff, or  
30 intervenors.

1 SECTION 2. AMENDATORY Section 3, Chapter 282, O.S.L.  
2 1992, as last amended by Section 3, Chapter 315, O.S.L. 1998 (25  
3 O.S. Supp. 1998, Section 307.1), is amended to read as follows:

4 Section 307.1 A. No public body shall hold meetings by  
5 teleconference except:

- 6 1. Oklahoma Futures;
- 7 2. The Oklahoma State Regents for Higher Education;
- 8 3. The Oklahoma Board of Medical Licensure and Supervision;
- 9 4. The State Board of Osteopathic Examiners;
- 10 5. The Board of Dentistry;
- 11 6. The Variance and Appeals Boards created in Sections 1021.1,  
12 1697 and 1850.16 of Title 59 of the Oklahoma Statutes; ~~and~~
- 13 7. The Corporation Commission; and
- 14 8. A public trust whose beneficiary is a municipality; however,  
15 no more than twenty percent (20%) of a quorum of the trustees may  
16 participate by teleconference and during any such meetings all votes  
17 shall be roll call votes.

18 B. No public body authorized to hold meetings by teleconference  
19 shall conduct an executive session by teleconference.

20 SECTION 3. AMENDATORY 74 O.S. 1991, Section 500.9, as  
21 last amended by Section 2, Chapter 354, O.S.L. 1997 (74 O.S. Supp.  
22 1998, Section 500.9), is amended to read as follows:

23 Section 500.9 A. Reimbursement for overnight lodging, while in  
24 official travel status, may be made at not to exceed Forty Dollars  
25 (\$40.00) or the actual cost, if lower, per night except as provided  
26 in subsections C, D and F of this section and Section 500.9A of this  
27 title. Receipts issued by the hotel, motel or other public lodging  
28 place shall accompany claims for reimbursement.

29 B. A per diem allowance in lieu of subsistence may be  
30 authorized by a travel claim issued in accordance with Section 500.3  
31 of this title, which shall include all charges for meals and  
32 lodging. Not to exceed Thirty-five Dollars (\$35.00) per diem may be

1 authorized on the travel claim for the performance of travel within  
2 the State of Oklahoma and not to exceed Thirty-six Dollars (\$36.00)  
3 per diem may be authorized for the performance of travel outside the  
4 State of Oklahoma. In computing the per diem allowance, a day shall  
5 be a period of twenty-four (24) hours. Reimbursement for each one-  
6 fourth (1/4) day consisting of six (6) hours or major fraction  
7 thereof, more than three (3) hours, may be made at the rate of Eight  
8 Dollars and twenty-five cents (\$8.25) in state and Nine Dollars  
9 (\$9.00) out of state. Provided, however, that no per diem shall be  
10 allowed pursuant to this section for periods of less than overnight  
11 in travel status. Reimbursement for expenses other than meals and  
12 lodging may also be made in accordance with the provisions of this  
13 act.

14 C. State officers or employees attending meetings, workshops,  
15 conferences or other objectives of trips which are conducted at a  
16 designated hotel, motel or other public lodging place or where  
17 lodging has been arranged for by the blocking of rooms or by rate  
18 reductions for the participants by the sponsor as evidenced by the  
19 announcement or notice of the meeting, workshop, conference or other  
20 objective shall be reimbursed the actual lodging expense not to  
21 exceed the single occupancy room rate charged by the designated  
22 hotel, motel or other public lodging place, provided that the  
23 officials or employees are in official travel status approved by the  
24 agency head or designee. Provided further, those state officers or  
25 employees attending meetings, workshops, conferences or other  
26 objectives of trips, which are conducted at a designated hotel,  
27 motel or other public lodging place as provided by this subsection,  
28 who choose to acquire less expensive lodging at another hotel, motel  
29 or other public lodging place shall be reimbursed the actual lodging  
30 expense not to exceed the single occupancy room rate charged by the  
31 designated hotel, motel or other public lodging place. Provided  
32 further, those state officers or employees so choosing this option

1 shall be reimbursed for local transportation costs incurred  
2 traveling between such optional lodging and the designated hotel,  
3 motel or other public lodging place not to exceed the difference  
4 between the cost of the designated lodging and the cost of the  
5 optional lodging. Receipts issued by the hotel, motel or other  
6 public lodging place shall accompany claims for reimbursement.

7 D. The Legislature recognizes the existence of areas where the  
8 reimbursement is not sufficient to pay lodging costs, and wherein a  
9 higher lodging reimbursement should be allowed. It is hereby  
10 provided that any state officials or employees in official travel  
11 status out of the state in one of the designated high rate  
12 geographical areas shall be reimbursed their actual lodging expense  
13 up to a maximum of Sixty-five (\$65.00) Dollars per night, except as  
14 provided in Section 500.9A of this title. The high rate  
15 geographical areas are hereby designated as follows:

16 Anchorage, AK

17 Atlanta, GA

18 Baltimore, MD

19 Boston, MA including all locations within Middlesex, Norfolk and  
20 Suffolk Counties

21 Chicago, IL including all locations within Lake and Cook  
22 Counties

23 Dallas and Fort Worth, TX including all locations within Dallas  
24 and Tarrant Counties

25 Denver, CO including all locations within Denver, Adams,  
26 Arapahoe and Jefferson Counties

27 Detroit, MI

28 Honolulu, HI

29 Houston, TX including all locations within the corporate limits  
30 of Houston

31 Kansas City, MO and Kansas City, KS

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1        Los Angeles, CA including all locations within Los Angeles,  
2 Orange and Ventura Counties

3        Miami, FL including all locations within Dade, Broward, Palm  
4 Beach and Monroe Counties

5        Minneapolis-St. Paul, MN including all locations within Anoka,  
6 Hennepin and Ramsey Counties

7        New Orleans, LA including all locations within Jefferson,  
8 Orleans, Plaquemines and St. Bernard Parishes

9        New York, NY including all locations within the boroughs of the  
10 Bronx, Brooklyn, Manhattan, Queens and Staten Island and the  
11 counties of Nassau and Suffolk

12        Newark, NJ including all locations within Bergen, Essex, Hudson,  
13 Passaic and Union Counties

14        Philadelphia, PA including all locations within Philadelphia and  
15 Bala Cynwyd, PA

16        Pittsburgh, PA

17        St. Louis, MO

18        San Diego, CA including all locations within San Diego County

19        San Francisco and Oakland, CA including all locations within San  
20 Francisco and Alameda Counties

21        San Jose, CA including all locations within Santa Clara County

22        Seattle, WA including all locations within King County

23        Shreveport, LA

24        Tulsa, OK

25        Washington, DC including all locations within the corporate  
26 limits of Washington, DC, the cities of Alexandria, Falls Church and  
27 Fairfax, and the counties of Arlington, Loudoun and Fairfax in  
28 Virginia, and the counties of Montgomery and Prince Georges in  
29 Maryland.

30        E. State officers and employees who have been required to  
31 attend hearings or meetings of any congressional committee or  
32 subcommittee or any federal agency, board or commission shall be

1 reimbursed for their actual and necessary travel and lodging  
2 expenses; however, the agency head must approve any claims in  
3 connection with such expenses.

4 F. Reimbursement for meals and lodging on out-of-state trips  
5 shall not begin more than twenty-four (24) hours before the meeting,  
6 workshop, conference or other objective of trip begins and shall not  
7 continue more than twenty-four (24) hours after said meeting,  
8 workshop, conference or other objective of trip ends.

9 G. Reimbursement for meals and lodging incurred in official  
10 travel in areas outside of the United States to implement the  
11 objectives of contracts, grants, agreements or gifts for which funds  
12 from these sources are furnished shall be reimbursed from said funds  
13 at actual cost not to exceed the amount authorized United States  
14 Government employees in its periodical publication entitled  
15 "Standard Regulations (Government Civilians, Foreign Areas),  
16 Department of State, Washington, DC". Provided, however, travel to  
17 points outside of the United States, whether performed under  
18 authority of contract, grant, agreement or otherwise, shall not  
19 begin more than forty-eight (48) hours before or end more than  
20 forty-eight (48) hours after the objective of the trip.

21 H. Claims submitted to the Director of State Finance for  
22 payment under the provisions of this section shall be certified to  
23 by the principal fiscal officer or contract and grant administrator  
24 of each agency. Such officer shall certify that such claim complies  
25 with and is authorized under this section.

26 SECTION 4. AMENDATORY 74 O.S. 1991, Section 840-5.5, as  
27 last amended by Section 5, Chapter 412, O.S.L. 1998 (74 O.S. Supp.  
28 1998, Section 840-5.5), is amended to read as follows:

29 Section 840-5.5 A. The following offices, positions, and  
30 personnel shall be in the unclassified service and shall not be  
31 placed under the classified service:  
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1 1. Persons chosen by popular vote or appointment to fill an  
2 elective office, and their employees, except the employees of the  
3 Corporation Commission, the State Department of Education and the  
4 Department of Labor;

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

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

9 4. Persons employed with one-time, limited duration, federal or  
10 other grant funding that is not continuing or indefinitely  
11 renewable. The length of the unclassified employment shall not  
12 exceed the period of time for which that specific federal funding is  
13 provided. Provided any person unclassified pursuant to this  
14 paragraph on April 11, 1995, in a capacity that does not meet the  
15 criteria listed in this paragraph may continue to be employed in  
16 such status until July 1, 1995;

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

20 6. Persons employed in a professional or scientific capacity to  
21 make or conduct a temporary and special inquiry, investigation, or  
22 examination on behalf of the Legislature or a committee thereof or  
23 by authority of the Governor. These appointments and authorizations  
24 shall terminate on the first day of the regular legislative session  
25 immediately following the appointment, if not terminated earlier.  
26 However, nothing in this paragraph shall prevent the reauthorization  
27 and reappointment of any such person;

28 7. Election officials and employees;

29 8. Temporary employees employed to work less than one thousand  
30 (1,000) hours in any twelve-month period and seasonal employees  
31 employed pursuant to Section 1806.1 of this title who work less than  
32 one thousand two hundred (1,200) hours in any twelve-month period.

1 This category of employees may include persons employed on an  
2 intermittent, provisional, seasonal, temporary or emergency basis;

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

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

11 11. Students who are employed on a part-time basis, which shall  
12 be seventy-five percent (75%) of a normal forty-hour work week or  
13 thirty (30) hours per week, or less, or on a full-time basis if the  
14 employment is pursuant to a cooperative education program such as  
15 that provided for under Title I IV-D of the Higher Education Act of  
16 1965 (20 U.S.C. 1087a-1087c), as amended, and who are regularly  
17 enrolled in:

18 a. an institution of higher learning within The Oklahoma  
19 State System of Higher Education,

20 b. an institution of higher learning qualified to become  
21 coordinated with said State System of Higher  
22 Education. For purposes of this act a student shall  
23 be considered a regularly enrolled student if he or  
24 she is enrolled in a minimum of five (5) hours of  
25 accredited graduate courses or a minimum of ten (10)  
26 hours of accredited undergraduate courses, provided,  
27 however, the student shall only be required to be  
28 enrolled in a minimum of six (6) hours of accredited  
29 undergraduate courses during the summer, and such  
30 student is regularly attending classes during that  
31 semester of employment, or

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1 c. high school students regularly enrolled in a high  
2 school in Oklahoma and regularly attending classes  
3 during such time of enrollment;

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

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

13 14. Employees of either the House of Representatives or the  
14 State Senate or the Legislative Service Bureau;

15 15. Corporation Commission personnel occupying the following  
16 offices and positions:

- 17 a. Administrative aides, and executive secretaries to the  
18 Commissioners,
- 19 b. Directors of all the divisions, personnel managers and  
20 comptrollers,
- 21 c. General Counsel,
- 22 d. Public Utility Division Chief Engineer,
- 23 e. Public Utility Division Chief Accountant,
- 24 f. Public Utility Division Chief Economist,
- 25 g. Public Utility Division Deputy Director,
- 26 h. Secretary of the Commission,
- 27 i. Deputy Conservation Director,
- 28 j. Manager of Pollution Abatement,
- 29 k. Manager of Field Operations,
- 30 l. Manager of Technical Services,
- 31 m. Public Utility Division Chief of Telecommunications,
- 32 and

- n. Director of Information Services,
- o. Public Utility Manager,
- p. Senior Tariff and Cost of Service Analysts,
- q. Tariff and Cost of Service Coordinators,
- r. Tariff and Cost of Service Analysts, and
- s. Tariff and Cost of Service Assistants;

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,
- d. Executive Secretary to Director, and
- e. Directors or Heads of Departments or Services;

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

- a. State Comptroller,
- b. Information Services Divisions 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)

- 1 or more, as determined by the Office of Personnel  
2 Management, provided no position shall become  
3 unclassified because of any change in salary or grade  
4 while it is occupied by a classified employee,  
5 b. positions requiring certification by the State  
6 Department of Education, and  
7 c. positions and employees authorized to be in the  
8 unclassified service of the state elsewhere in this  
9 section or in subsection B of this section;

10 23. Office of Personnel Management employees occupying the  
11 following positions:

- 12 a. the Carl Albert Internship Program Coordinator, and  
13 b. one Administrative Assistant;

14 24. Department of Labor personnel occupying the following  
15 offices and positions:

- 16 a. two Deputy Commissioners,  
17 b. Executive Secretary to the Commissioner,  
18 c. Chief of Staff, and  
19 d. two Administrative Assistants;

20 25. The State Bond Advisor and his employees;

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

- 23 a. Associate Director,  
24 b. Secretary to the Associate Director, and  
25 c. Assistant to the Executive Director;

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

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

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

1 pursuant to subsection E of Section 3211 of Title 63 of the Oklahoma  
2 Statutes or as otherwise provided for in Section 3213.2 of Title 63  
3 of the Oklahoma Statutes;

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

6 31. The Oklahoma State Bureau of Investigation employee  
7 occupying the Special Investigator position and one executive  
8 secretary in addition to the one authorized pursuant to paragraph 2  
9 of this subsection;

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

13 33. Oklahoma Department of Transportation employee occupying  
14 the position of the Director of the Oklahoma Aeronautics Commission;

15 34. Commissioners of the Land Office employees occupying the  
16 following positions:

- 17 a. Director of the Investments Division,  
18 b. Assistant Director of the Investments Division, and  
19 c. one Administrative Assistant;

20 35. Within the Bureau of Narcotics and Dangerous Drugs Control  
21 Commission, the following positions:

- 22 a. two Narcotics Agent positions, provided, authorization  
23 for such positions shall be terminated when federal  
24 support for the positions by the Gang  
25 Intelligence/Enforcement Program is discontinued, and  
26 b. one executive secretary in addition to the one  
27 authorized pursuant to paragraph 2 of this subsection;

28 36. A maximum of one hundred (100) positions, within full-time-  
29 employee limitations of the Oklahoma Military Department, to work in  
30 any of the Department of Defense directed youth programs or the  
31 State of Oklahoma Juvenile Justice Youth Programs. The  
32

1 authorization for such positions shall be terminated if the federal  
2 funding for the positions is discontinued;

3 37. Within the Oklahoma Commission on Children and Youth the  
4 following unclassified positions:

5 a. one Oversight Specialist and one Community Development  
6 Planner,

7 b. one State Plan Grant Coordinator, provided  
8 authorization for the position shall be terminated  
9 when federal support for the position by the United  
10 States Department of Education Early Intervention  
11 Program is discontinued, and

12 c. one executive secretary in addition to the one  
13 authorized pursuant to paragraph 2 of this subsection;

14 38. The following positions and employees of the Department of  
15 Central Services:

16 a. one Executive Secretary in addition to the Executive  
17 Secretary authorized by paragraph 2 of this  
18 subsection,

19 b. the Director of Central Purchasing, and

20 c. one Alternate Fuels Administrator;

21 39. One Environmental Specialist I within the Water Resources  
22 Board;

23 40. J.D. McCarty Center for Children with Developmental  
24 Disabilities personnel occupying the following offices and  
25 positions:

26 a. Physical Therapists,

27 b. Physical Therapist Assistants,

28 c. Occupational Therapists,

29 d. Certified Occupational Therapist Aides, and

30 e. Speech Pathologists;

31 41. The Development Officer within the Oklahoma Historical  
32 Society;

1 42. State Department of Agriculture personnel occupying the  
2 following positions:

3 a. one Executive Secretary in addition to the Executive  
4 Secretary authorized by paragraph 2 of this  
5 subsection,

6 b. Agricultural Marketing Coordinator III, and

7 c. temporary fire suppression personnel, regardless of  
8 the number of hours worked, who are employed by the  
9 State Department of Agriculture during the period of  
10 October 1 through May 31 in any fiscal year; provided,  
11 however, notwithstanding the provisions of any other  
12 section of law, the hours worked by such employees  
13 shall not entitle such employees to any benefits  
14 received by full-time employees;

15 43. The Contracts Administrator within the Oklahoma State  
16 Employees Benefits Council; and

17 44. All positions and personnel of the Criminal Justice  
18 Resource Center within the Department of Public Safety.

19 B. If an agency has the authority to employ personnel in the  
20 following offices and positions, the appointing authority shall have  
21 the discretion to appoint personnel to the unclassified service:

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

24 2. Certified public accountants;

25 3. Licensed attorneys; and

26 4. Licensed veterinarians.

27 C. Effective July 1, 1996, authorization for unclassified  
28 offices, positions, or personnel contained in a bill or joint  
29 resolution shall terminate June 30 of the ensuing fiscal year after  
30 the authorization unless the authorization is codified in the  
31 Oklahoma Statutes or the termination is otherwise provided in the  
32 legislation.

1 SECTION 5. REPEALER 17 O.S. 1991, Section 164, is hereby  
2 repealed.

3 SECTION 6. This act shall become effective July 1, 1999.

4 SECTION 7. It being immediately necessary for the preservation  
5 of the public peace, health and safety, an emergency is hereby  
6 declared to exist, by reason whereof this act shall take effect and  
7 be in full force from and after its passage and approval.

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9 47-1-15101 JB 2/17/99

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