

STATE OF OKLAHOMA

2nd Session of the 47th Legislature (2000)

CONFERENCE COMMITTEE SUBSTITUTE
FOR ENGROSSED
SENATE BILL 968

By: Haney and Hobson of the
Senate

and

Settle and Begley of the
House

CONFERENCE COMMITTEE SUBSTITUTE

An Act relating to state employees; amending 43A O.S. 1991, Section 2-201, as amended by Section 1, Chapter 220, O.S.L. 1997 (43A O.S. Supp. 1999, Section 2-201), which relates to the Commissioner of Mental Health and Substance Abuse Services; amending qualifications; amending 63 O.S. 1991, Section 1-106, as last amended by Section 3, Chapter 238, O.S.L. 1997 (63 O.S. Supp. 1999, Section 1-106), which relates to the State Commissioner of Health; amending qualifications; amending 74 O.S. 1991, Section 1344, which relates to benefits; updating references; requiring agencies to provide informational meeting; inviting vendors to attend; providing purpose; requiring agency cooperation; providing notice to active and retired employees; allowing employees to attend informational meeting; amending 74 O.S. 1991, Section 3601, as last amended by Section 1, Chapter 306, O.S.L. 1999 (74 O.S. Supp. 1999, Section 3601), which relates to full-time-equivalent employees and salaries; updating fiscal year reference; amending full-time-equivalent employee provisions; amending salaries; amending 82 O.S. 1991, Section 864, as last amended by Section 15, Chapter 391, O.S.L. 1999 (82 O.S. Supp. 1999, Section 864), which relates to the Grand River Dam Authority; requiring the Board to select an internal auditor; providing exception; providing that board members may obtain certain information from Grand River Dam Authority staff; providing an effective date; and declaring an emergency.

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

SECTION 1. AMENDATORY 43A O.S. 1991, Section 2-201, as amended by Section 1, Chapter 220, O.S.L. 1997 (43A O.S. Supp. 1999, Section 2-201), is amended to read as follows:

Section 2-201. A. A Commissioner of Mental Health and Substance Abuse Services shall be appointed by the Board of Mental Health and Substance Abuse Services. The Commissioner may only be removed by the Board for cause. The Commissioner shall possess a minimum of five (5) years of supervisory experience in the administration of health services and shall meet at least one of the following qualifications:

1. Possession of a Doctor of Medicine Degree and a license to practice medicine in this state;

2. Possession of an Osteopathic Medicine Degree and a license to practice medicine in this state;

3. Possession of a Doctor of Public Health Degree; or

4. Possession of a Doctoral Degree in Psychology and a license to practice psychology in this state;

~~5. Possession of a Master of Public Health Degree and a minimum of five (5) years of supervisory experience in the administration of health services; or~~

~~6. Possession of a Master of Arts or Master's Degree in Business Administration, Social Science or a related field and a minimum of five (5) years of supervisory experience in the administration of health services.~~

B. The salary of the Commissioner shall be fixed by the Board.

SECTION 2. AMENDATORY 63 O.S. 1991, Section 1-106, as last amended by Section 3, Chapter 238, O.S.L. 1997 (63 O.S. Supp. 1999, Section 1-106), is amended to read as follows:

Section 1-106. A. The State Commissioner of Health shall serve at the pleasure of the State Board of Health, and shall have skill and experience in public health duties and sanitary sciences, and shall possess a minimum of five (5) years of supervisory experience in the administration of health services and shall meet at least one of the following qualifications:

1. Possession of a Doctor of Medicine Degree and a license to practice medicine in this state;

2. Possession of an Osteopathic Medicine Degree and a license to practice medicine in this state; or

3. Possession of a Doctoral degree in Public Health or Public Health Administration; ~~or~~

~~4. Possession of a Master of Science Degree and a minimum of five (5) years of supervisory experience in the administration of health services.~~

B. The Commissioner shall have the following powers and duties, unless otherwise directed by the State Board of Health:

1. Have general supervision of the health of the citizens of the state; make investigations, inquiries and studies concerning the causes of disease, and especially of epidemics, and the causes of mortality, and the effects of localities, employment, conditions and circumstances on the public health; investigate conditions as to health, sanitation and safety of schools, prisons, public institutions, mines, public conveyances, camps, places of group abode, and all buildings and places of public resort, and recommend, prescribe and enforce such measures of health, sanitation and safety for them as the Commissioner deems advisable; take such measures as deemed necessary by the Commissioner to control or suppress, or to prevent the occurrence or spread of, any communicable, contagious or infectious disease, and provide for the segregation and isolation of persons having or suspected of having any such disease; designate places of quarantine or isolation; advise state and local governments on matters pertaining to health, sanitation and safety; and abate any nuisance affecting injuriously the health of the public or any community.

2. Be the executive officer and supervise the activities of the State Department of Health, and act for the Department in all matters except as may be otherwise provided in this Code; administer

oaths at any hearing or investigation conducted pursuant to this Code; and enforce rules and standards adopted by the State Board of Health. All rules adopted by the State Board of Health are subject to the terms and conditions of the Administrative Procedures Act.

3. Appoint an Assistant State Commissioner of Health and fix the qualifications, duties and compensation of the Assistant State Commissioner of Health; and employ, appoint and contract with, and fix the qualifications, duties and compensation of, such other assistants, doctors, engineers, attorneys, sanitarians, nurses, laboratory personnel, administrative, clerical and technical help, investigators, aides and other personnel and help, either on a full-time, part-time, fee or contractual basis, as shall be deemed by the Commissioner necessary, expedient, convenient or appropriate to the performance or carrying out of any of the purposes, objectives or provisions of this Code, or to assist the Commissioner in the performance of official duties and functions.

4. Cause investigations, inquiries and inspections to be made, and hold hearings and issue orders pursuant to the provisions of the Administrative Procedures Act, to enforce and make effective the provisions of this Code, and all rules and standards adopted by the State Board of Health pursuant to law and the Commissioner or the representative of the Commissioner shall have the right of access to any premises for such purpose at any reasonable time, upon presentation of identification.

5. Authorize persons in the State Department of Health to conduct investigations, inquiries and hearings, and to perform other acts that the Commissioner is authorized or required to conduct or perform personally.

6. Except as otherwise provided by law, all civil and criminal proceedings under this Code shall be initiated and prosecuted by the district attorney where the violation takes place.

7. Issue subpoenas for the attendance of witnesses and the production of books and records at any hearing to be conducted by the Commissioner or the State Board of Health; and if a person disobeys any such subpoena, or refuses to give evidence before, or to allow books and records to be examined by, the Commissioner or the Board after such person is directed to do so, the Commissioner may file a contempt proceeding in the district court of the county in which the premises involved are situated, or, if no premises are involved, of the county in which such person resides or has a principal place of business, and a judge of such court, after a trial de novo, may punish the offending person for contempt.

8. Unless otherwise required by the terms of a federal grant, sell, exchange or otherwise dispose of personal property that has been acquired by the State Department of Health, or any of its components, when such property becomes obsolete or is no longer needed; any money derived therefrom shall be deposited in the Public Health Special Fund.

9. Sell films, educational materials, biological products and other items produced by the State Department of Health; and all proceeds therefrom shall be deposited in the Public Health Special Fund.

10. Revoke or cancel, or suspend for any period up to one (1) year, any license or permit issued under or pursuant to this Code, or by the Commissioner, when the Commissioner determines that ground therefor as prescribed by this Code exists, or that the holder of such license or permit has violated any law, or any of the provisions of this Code, or any rules or standards of the State Board of Health filed with the Secretary of State, but the Commissioner shall first afford the holder an opportunity to show cause why the license or permit should not be revoked, canceled or suspended, notice of such opportunity to be given by certified

United States Mail to the holder of the license or permit at the last-known address of such holder.

11. Accept, use, disburse and administer grants, allotments, gifts, devises, bequests, appropriations and other monies and property offered or given to the State Department of Health, or any component or agency thereof, by any agency of the federal government, or any corporation or individual.

12. Be the official agency of the State of Oklahoma in all matters relating to public health which require or authorize cooperation of the State of Oklahoma with the federal government or any agency thereof; coordinate the activities of the State Department of Health with those of the federal government or any department or agency thereof, and with other states, on matters pertaining to public health, and enter into agreements for such purpose, and may accept, use, disburse and administer, for the office of the Commissioner or for the State Department of Health, for any purpose designated and on the terms and conditions thereof, grants of money, personnel and property from the federal government or any department or agency thereof, or from any state or state agency, or from any other source, to promote and carry on in this state any program relating to the public health or the control of disease, and enter into agreements for such purposes.

13. The Commissioner of Health may appoint commissioned peace officers, certified by the Council on Law Enforcement Education and Training, to investigate violations of the Public Health Code and to provide security to Department facilities.

SECTION 3. AMENDATORY 74 O.S. 1991, Section 1344, is amended to read as follows:

Section 1344. A. The State and Education Employees Group Insurance Board shall establish a flexible benefits plan. All state employers as defined in Section 1342 of this title shall offer the flexible benefits plan to employees.

B. Expenses included in an employee's salary adjustment agreement pursuant to the flexible benefits plan shall be limited to expenses for:

1. Dependent health insurance pursuant to the provisions of Section 1309 of ~~Title 74 of the Oklahoma Statutes~~ this title;

2. Insurance premiums or retirement plan premiums or payments which are supplemental to insurance or retirement programs offered by the State of Oklahoma or which are paid for under salary adjustment agreements pursuant to the provisions of ~~paragraph 1 or 2 of~~ subsection D or E of Section 7.10 of Title 62 of the Oklahoma Statutes;

3. Dependent care;

4. Medical care as defined by the Board; or

5. All other eligible programs offered under Title 26, Section 125 et seq. of the Internal Revenue Code of the United States.

C. The amount by which an employee's salary is adjusted pursuant to a salary adjustment agreement shall be excluded from income in computation of income tax withholding, unemployment payments and workers' compensation coverage. Such amount shall be included as income in computation of state retirement contributions and benefits. Provided, if the inclusions and exclusions provided in this subsection conflict with the provisions of federal law or regulations pertaining to flexible benefits plans, the Board is authorized to modify or abolish such inclusions and exclusions.

D. The Administrator of the State and Education Employees Group Insurance Board with approval of the Board shall promulgate rules, ~~regulations~~ and procedures as necessary for implementation and administration of the flexible benefits plan.

E. The Administrator of the State and Education Employees Group Insurance Board under the direction of the Board shall contract with one or more private firms or organizations to administer the

flexible benefits plan. The contract shall be made at no cost to any employee of the State of Oklahoma.

F. All employers shall begin offering the flexible benefits plan to employees not later than January 1, 1990.

G. No less than thirty (30) days prior to the annual deadline for making changes to state employees' benefit packages, agencies from the Executive, Judicial, and Legislative branches of state government shall provide a one-day employee benefit informational meeting. Vendors approved for state payroll deductions and SoonerSave shall be invited and encouraged to have representatives attend this meeting for the purpose of providing benefit information and to facilitate the answering of state employees' questions related to health, financial planning, and other benefits. Agencies shall cooperate to provide these representatives with a space to assist with the dissemination of information to employees. Employees, both active and retired, shall be given adequate notice of the date of this meeting, and be afforded the opportunity to take at least thirty (30) minutes of the workday to gather information and to ask questions of their benefits coordinator and the attending vendors.

SECTION 4. AMENDATORY 74 O.S. 1991, Section 3601, as last amended by Section 1, Chapter 306, O.S.L. 1999 (74 O.S. Supp. 1999, Section 3601), is amended to read as follows:

Section 3601. A. For purposes of Sections 3601 through 3603 of this title, the term employee means a full-time employee or any number of part-time employees whose combined weekly hours of employment equal those of a full-time employee, but shall not include temporary employees working on a seasonal basis between May 1 and October 31.

B. The maximum number of full-time-equivalent employees for each of the following agencies, boards, commissions, departments, or programs shall not exceed the numbers specified in this section

during the fiscal year ending June 30, ~~2000~~ 2001, except as may be authorized pursuant to the provisions of Section 3603 of this title. ~~The salary of the chief executive officer for each of the following agencies, boards, commissions, departments, or programs shall not exceed the amount specified, per annum, payable monthly, for the fiscal year ending June 30, 2000.~~

	MAXIMUM NUMBER OF FULL-TIME-EQUIVALENT EMPLOYEES	MAXIMUM ANNUAL SALARY FOR CHIEF EXECUTIVE OFFICER
Board of Managers of the State		
Insurance Fund	591	\$94,000.00
Oklahoma Employment Security		
Commission	1150	\$81,000.00
Oklahoma Accountancy Board	8	\$53,552.00
Board of Governors of Licensed		
Architects and Landscape		
Architects	4	\$42,396.00
Board of Chiropractic Examiners	2 <u>3</u>	\$29,496.00
Cosmetology Board	16	\$36,396.00
Board of Governors of Registered		
Dentists	5	\$37,226.00
Embalmers and Funeral Directors		
Board	5	\$57,000.00
Professional Engineers and Land		
Surveyors Board	7	\$44,500.00
Oklahoma State Board of Medical		
Licensure and		
Supervision/Podiatry Board/State		
Board of Examiners of		
Perfusionists	29	\$75,000.00

Commission on Marginally Producing		
Oil and Gas Wells	4	\$54,000.00
Oklahoma Motor Vehicle Commission	4	\$49,931.00
Oklahoma Board of Nursing	20 <u>21</u>	\$57,991.00
Nursing Homes Board	4	\$42,943.00
Optometry Board	± <u>2</u>	
Board of Osteopathic Examiners	5	\$61,000.00
Oklahoma Peanut Commission	2	\$45,121.00
State Board of Pharmacy	9	\$63,000.00
Psychologists Board	2	\$32,656.00
Real Estate Commission	26	\$58,000.00
Speech Pathology and Audiology		
Board	± <u>2</u>	\$22,250.00
Oklahoma Used Motor Vehicle and		
Parts Commission	10 <u>12</u>	\$51,905.00
Board of Veterinary Medical		
Examiners	6	\$30,750.00
Oklahoma Wheat Commission	7	\$51,931.00
Firefighters Pension and		
Retirement System	11	\$77,000.00
Police Pension and Retirement		
System	9	\$77,000.00
Oklahoma Teachers' Retirement		
System	46 <u>52</u>	\$85,000.00
Oklahoma Public Employees		
Retirement System	51	\$85,000.00
Student Loan Authority	45 <u>51</u>	\$94,741.00
Oklahoma Industrial Finance		
Authority/Oklahoma Development		
Finance Authority	15	\$91,178.00
State and Education Employees		
Group Insurance Board	173	\$91,494.00

Oklahoma Capital Investment Board	4	\$74,000.00
Social Workers Board	1	\$32,760.00
State Employees Benefit Council	28 31	\$72,291.00
Grand River Dam Authority	524	\$97,658.00

C. The salary of the chief executive officer for each of the following agencies, boards, commissions, departments, or programs shall not exceed the amount specified, per annum, payable monthly, as follows:

	<u>MAXIMUM ANNUAL</u> <u>SALARY FOR</u> <u>CHIEF EXECUTIVE</u> <u>OFFICER FROM</u> <u>JULY 1, 2000 TO</u> <u>SEPTEMBER 30, 2000</u>	<u>MAXIMUM ANNUAL</u> <u>SALARY FOR</u> <u>CHIEF EXECUTIVE</u> <u>OFFICER FROM</u> <u>OCTOBER 1, 2000 TO</u> <u>JUNE 30, 2001</u>
<u>Board of Managers of the</u> <u>State Insurance Fund</u>	<u>\$94,000.00</u>	<u>\$96,000.00</u>
<u>Oklahoma Employment Security</u> <u>Commission</u>	<u>\$81,000.00</u>	<u>\$83,000.00</u>
<u>Oklahoma Accountancy Board</u>	<u>\$55,000.00</u>	<u>\$57,000.00</u>
<u>Board of Governors of</u> <u>Licensed Architects and</u> <u>Landscape Architects</u>	<u>\$46,000.00</u>	<u>\$48,000.00</u>
<u>Board of Chiropractic</u> <u>Examiners</u>	<u>\$29,496.00</u>	<u>\$31,496.00</u>
<u>Cosmetology Board</u>	<u>\$40,000.00</u>	<u>\$42,000.00</u>
<u>Board of Governors of</u> <u>Registered Dentists</u>	<u>\$55,226.00</u>	<u>\$57,226.00</u>
<u>Embalmers and Funeral</u> <u>Directors Board</u>	<u>\$57,000.00</u>	<u>\$59,000.00</u>
<u>Professional Engineers and</u> <u>Land Surveyors Board</u>	<u>\$44,500.00</u>	<u>\$46,500.00</u>

<u>Oklahoma State Board of</u>		
<u>Medical Licensure and</u>		
<u>Supervision/Podiatry</u>		
<u>Board/State Board of</u>		
<u>Examiners of Perfusionists</u>	<u>\$76,000.00</u>	<u>\$78,000.00</u>
<u>Commission on Marginally</u>		
<u>Producing Oil and Gas Wells</u>	<u>\$56,000.00</u>	<u>\$58,000.00</u>
<u>Oklahoma Motor Vehicle</u>		
<u>Commission</u>	<u>\$49,931.00</u>	<u>\$51,931.00</u>
<u>Oklahoma Board of Nursing</u>	<u>\$63,000.00</u>	<u>\$65,000.00</u>
<u>Nursing Homes Board</u>	<u>\$42,943.00</u>	<u>\$44,943.00</u>
<u>Board of Osteopathic</u>		
<u>Examiners</u>	<u>\$64,000.00</u>	<u>\$66,000.00</u>
<u>Oklahoma Peanut Commission</u>	<u>\$45,121.00</u>	<u>\$47,121.00</u>
<u>State Board of Pharmacy</u>	<u>\$75,000.00</u>	<u>\$77,000.00</u>
<u>Psychologists Board</u>	<u>\$32,656.00</u>	<u>\$34,656.00</u>
<u>Real Estate Commission</u>	<u>\$60,000.00</u>	<u>\$62,000.00</u>
<u>Speech Pathology and</u>		
<u>Audiology Board</u>	<u>\$26,000.00</u>	<u>\$28,000.00</u>
<u>Oklahoma Used Motor Vehicle</u>		
<u>and Parts Commission</u>	<u>\$51,905.00</u>	<u>\$53,905.00</u>
<u>Board of Veterinary Medical</u>		
<u>Examiners</u>	<u>\$32,950.00</u>	<u>\$34,950.00</u>
<u>Oklahoma Wheat Commission</u>	<u>\$55,000.00</u>	<u>\$57,000.00</u>
<u>Firefighters Pension and</u>		
<u>Retirement System</u>	<u>\$83,000.00</u>	<u>\$85,000.00</u>
<u>Police Pension and Retirement</u>		
<u>System</u>	<u>\$83,000.00</u>	<u>\$85,000.00</u>
<u>Oklahoma Teachers' Retirement</u>		
<u>System</u>	<u>\$88,000.00</u>	<u>\$90,000.00</u>
<u>Oklahoma Public Employees</u>		
<u>Retirement System</u>	<u>\$88,000.00</u>	<u>\$90,000.00</u>

<u>Student Loan Authority</u>	<u>\$96,000.00</u>	<u>\$98,000.00</u>
<u>Oklahoma Industrial Finance</u>		
<u>Authority/Oklahoma</u>		
<u>Development Finance</u>		
<u>Authority</u>	<u>\$91,178.00</u>	<u>\$93,178.00</u>
<u>State and Education Employees</u>		
<u>Group Insurance Board</u>	<u>\$91,494.00</u>	<u>\$93,494.00</u>
<u>Oklahoma Capital Investment</u>		
<u>Board</u>	<u>\$74,000.00</u>	<u>\$76,000.00</u>
<u>Social Workers Board</u>	<u>\$32,760.00</u>	<u>\$34,760.00</u>
<u>State Employees Benefits</u>		
<u>Council</u>	<u>\$72,291.00</u>	<u>\$74,291.00</u>
<u>Grand River Dam Authority</u>	<u>\$113,000.00</u>	<u>\$115,000.00</u>

D. The duties and compensation of employees, not otherwise prescribed by law, necessary to perform the duties imposed upon the Oklahoma Public Employees Retirement System Board of Trustees by law shall be set by the said Board of Trustees.

~~D.~~ E. Temporary employees of the Oklahoma Used Motor Vehicle and Parts Commission between the dates of November 1 and January 31 annually shall not be counted toward the maximum number of full-time-equivalent employees provided for in this section.

SECTION 5. AMENDATORY 82 O.S. 1991, Section 864, as last amended by Section 15, Chapter 391, O.S.L. 1999 (82 O.S. Supp. 1999, Section 864), is amended to read as follows:

Section 864. A. 1. The Board of Directors of the Grand River Dam Authority shall select a secretary who shall keep true and complete records of all proceedings of the Board. Until the appointment of a secretary, or in the event of absence or inability to act, a secretary pro tempore shall be selected by the Board.

2. The Board shall also select a general manager, who shall be the chief executive officer of the district, and a treasurer, who may also hold the office of secretary.

3. All such officers shall have the powers and duties, and shall hold office for such term and be subject to removal in such manner as may be provided in the compensation of such officers. The Board may appoint such officers, fix their compensation and term of office and the method by which they may be removed and delegate to them such other powers and duties as it may deem appropriate.

4. The Board shall select an internal auditor who shall be a member of the GRDA staff but who shall report directly to the Board.

5. Except for the purpose of inquiry and communications with the internal auditor, the Board and its members shall deal with the operations of the district solely through the general manager. This shall not prevent board members from obtaining any information from GRDA staff pertaining to the operations of the GRDA. The Board and its members shall not:

- a. direct or request the general manager or other authority to appoint or remove officers or employees except as herein provided,
- b. participate in any manner in the appointment or removal of officers and employees of the district, except as provided by law, or
- c. give orders or ordinary administrative matters to any subordinate of the general manager either publicly or privately.

B. The general manager may appoint such other officers, agents, and employees, fix their compensation pursuant to the provisions of this section, and term of office and the method by which they may be removed, and delegate to them such of its power and duties as the general manager may deem proper.

C. Except as provided in subsection A of this section, the compensation of employees of the Grand River Dam Authority shall be computed as follows:

1. Beginning July 1, 1993, and biannually thereafter, the Office of Personnel Management shall conduct a comprehensive classification and compensation study of all positions in the Grand River Dam Authority. The study shall include, but not be limited to, an analysis of prevailing rates of pay for all positions in electrical generating utilities for jobs comparable to those performed by employees of the Grand River Dam Authority. A report shall be provided to the Governor, the President Pro Tempore of the Senate, the Speaker of the House of Representatives and the Board of Directors of the Grand River Dam Authority by January 1, 1994. The report shall include an analysis of all positions and classifications and recommend an average comparable pay scale developed through the study. The Grand River Dam Authority shall bear the cost of the study;

2. Beginning July 1, 1994, the Board of Directors of the Grand River Dam Authority shall implement the classification and compensation recommendations as appropriate if fiscal constraints and commitments to ratepayers permit. Such implementation shall be within existing guidelines of the Merit System as determined by the Office of Personnel Management; and

3. Beginning July 1, 1997, the Board of Directors of the Grand River Dam Authority may implement adjustments in compensation to correct internal inequities as determined by the Board of Directors. The total of these adjustments and those described in paragraph 2 of this subsection shall not increase the base payroll in excess of the recommendation in the Office of Personnel Management study.

SECTION 6. This act shall become effective July 1, 2000.

SECTION 7. 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.

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