

STATE OF OKLAHOMA

2nd Session of the 50th Legislature (2006)

CONFERENCE COMMITTEE
SUBSTITUTE
FOR ENGROSSED
HOUSE BILL NO. 2867

By: Worthen of the House

and

Gumm of the Senate

CONFERENCE COMMITTEE SUBSTITUTE

An Act relating to CompSource Oklahoma; amending 74 O.S. 2001, Section 840-5.10, as amended by Section 4, Chapter 353, O.S.L. 2003 (74 O.S. Supp. 2005, Section 840-5.10), which relates to personnel of CompSource Oklahoma; adding certain personnel to the unclassified service; making certain incentive compensation program permanent; modifying who renews and approves the plans for the program; amending 85 O.S. 2001, Section 133, as amended by Section 10, Chapter 50, O.S.L. 2002 (85 O.S. Supp. 2005, Section 133), which relates to the management and business affairs of CompSource Oklahoma; modifying power and authority of the Composure Oklahoma President and Chief Executive Officer; providing an effective date; and declaring an emergency.

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

SECTION 1. AMENDATORY 74 O.S. 2001, Section 840-5.10, as amended by Section 4, Chapter 353, O.S.L. 2003 (74 O.S. Supp. 2005, Section 840-5.10), is amended to read as follows:

Section 840-5.10 A. CompSource Oklahoma shall be under the Merit System. Except as otherwise provided in subsection B of this section, all offices, positions and personnel shall be classified and subject to the provisions of the Merit System of Personnel Administration and rules promulgated hereunder. This section shall supersede and repeal any and all executive orders issued pursuant to this act to place the agency or its predecessors under the Merit System.

B. In addition to offices, positions and personnel that are unclassified pursuant to Section 840-5.5 of this title, the following offices, positions and personnel shall be in the unclassified service:

1. President and Chief Executive Officer;
2. Executive Vice President;
3. Vice Presidents;
4. Executive Secretaries to the President, Executive Vice President and Vice Presidents;
5. Law Clerks and Legal Assistants;
6. Special Counsel;
7. General Counsel;
8. Medical Analysts Supervisor;
9. Medical Analysts;
10. Field Adjusters;
11. Investment Officer;
12. Workers' Compensation Insurance Consultants;
13. Workers' Compensation Insurance Technicians;
14. Workers' Compensation Insurance Adjusters;
15. Workers' Compensation Insurance Underwriters;
16. Information Systems Personnel;
17. Fraud Investigation Specialists; and
- ~~17.~~ 18. Collections Attorneys.

C. CompSource Oklahoma may develop a plan for a ~~pilot~~ program for incentive-based compensation for its employees ~~beginning July 1, 2003, and ending no later than June 30, 2006.~~ The plan shall be subject to the review and approval of the ~~Administrator of the Office of Personnel Management~~ Insurance Commissioner. ~~On or before January 1, 2006, the Administrator of the Office of Personnel Management shall submit a report on the pilot program to the Governor, Speaker of the House of Representatives and President Pro Tempore of the Senate.~~

SECTION 2. AMENDATORY 85 O.S. 2001, Section 133, as amended by Section 10, Chapter 50, O.S.L. 2002 (85 O.S. Supp. 2005, Section 133), is amended to read as follows:

Section 133. The CompSource Oklahoma President and Chief Executive Officer shall have full power and authority to manage and conduct all business and affairs relating to CompSource Oklahoma, all of which business and affairs shall be conducted under the name of CompSource Oklahoma, and in that name and without any other name or title, the CompSource Oklahoma President and Chief Executive Officer may:

(1) Sue and be sued in all the courts of the state, in all actions arising out of any act, deed, matter or things made, omitted, entered into, done or suffered in connection with CompSource Oklahoma, and administer, manage, or conduct all the business and affairs relating thereto.

(2) Make and enter into contracts of insurance as herein provided, and such other contracts or obligations relating to CompSource Oklahoma, as are authorized or permitted under the provisions of this title, including contracting with or appointing agents or brokers; provided the agents or brokers do not contract with or have an appointment solely with CompSource Oklahoma.

(3) Invest and reinvest the monies belonging to CompSource Oklahoma as hereinafter provided.

(4) Conduct all business and affairs, relating to CompSource Oklahoma, whether herein specifically designated or in addition thereto.

(5) The CompSource Oklahoma President and Chief Executive Officer may delegate to any officer of CompSource Oklahoma, under such rules and regulations, and subject to such conditions as he or she may from time to time prescribe, any of the powers, functions or duties conferred or imposed on the CompSource Oklahoma President and Chief Executive Officer under the provisions of this act in

connection with CompSource Oklahoma, the administration, management and conduct of the business or affairs relating thereto, and the officer or officers to whom such delegation is made may exercise the power and functions and perform the duties delegated with the same force and effect as the CompSource Oklahoma President and Chief Executive Officer, but subject to his or her approval.

(6) The Board of Managers of CompSource Oklahoma shall not, nor shall the CompSource Oklahoma President and Chief Executive Officer or any officer or employee of CompSource Oklahoma be personally liable in his or her private capacity for or on account of any act performed or contract or other obligation entered into or undertaken in an official capacity in good faith and without intent to defraud, in connection with the administration, management or conduct of CompSource Oklahoma, its business or other affairs relating thereto.

SECTION 3. This act shall become effective July 1, 2006.

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

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