

and

Easley of the Senate

An Act relating to sunset; amending 74 O.S. 2001, Sections 3907, as last amended by Section 6, Chapter 168, O.S.L. 2005, 7003, as amended by Section 14, Chapter 312, O.S.L. 2004, 7005, as amended by Section 16, Chapter 312, O.S.L. 2004, 7007, as amended by Section 17, Chapter 312, O.S.L. 2004, 7008 and 7009, as amended by Section 18, Chapter 312, O.S.L. 2004 (74 O.S. Supp. 2005, Sections 3907, 7003, 7005, 7007 and 7009), which relate to the State Agency Review Committee; renaming the Committee; re-creating the Committee; modifying the termination date; and providing an effective date.

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

SECTION 1. AMENDATORY 74 O.S. 2001, Section 3907, as last amended by Section 6, Chapter 168, O.S.L. 2005 (74 O.S. Supp. 2005, Section 3907), is amended to read as follows:

Section 3907. The following statutory entities and their successors shall be terminated on July 1, 2006, and all powers, duties and functions shall be abolished one (1) year thereafter:

1. Board of Examiners for Speech-Language Pathology and Audiology as created by Section 1607 of Title 59 of the Oklahoma Statutes;

2. State Board of Veterinary Medical Examiners as created by Section 698.3 of Title 59 of the Oklahoma Statutes;

3. Board of Tests for Alcohol and Drug Influence as created by Section 759 of Title 47 of the Oklahoma Statutes;

4. State Anatomical Board as created by Section 91 of Title 63 of the Oklahoma Statutes;

5. Oklahoma Peanut Commission as created by Section 18-52 of Title 2 of the Oklahoma Statutes;

6. Sheep and Wool Utilization, Research and Market Development Commission as created by Section 18-181 of Title 2 of the Oklahoma Statutes;

7. Oklahoma Wheat Utilization, Research and Market Development Commission as created by Section 18-301 of Title 2 of the Oklahoma Statutes;

8. Board of Examiners in Optometry as created by Section 582 of Title 59 of the Oklahoma Statutes;

9. State Capitol Preservation Commission as created by Section 4102 of this title;

10. Commission on County Government Personnel Education and Training as created by Section 130.1 of Title 19 of the Oklahoma Statutes;

11. Oklahoma Climatological Survey as created by Section 245 of this title;

12. The State Board of Licensed Social Workers as created by Section 1253 of Title 59 of the Oklahoma Statutes;

13. Child Death Review Board as created by Section 1150.2 of Title 10 of the Oklahoma Statutes;

14. ~~State Agency Review~~ Oversight Committee for State Employee Charitable Contributions as created by Section 7005 of this title;

15. The Wellness Council as created by Section 1382 of this title;

16. Oklahoma Liquefied Petroleum Gas Research, Marketing and Safety Commission as created by Section 420.22 of Title 52 of the Oklahoma Statutes; and

17. Board of Chiropractic Examiners as created by Section 161.4 of Title 59 of the Oklahoma Statutes.

SECTION 2. AMENDATORY 74 O.S. 2001, Section 7003, as amended by Section 14, Chapter 312, O.S.L. 2004 (74 O.S. Supp. 2005, Section 7003), is amended to read as follows:

Section 7003. As used in the Oklahoma State Employee Charitable Contribution Act:

1. "Federation" means a legally constituted grouping of at least five health and social service agencies that are bound together to raise and distribute charitable contributions;
2. "State presence" means a test to determine whether the agency actually provides service to people in the State of Oklahoma;
3. "Local advisory review committee" means a group of state employees in a facility or agency assisting in the local involvement of state employees in the campaign;
4. "Principal combined fund raising organization" means the organization in the State of Oklahoma responsible for the charitable contribution campaign; and
5. "~~State Agency Review~~ Oversight Committee for State Employee Charitable Contributions" means a group of state employees responsible for overseeing at the state level the conducting of the State Charitable Campaign.

SECTION 3. AMENDATORY 74 O.S. 2001, Section 7005, as amended by Section 16, Chapter 312, O.S.L. 2004 (74 O.S. Supp. 2005, Section 7005), is amended to read as follows:

Section 7005. A. The ~~State Agency Review~~ Oversight Committee for State Employee Charitable Contributions shall be composed of the Administrator of the Office of Personnel Management, or designee and six (6) state employees, of which two shall be appointed by the Governor, two shall be appointed by the President Pro Tempore of the Senate and two shall be appointed by the Speaker of the House of Representatives. Members shall serve at the pleasure of their appointing authorities. The provisions of Section 6 of Title 51 of the Oklahoma Statutes shall not apply to appointments to the

Committee. The Committee is created to continue until July 1, ~~2006~~ 2012, in accordance with the provisions of the Oklahoma Sunset Law.

B. The Committee annually shall elect a chairman from its membership. The Administrator of the Office of Personnel Management shall serve as chairman until the first such election.

C. The ~~State Agency Review~~ Oversight Committee for State Employee Charitable Contributions shall have the following duties and responsibilities:

1. Arrange for publication of information about the application process;

2. Review applications of federations electing to participate in the State Charitable Campaign and certify that a federation and each of its member agencies meet the eligibility criteria set forth in Sections 7009 and 7010 of this title;

3. Notify in writing each of the applying federations of its acceptance or rejection. Provided, if a federation is rejected, the Committee shall provide the reason for rejection of each of the member agencies of the federation;

4. Hear appeals of rejected agencies;

5. Delegate to the principal combined fund raising organization the primary responsibility for the staffing of and the financial obligations necessary to comply with the provisions of this subsection;

6. Develop a pledge card to be used throughout the State Charitable Campaign;

7. Select a principal combined fund raising organization to assist the Committee in gathering and accumulating the applications; and

8. Promulgate rules to implement the provisions of the Oklahoma State Employee Charitable Contribution Act.

D. The Office of Personnel Management shall provide such staff support as is required by the Committee.

E. The State Agency Review Oversight Committee for State Employee Charitable Contributions is authorized to appoint such advisory councils and task forces as it deems necessary for counsel, advice and review concerning the formulation and administration of the rules, application review process and the implementation of the Oklahoma State Employee Charitable Contribution Act.

SECTION 4. AMENDATORY 74 O.S. 2001, Section 7007, as amended by Section 17, Chapter 312, O.S.L. 2004 (74 O.S. Supp. 2005, Section 7007), is amended to read as follows:

Section 7007. A. The state principal combined fund raising organization shall be a local federation in the State of Oklahoma that provides, through one specific annual public solicitation for funds, substantial voluntary financial support for charitable agencies that depend on public subscription for support in the state and that has the necessary staff and volunteer support to administer the charitable contribution campaign.

B. The state principal combined fund raising organization shall have the following duties and responsibilities:

1. Work with the State Agency Review Oversight Committee for State Employee Charitable Contributions to develop the charitable contribution campaign plan for the State Charitable Campaign;

2. Develop the charitable contribution campaign materials and publicity for the State Charitable Campaign;

3. Recruit and train the volunteers, departmental coordinators and solicitors in a bipartisan manner; develop and keep records on all the accounts to be solicited; and cultivate the accounts to encourage participation in the charitable contribution campaign;

4. Keep all fiscal and financial records of the activities and submit to the State Agency Review Oversight Committee for State Employee Charitable Contributions a separate accounting of all proceeds of the State Charitable Campaign;

5. Submit to the participating federations a detailed accounting of the amount of money designated to the federation and to each of its member agencies; and

6. Disperse the allocation checks to the participating agencies.

C. Each state employee shall receive from the state principal combined fund raising organization general information material with each federation listed and each of its member agencies listed under the federation. Each agency and federation shall be identified by a code number. If descriptions of each agency are used in the general information material, they shall be provided to the state principal combined fund raising organization by the federations.

D. Each state employee shall be given the option to designate his or her gifts. Undesignated gifts shall be allocated pursuant to the provisions of subsection E of this section.

E. Undesignated money shall be distributed in the same proportion as designated dollars within the State of Oklahoma.

F. Allocations shall be distributed quarterly; provided, for campaigns of One Hundred Thousand Dollars (\$100,000.00) or less, allocations shall be distributed semiannually. Any interest earned from funds held prior to distribution will be distributed proportionally to the distribution of undesignated funds.

SECTION 5. AMENDATORY 74 O.S. 2001, Section 7008, is amended to read as follows:

Section 7008. The reimbursement cost for developing the charitable contribution campaign materials, training the solicitors and the overall administration of the campaign by the state principal combined fund organization shall be no greater than ten percent (10%) of the charitable contribution campaign proceeds or actual cost, whichever is less. The cost shall be borne by each of the federations or organizations proportionally. A charitable campaign budget shall be presented to the ~~State Agency Review~~

Oversight Committee for State Employee Charitable Contributions by the state principal combined fund raising organization.

SECTION 6. AMENDATORY 74 O.S. 2001, Section 7009, as amended by Section 18, Chapter 312, O.S.L. 2004 (74 O.S. Supp. 2005, Section 7009), is amended to read as follows:

Section 7009. A. Participation in the State Charitable Campaign shall be limited to voluntary, charitable, health and welfare agencies that provide or support direct health and welfare services to individuals or their families and meet the criteria set out in this section. The health and welfare services shall be available to state employees, unless they are rendered to needy persons overseas. The services shall directly benefit human beings, whether children, youth, adults, the aged, the ill and infirm, or the mentally or physically handicapped. The services shall consist of care, research, or education in the fields of human health or social adjustment and rehabilitation; relief for victims of natural disasters and other emergencies; or assistance to those who are impoverished and, therefore, in need of food, shelter, clothing, and basic human welfare services.

B. For the purposes of the State Charitable Campaign, basic human welfare service shall not include:

1. Organizations whose primary purpose is the direct or indirect support of institutions of higher education;
2. Lobbying; and
3. Religious activities.

C. To be included in the State Charitable Campaign, a voluntary charitable agency, in addition to meeting the other requirements set forth in this section, shall:

1. Be a nonprofit, tax-exempt charitable organization and submit to the participating federation a 501(c)(3) exemption from the Internal Revenue Service;

2. Be incorporated or authorized to do business in this state as a private, nonprofit organization;

3. Register, annually, with the Secretary of State to solicit or accept contributions in this state;

4. Submit to the participating federation an audit of the agency, conducted by an accounting firm or individual holding a permit to practice public accounting in this state according to the generally accepted standards of accounting for nonprofit organizations; and

5. Submit to the participating federation a copy of the annual form 990.

D. Applications to the State Charitable Campaign shall be submitted to the ~~State Agency Review~~ Oversight Committee for State Employee Charitable Contributions from local federations which shall include United Ways, United Funds, Combined Health Appeals, International Social Service Agencies and any other local federation consisting of at least five local agencies which meet the requirements of this section. Each federation shall certify the application for its member agencies and shall give state charitable agencies precedence over national agencies if both qualify for the charitable contribution campaign. Applications from individual agencies shall not be accepted.

SECTION 7. This act shall become effective November 1, 2006.

Passed the House of Representatives the 23rd day of February,
2006.

Presiding Officer of the House of
Representatives

Passed the Senate the ____ day of _____, 2006.

Presiding Officer of the Senate