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THE STATE SENATE  
Tuesday, April 11, 2006

ENGROSSED  
House Bill No. 1757  
As Amended

ENGROSSED HOUSE BILL NO. 1757 - By: MILLER (Doug) of the House and JUSTICE of the Senate.

[ tourism and recreation - unclassified service - seasonal employees - effective date - emergency ]

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

SECTION 1. AMENDATORY 74 O.S. 2001, Section 840-5.5, as last amended by Section 2, Chapter 409, O.S.L. 2005 (74 O.S. Supp. 2005, Section 840-5.5), is amended to read as follows:

Section 840-5.5. A. The following offices, positions, and personnel shall be in the unclassified service and shall not be placed under the classified service:

1. Persons chosen by popular vote or appointment to fill an elective office, and their employees, except the employees of the Corporation Commission, the State Department of Education and the Department of Labor;

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

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

1       4. Persons employed with one-time, limited duration, federal or  
2 other grant funding that is not continuing or indefinitely  
3 renewable. The length of the unclassified employment shall not  
4 exceed the period of time for which that specific federal funding is  
5 provided;

6       5. All officers and employees of The Oklahoma State System of  
7 Higher Education, State Board of Education and Oklahoma Department  
8 of Career and Technology Education;

9       6. Persons employed in a professional or scientific capacity to  
10 make or conduct a temporary and special inquiry, investigation, or  
11 examination on behalf of the Legislature or a committee thereof or  
12 by authority of the Governor. These appointments and authorizations  
13 shall terminate on the first day of the regular legislative session  
14 immediately following the appointment, if not terminated earlier.  
15 However, nothing in this paragraph shall prevent the reauthorization  
16 and reappointment of any such person. Any such appointment shall be  
17 funded from the budget of the appointing authority;

18       7. Election officials and employees;

19       8. Temporary employees employed to work less than one thousand  
20 (1,000) hours in any twelve-month period and seasonal employees  
21 employed pursuant to Section ~~1806.1~~ 2241 of this title who work less  
22 than one thousand ~~two~~ six hundred ~~(1,200)~~ (1,600) hours in any  
23 twelve-month period. This category of employees may include persons

1 employed on an intermittent, provisional, seasonal, temporary or  
2 emergency basis;

3 9. Department of Public Safety employees occupying the  
4 following offices or positions:

- 5 a. administrative aides to the Commissioner,
- 6 b. executive secretaries to the Commissioner,
- 7 c. the Governor's representative of the Oklahoma Highway  
8 Safety Office who shall be appointed by the Governor,
- 9 d. Highway Patrol Colonel,
- 10 e. Highway Patrol Lieutenant Colonel,
- 11 f. Highway Patrol Major,
- 12 g. Director of Finance,
- 13 h. noncommissioned pilots,
- 14 i. Information Systems Administrator,
- 15 j. Law Enforcement Telecommunications System Specialist,
- 16 k. Director of Driver License Administration,
- 17 l. Director of Transportation Division,
- 18 m. Director of the Alcohol and Drug Countermeasures Unit,
- 19 n. Director of the Oklahoma Highway Safety Office,
- 20 o. Civil Rights Administrator,
- 21 p. Budget Analyst,
- 22 q. Comptroller,
- 23 r. Chaplain,

1           s. Helicopter Mechanic,  
2           t. Director of Safety Compliance,  
3           u. Human Resources Director,  
4           v. Administrator of Department Services, and  
5           w. a maximum of seven (7) positions for the purpose of  
6           administering programs in the Oklahoma Highway Safety  
7           Office, within full-time employee limitations of the  
8           Department, employed with federal funding that is  
9           continuing or indefinitely renewable. The  
10          authorization for such positions shall be terminated  
11          if the federal funding for positions is discontinued;  
12 provided, any person appointed to a position prescribed in  
13 subparagraphs d, e, f or o of this paragraph shall have a right of  
14 return to the classified commissioned position without any loss of  
15 rights, privileges or benefits immediately upon completion of the  
16 duties in the unclassified commissioned position, and any person  
17 appointed to a position prescribed in subparagraph i, j, k, l, m or  
18 n of this paragraph shall have a right of return to the previously  
19 held vacant classified position within the Department of Public  
20 Safety without any loss of rights, privileges or benefits  
21 immediately upon completion of the duties in the unclassified  
22 commissioned position;

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

3           11. Students who are employed on a part-time basis, which shall  
4 be seventy-five percent (75%) of a normal forty-hour work week or  
5 thirty (30) hours per week, or less, or on a full-time basis if the  
6 employment is pursuant to a cooperative education program such as  
7 that provided for under Title I IV-D of the Higher Education Act of  
8 1965 (20 U.S.C. 1087a-1087c), as amended, and who are regularly  
9 enrolled in:

10           a. an institution of higher learning within The Oklahoma  
11 State System of Higher Education,

12           b. an institution of higher learning qualified to become  
13 coordinated with The Oklahoma State System of Higher  
14 Education. For purposes of this section, a student  
15 shall be considered a regularly enrolled student if  
16 the student is enrolled in a minimum of five (5) hours  
17 of accredited graduate courses or a minimum of ten  
18 (10) hours of accredited undergraduate courses,  
19 provided, however, the student shall only be required  
20 to be enrolled in a minimum of six (6) hours of  
21 accredited undergraduate courses during the summer, or

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 (FTE) employee  
13 limit;

14          14.  Employees of the Oklahoma House of Representatives, the  
15 State Senate, or the Legislative Service Bureau;

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

- 18           a.  Administrative aides, and executive secretaries to the  
19                    Commissioners,
- 20           b.  Directors of all the divisions, personnel managers and  
21                    comptrollers,
- 22           c.  General Counsel,
- 23           d.  Public Utility Division Chief Engineer,

- 1 e. Public Utility Division Chief Accountant,
- 2 f. Public Utility Division Chief Economist,
- 3 g. Public Utility Division Deputy Director,
- 4 h. Secretary of the Commission,
- 5 i. Deputy Conservation Director,
- 6 j. Manager of Pollution Abatement,
- 7 k. Manager of Field Operations,
- 8 l. Manager of Technical Services,
- 9 m. Public Utility Division Chief of Telecommunications,
- 10 n. Director of Information Services, and
- 11 o. All Data Processing employees hired on or after
- 12 September 1, 2005;

13 16. At the option of the employing agency, the Supervisor,  
14 Director, or Educational Coordinator in any other state agency  
15 having a primary responsibility to coordinate educational programs  
16 operated for children in state institutions;

17 17. Department of Mental Health and Substance Abuse Services  
18 personnel occupying the following offices and positions at each  
19 facility:

- 20 a. Director of Facility,
- 21 b. Deputy Director for Administration,
- 22 c. Clinical Services Director,
- 23 d. Executive Secretary to Director, and

- 1 e. Directors or Heads of Departments or Services;
- 2 18. Office of State Finance personnel occupying the following
- 3 offices and positions:
- 4 a. State Comptroller,
- 5 b. Administrative Officers,
- 6 c. Alternator Claims Auditor,
- 7 d. Employees hired to fulfill state compliance agency
- 8 requirements under Model Tribal Gaming Compacts,
- 9 e. Employees of the Budget Division,
- 10 f. Employees of the Fiscal and Research Division,
- 11 g. Employees hired to work on the CORE Systems Project;
- 12 and
- 13 h. The following employees of the Information Services
- 14 Division:
- 15 (1) Information Services Division Manager,
- 16 (2) Network Manager,
- 17 (3) Network Technician,
- 18 (4) Security Manager,
- 19 (5) Contracts/Purchasing Manager,
- 20 (6) Operating and Applications Manager,
- 21 (7) Project Manager,
- 22 (8) Help Desk Manager,
- 23 (9) Help Desk Technician,

- 1 (10) Quality Assurance Manager,
- 2 (11) ISD Analysts,
- 3 (12) CORE Manager,
- 4 (13) Enterprise System/Database Software Manager,
- 5 (14) Data Center Operations and Production Manager,
- 6 (15) Voice Communications Manager,
- 7 (16) Applications Development Manager,
- 8 (17) Projects Manager,
- 9 (18) PC's Manager,
- 10 (19) Servers Manager,
- 11 (20) Portal Manager, and
- 12 (21) Procurement Specialist;

13 19. Employees of the Oklahoma Industrial Finance Authority;

14 20. Those positions so specified in the annual business plan of  
15 the Oklahoma Department of Commerce;

16 21. Those positions so specified in the annual business plan of  
17 the Oklahoma Center for the Advancement of Science and Technology;

18 22. The following positions and employees of the Oklahoma  
19 School of Science and Mathematics:

- 20 a. positions for which the annual salary is Twenty-four  
21 Thousand One Hundred Ninety-three Dollars (\$24,193.00)  
22 or more, as determined by the Office of Personnel  
23 Management, provided no position shall become

1 unclassified because of any change in salary or grade  
2 while it is occupied by a classified employee,  
3 b. positions requiring certification by the State  
4 Department of Education, and  
5 c. positions and employees authorized to be in the  
6 unclassified service of the state elsewhere in this  
7 section or in subsection B of this section;

8 23. Office of Personnel Management employees occupying the  
9 following positions:

- 10 a. the Carl Albert Internship Program Coordinator,  
11 b. one Administrative Assistant, and  
12 c. one Workforce Planning Manager;

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

- 15 a. two Deputy Commissioners,  
16 b. two Executive Secretaries to the Commissioner,  
17 c. Chief of Staff,  
18 d. two Administrative Assistants,  
19 e. Information Systems Administrator,  
20 f. three Safety and Health Directors,  
21 g. Research Director,  
22 h. Employment Standards Director,  
23 i. Asbestos Director, and

- 1           j.    General Counsel;
- 2           25.   The State Bond Advisor and his or her employees;
- 3           26.   The Oklahoma Employment Security Commission employees
- 4 occupying the following positions:
- 5           a.    Associate Director,
- 6           b.    Secretary to the Associate Director, and
- 7           c.    Assistant to the Executive Director;
- 8           27.   Oklahoma Human Rights Commission personnel occupying the
- 9 position of Administrative Assistant;
- 10          28.   Officers and employees of the State Banking Department;
- 11          29.   Officers and employees of the University Hospitals
- 12 Authority except personnel in the state classified service pursuant
- 13 to Section 3211 of Title 63 of the Oklahoma Statutes and members of
- 14 the University Hospitals Authority Model Personnel System created
- 15 pursuant to subsection E of Section 3211 of Title 63 of the Oklahoma
- 16 Statutes or as otherwise provided for in Section 3213.2 of Title 63
- 17 of the Oklahoma Statutes;
- 18          30.   Alcoholic Beverage Laws Enforcement Commission employees
- 19 occupying the following positions:
- 20           a.    three Administrative Service Assistant positions,
- 21                   however, employees in such positions who are in the
- 22                   unclassified service on June 4, 2003, may make an

1 election to be in the classified service without a  
2 loss in salary by September 1, 2003, and  
3 b. the Deputy Director position in addition to the one  
4 authorized by paragraph 2 of this subsection;

5 31. The Oklahoma State Bureau of Investigation employees  
6 occupying the following positions:

- 7 a. five assistant directors,
- 8 b. six special investigators,
- 9 c. one information representative,
- 10 d. one federally funded physical evidence technician,
- 11 e. four federally funded laboratory analysts,
- 12 f. a maximum of fourteen positions employed for the  
13 purpose of managing the automated information systems  
14 of the agency, and
- 15 g. one executive secretary in addition to the one  
16 authorized pursuant to paragraph 2 of this subsection;

17 32. The Department of Transportation, the following positions:

- 18 a. Director of the Oklahoma Aeronautics Commission,
- 19 b. five Department of Transportation Assistant Director  
20 positions,
- 21 c. eight field division engineer positions, and
- 22 d. one pilot position;

1           33. Commissioners of the Land Office employees occupying the  
2 following positions:

- 3           a. Director of the Investments Division,
- 4           b. Assistant Director of the Investments Division,
- 5           c. one Administrative Assistant,
- 6           d. one Audit Tech position,
- 7           e. one Auditor I position,
- 8           f. two Accounting Tech I positions,
- 9           g. two Administrative Assistant I positions,
- 10          h. two Imaging Specialist positions, and
- 11          i. one Information Systems Specialist position;

12          34. Within the Oklahoma State Bureau of Narcotics and Dangerous  
13 Drugs Control Commission, the following positions:

- 14          a. six Narcotics Agent positions and three Typist  
15 Clerk/Spanish transcriptionists, including a Typist  
16 Clerk Supervisor/Spanish transcriptionist, provided,  
17 authorization for such positions shall be terminated  
18 if the federal funding for the positions is  
19 discontinued,
- 20          b. one executive secretary in addition to the one  
21 authorized pursuant to paragraph 2 of this subsection,
- 22          c. one fiscal officer,
- 23          d. one full-time Programmer, and

1 e. one full-time Network Engineer;

2 35. The Military Department of the State of Oklahoma is  
3 authorized such unclassified employees within full-time employee  
4 limitations to work in any of the Department of Defense directed  
5 youth programs, the State of Oklahoma Juvenile Justice youth  
6 programs, those persons reimbursed from Armory Board or Billeting  
7 Fund accounts, and skilled trade positions;

8 36. Within the Oklahoma Commission on Children and Youth the  
9 following unclassified positions:

10 a. one Oversight Specialist and one Community Development  
11 Planner,

12 b. one State Plan Grant Coordinator, provided  
13 authorization for the position shall be terminated  
14 when federal support for the position by the United  
15 States Department of Education Early Intervention  
16 Program is discontinued, and

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

19 37. The following positions and employees of the Department of  
20 Central Services:

21 a. one Executive Secretary in addition to the Executive  
22 Secretary authorized by paragraph 2 of this  
23 subsection,

- 1           b.    the Director of Central Purchasing,  
2           c.    one Alternate Fuels Administrator,  
3           d.    one Director of Special Projects,  
4           e.    three postauditors,  
5           f.    four high-technology contracting officers,  
6           g.    one Executive Assistant to the Purchasing Director,  
7           h.    four Contracts Managers,  
8           i.    one Associate Director,  
9           j.    one specialized HiTech/Food Contracting Officer,  
10          k.    one State Use Contracting Officer,  
11          l.    one Property Distribution Administrator,  
12          m.    three licensed architects assigned to the Facilities  
13             and Properties Division,  
14          n.    three licensed engineers assigned to the Facilities  
15             and Properties Division,  
16          o.    four construction consultants assigned to the  
17             Facilities and Properties Division,  
18          p.    one attorney assigned to the Facilities and Properties  
19             Division,  
20          q.    three positions assigned to the Information Services  
21             Division, which shall include one Information  
22             Technology Manager, one Applications Specialist and  
23             one Data Planning Specialist, and

1           r.   four positions assigned to Fleet Management, which  
2                   shall include one Deputy Fleet Manager and three  
3                   Management Analysts;

4           38. Four Water Quality Specialists, and four Water Resources  
5 Division Chiefs within the Oklahoma Water Resources Board;

6           39. J.D. McCarty Center for Children with Developmental  
7 Disabilities personnel occupying the following offices and  
8 positions:

- 9           a. Physical Therapists,
- 10           b. Physical Therapist Assistants,
- 11           c. Occupational Therapists,
- 12           d. Certified Occupational Therapist Aides, and
- 13           e. Speech Pathologists;

14           40. The Development Officer and the Director of the State  
15 Museum of History within the Oklahoma Historical Society;

16           41. Oklahoma Department of Agriculture, Food, and Forestry  
17 personnel occupying the following positions:

- 18           a. one Executive Secretary in addition to the Executive  
19               Secretary authorized by paragraph 2 of this subsection  
20               and one Executive Assistant,
- 21           b. nineteen Agricultural Marketing Coordinator III  
22               positions,

- 1           c.   temporary fire suppression personnel, regardless of  
2           the number of hours worked, who are employed by the  
3           Oklahoma Department of Agriculture, Food, and Forestry  
4           during the period of October 1 through May 31 in any  
5           fiscal year; provided, however, notwithstanding the  
6           provisions of any other section of law, the hours  
7           worked by such employees shall not entitle such  
8           employees to any benefits received by full-time  
9           employees,
- 10          d.   one Administrator for Human Resources,
- 11          e.   one Director of Administrative Services,
- 12          f.   one Water Quality Consumer Complaint Coordinator,
- 13          g.   one hydrologist position,
- 14          h.   Public Information Office Director,
- 15          i.   Market Development Services Director,
- 16          j.   Legal Services Director,
- 17          k.   Animal Industry Services Director,
- 18          l.   Agricultural Environmental Management Services  
19          Director,
- 20          m.   Forestry Services Director,
- 21          n.   Plant Industry and Consumer Services Director,
- 22          o.   one Grants Administrator position,
- 23          p.   Director of Laboratory Services,

- 1 q. Chief of Communications,  
2 r. Public Information Manager,  
3 s. Inventory/Supply Officer,  
4 t. five Agriculture Field Inspector positions assigned  
5 the responsibility for conducting inspections and  
6 audits of agricultural grain storage warehouses. All  
7 other Agriculture Field Inspector positions and  
8 employees of the Oklahoma Department of Agriculture,  
9 Food, and Forestry shall be classified and subject to  
10 the provisions of the Merit System of Personnel  
11 Administration. On November 1, 2002, all other  
12 unclassified Agriculture Field Inspectors shall be  
13 given status in the classified service as provided in  
14 Section 840-4.2 of this title,  
15 u. Rural Fire Coordinator,  
16 v. one Agricultural Marketing Coordinator III,  
17 w. Food Safety Division Director,  
18 x. two Environmental Program Specialists,  
19 y. two Scale Technicians, and  
20 z. two Plant Protection Specialists;

21 42. The Contracts Administrator within the Oklahoma State  
22 Employees Benefits Council;

1           43. The Development Officer within the Oklahoma Department of  
2 Libraries;

3           44. Oklahoma Real Estate Commission personnel occupying the  
4 following offices and positions:

5           a. Educational Program Director, and

6           b. Data Processing Manager;

7           45. A Chief Consumer Credit Examiner for the Department of  
8 Consumer Credit;

9           46. All officers and employees of the Oklahoma Capitol Complex  
10 and Centennial Commemoration Commission;

11          47. All officers and employees of the Oklahoma Motor Vehicle  
12 Commission;

13          48. One Museum Archivist of The Will Rogers Memorial  
14 Commission;

15          49. One Fire Protection Engineer of the Office of the State  
16 Fire Marshal;

17          50. Acting incumbents employed pursuant to Section 209 of Title  
18 44 or Section 48 of Title 72 of the Oklahoma Statutes who shall not  
19 be included in any limitation on full-time equivalency imposed by  
20 law on an agency. Permanent classified employees may request a  
21 leave of absence from classified status and accept an unclassified  
22 appointment and compensation as an acting incumbent with the same  
23 agency; provided, the leave shall expire no later than two (2) years

1 from the date of the acting incumbent appointment. An appointing  
2 authority may establish unclassified positions and appoint  
3 unclassified employees to perform the duties of a permanent  
4 classified employee who is on leave of absence from a classified  
5 position to serve as an acting incumbent. All unclassified  
6 appointments created pursuant to this paragraph shall expire no  
7 later than two (2) years from the date of appointment. Classified  
8 employees accepting unclassified appointments and compensation  
9 pursuant to this paragraph shall be entitled to participate without  
10 interruption in any benefit programs available to classified  
11 employees, including retirement and insurance programs. Immediately  
12 upon termination of an unclassified appointment pursuant to this  
13 paragraph, an employee on assignment from the classified service  
14 shall have a right to be restored to the classified service and  
15 reinstated to the former job family level and compensation plus any  
16 adjustments and increases in salary or benefits which the employee  
17 would have received but for the leave of absence;

18 51. The Oklahoma Homeland Security Director and all other  
19 positions assigned the responsibilities of working in the Oklahoma  
20 Office of Homeland Security; and

21 52. The following eighteen (18) positions in the State  
22 Department of Health:

23 a. one surveillance supervisor,

- 1           b.    one surveillance project monitor,
- 2           c.    two bilingual interviewers,
- 3           d.    eight senior interviewers, and
- 4           e.    six interviewers.

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

- 8           1.    Licensed medical doctors, osteopathic physicians, dentists,  
9 psychologists, and nurses;
- 10          2.    Certified public accountants;
- 11          3.    Licensed attorneys;
- 12          4.    Licensed veterinarians; and
- 13          5.    Licensed pharmacists.

14          C.    Effective July 1, 1996, authorization for unclassified  
15 offices, positions, or personnel contained in a bill or joint  
16 resolution shall terminate June 30 of the ensuing fiscal year after  
17 the authorization unless the authorization is codified in the  
18 Oklahoma Statutes or the termination is otherwise provided in the  
19 legislation.

20          D.    The appointing authority of agencies participating in the  
21 statewide information systems project may establish unclassified  
22 positions and appoint unclassified employees to the project as  
23 needed. Additional unclassified positions may be established, if

1 required, to appoint an unclassified employee to perform the duties  
2 of a permanent classified employee who is temporarily absent from a  
3 classified position as a result of assignment to this project. All  
4 unclassified appointments under this authority shall expire no later  
5 than December 31, 2007, and all unclassified positions established  
6 to support the project shall be abolished. Both the positions and  
7 appointments resulting from this authority shall be exempt from any  
8 agency FTE limitations and any limits imposed on the number of  
9 unclassified positions authorized. Permanent classified employees  
10 may request a leave of absence from classified status and accept an  
11 unclassified appointment and compensation with the same agency under  
12 the provisions of this subsection; provided, the leave shall expire  
13 no later than December 31, 2007. Employees accepting the  
14 appointment and compensation shall be entitled to participate  
15 without interruption in any benefit programs available to classified  
16 employees, including retirement and insurance programs. Immediately  
17 upon termination of an unclassified appointment pursuant to this  
18 subsection, an employee on assignment from the classified service  
19 shall have a right to be restored to the classified service and  
20 reinstated to the former job family level and compensation plus any  
21 adjustments and increases in salary or benefits which the employee  
22 would have received but for the leave of absence.

1 SECTION 2. AMENDATORY Section 42, Chapter 363, O.S.L.  
2 2005 (74 O.S. Supp. 2005, Section 2241), is amended to read as  
3 follows:

4 Section 2241. A. For the purposes of the Oklahoma Tourism,  
5 Parks and Recreation Enhancement Act, seasonal employees shall be  
6 unclassified employees working less than one thousand ~~two~~ six  
7 hundred ~~(1,200)~~ (1,600) hours in any twelve-month period. This  
8 category of employee may be employed on an intermittent,  
9 provisional, temporary, seasonal, or emergency basis.

10 B. The Department may employ seasonal employees throughout the  
11 calendar year. Project labor employed by the Department for a  
12 period of time necessary to complete a project shall be in the  
13 unclassified service of the state as provided by the Oklahoma  
14 Personnel Act of the Oklahoma Statutes. Such employees shall not be  
15 entitled to paid leave, paid holidays, retirement, health, dental or  
16 life insurance, and shall be exempt from any laws, rules or  
17 practices providing for such benefits.

18 C. The Department, in its annual budget request, shall include  
19 a summary of the use of project labor, which shall include the  
20 number of workers employed under the provisions of this section and  
21 the total wages paid to these employees.

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

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

5 COMMITTEE REPORT BY: COMMITTEE ON APPROPRIATIONS, dated 4-5-06 - DO  
6 PASS, As Amended.