

1 STATE OF OKLAHOMA

2 2nd Session of the 51st Legislature (2008)

3 SENATE BILL 1709

By: Coffee

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5
6 AS INTRODUCED

7 An Act relating to public health and safety; amending
8 63 O.S. 2001, Sections 931, as amended by Section 1,
9 Chapter 410, O.S.L. 2005, 932, 933, 934, 935, as
10 amended by Section 9, Chapter 83, 2nd Extraordinary
11 Session, O.S.L. 2006, 936, 937, 941a, 947, 948, as
12 amended by Section 1, Chapter 559, O.S.L. 2004,
13 Section 2, Chapter 559, O.S.L. 2004, 949, as amended
14 by Section 1, Chapter 190, O.S.L. 2004, 950, 951 and
15 954 (63 O.S. Supp. 2007, Sections 931, 935, 948,
16 948.1 and 949), which relate to the Office of the
17 Chief Medical Examiner; amending 74 O.S. 2001,
18 Section 150.3, as last amended by Section 7, Chapter
19 229, O.S.L. 2003 (74 O.S. Supp. 2007, Section 150.3),
20 which relates to the Oklahoma State Bureau of
21 Investigation Commission; amending 74 O.S. 2001,
22 Section 840-5.5, as last amended by Section 3,
23 Chapter 208, O.S.L. 2007 (74 O.S. Supp. 2007, Section
24 840-5.5), which relates to unclassified positions;
abolishing the Board of Medicolegal Investigations;
transferring duties and assets of the Board to the
Oklahoma State Bureau of Investigation; clarifying
references; modifying language; creating division
within the Oklahoma State Bureau of Investigation;
modifying appointment of the Chief Medical Examiner;
providing for termination of the Chief Medical
Examiner; deleting certain salary schedules; granting
certain administrative control to the Chief Medical
Examiner; expanding the Oklahoma State Bureau of
Investigation Commission; providing for initial
appointments; adding positions which may be
unclassified; providing an effective date; and
declaring an emergency.

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

2 SECTION 1. AMENDATORY 63 O.S. 2001, Section 931, as
3 amended by Section 1, Chapter 410, O.S.L. 2005 (63 O.S. Supp. 2007,
4 Section 931), is amended to read as follows:

5 Section 931. A. The Board of Medicolegal Investigations is
6 hereby ~~re-created. The members of the Board shall be:~~

7 ~~1. The Director of the State Bureau of Investigation, or a~~
8 ~~designee;~~

9 ~~2. The State Commissioner of Health, or a designee;~~

10 ~~3. The Dean of the College of Medicine of the University of~~
11 ~~Oklahoma, or a designee;~~

12 ~~4. The President or Dean of the Oklahoma State University~~
13 ~~Center for Health Sciences, or a designee;~~

14 ~~5. The President of the Oklahoma Bar Association, or a~~
15 ~~designee;~~

16 ~~6. The President of the Oklahoma Osteopathic Association, or a~~
17 ~~designee;~~

18 ~~7. The President of the Oklahoma State Medical Association, or~~
19 ~~a designee; and~~

20 ~~8. A funeral director, as provided by Section 396.3 of Title 59~~
21 ~~of the Oklahoma Statutes, appointed by the Oklahoma State Board of~~
22 ~~Embalmers and Funeral Directors.~~

23 ~~The Chief Medical Examiner shall be an ex officio nonvoting member~~
24 ~~of the Board. The Board shall elect one of its members as chair and~~

1 ~~one of its members as vice chair. Members of the Board shall~~
2 ~~receive no compensation for their services on this Board. Regular~~
3 ~~meetings of the Board shall be held at such times as determined by~~
4 ~~its members, and special meetings may be called by the chair. Four~~
5 ~~members shall constitute a quorum~~ abolished. On July 1, 2008, all
6 powers and duties of the Board of Medicolegal Investigations shall
7 be transferred, along with funding allocations, accounts,
8 liabilities, equipment, facilities and other assets of the Board of
9 Medicolegal Investigations and the Office of the Chief Medical
10 Examiner, from the Board of Medicolegal Investigations to the
11 Oklahoma State Bureau of Investigation.

12 B. Beginning July 1, 2008, any reference in the Oklahoma
13 Statutes to the Board of Medicolegal Investigation shall be a
14 reference to the Oklahoma State Bureau of Investigation Commission.

15 SECTION 2. AMENDATORY 63 O.S. 2001, Section 932, is
16 amended to read as follows:

17 Section 932. The ~~Board~~ Oklahoma State Bureau of Investigation
18 Commission is hereby authorized to promulgate rules ~~and regulations~~
19 necessary or appropriate to carry out effectively the provisions of
20 ~~this act~~ Section 931 et seq. of this title. Such rules ~~and~~
21 ~~regulations~~ shall be filed with the Secretary of State and shall not
22 be effective until ten (10) days after the date of filing. The
23 ~~Board~~ Commission shall, on the date of filing, send a copy of the
24

1 rules ~~and regulations~~ by the United States mail to the state
2 regulatory board the licensees of which are affected thereby.

3 SECTION 3. AMENDATORY 63 O.S. 2001, Section 933, is
4 amended to read as follows:

5 Section 933. The Office of the Chief Medical Examiner of the
6 State of Oklahoma is hereby established to be operated under the
7 control and supervision of the ~~Board~~ Oklahoma State Bureau of
8 Investigation Commission. The Office shall exist as a division
9 within the Oklahoma State Bureau of Investigation and shall be
10 directed by the Chief Medical Examiner, and the. The Chief Medical
11 Examiner may employ such other staff members as the ~~Board~~ Commission
12 shall specify.

13 SECTION 4. AMENDATORY 63 O.S. 2001, Section 934, is
14 amended to read as follows:

15 Section 934. The ~~Board of Medicolegal Investigations~~ Oklahoma
16 State Bureau of Investigation Commission shall appoint a Chief
17 Medical Examiner ~~who~~ from among candidates recommended by the
18 pathologists on the Commission. The selected Chief Medical Examiner
19 shall be a physician licensed to practice in Oklahoma and a
20 diplomate of the American Board of Pathology or the American
21 Osteopathic Board of Pathology in forensic pathology. ~~The Chief~~
22 ~~Medical Examiner shall serve at the pleasure of the Board~~ Upon a
23 recommendation by the Director of the Oklahoma State Bureau of
24 Investigation, the Commission may terminate the Chief Medical

1 Examiner. In addition to the duties prescribed by law, the Chief
2 Medical Examiner may teach in any medical school in this state and
3 conduct special classes for law enforcement officers.

4 SECTION 5. AMENDATORY 63 O.S. 2001, Section 935, as
5 amended by Section 9, Chapter 83, 2nd Extraordinary Session, O.S.L.
6 2006 (63 O.S. Supp. 2007, Section 935), is amended to read as
7 follows:

8 Section 935. ~~A.~~ The Chief Medical Examiner shall be directly
9 responsible to the ~~Board~~ Director of the Oklahoma State Bureau of
10 Investigation for the performance of the duties provided for in ~~this~~
11 ~~act~~ Section 931 et seq. of this title and for the administration of
12 the office of the Chief Medical Examiner. The Chief Medical
13 Examiner may, however, delegate specific duties to competent and
14 qualified deputies who may act for the Chief Medical Examiner within
15 the scope of the express authority granted by the Chief Medical
16 Examiner, subject, however, to such rules as the ~~Board~~ Oklahoma
17 State Bureau of Investigation Commission may prescribe.

18 ~~B. Effective January 1, 2007, the annual salaries of the~~
19 ~~following officers and employees of the Office of the Chief Medical~~
20 ~~Examiner shall be in accordance with the following salary schedule,~~
21 ~~exclusive of longevity pay, as authorized by Section 840-2.18 of~~
22 ~~Title 74 of the Oklahoma Statutes:~~

23 1. ~~Administrative Officer:~~

24 Minimum ~~\$35,155.67, Mid point \$40,769.22,~~

1 ~~Maximum \$46,382.76;~~
2 ~~2. Chief Forensic Toxicologist:~~
3 ~~Minimum \$72,360.00, Mid point \$85,626.00,~~
4 ~~Maximum \$98,892.00;~~
5 ~~3. Deputy Chief Forensic Toxicologist:~~
6 ~~Minimum \$65,124.00, Mid point \$72,239.40,~~
7 ~~Maximum \$79,354.80;~~
8 ~~4. Deputy Chief Medical Examiner:~~
9 ~~Minimum \$156,780.00, Mid point \$162,810.00,~~
10 ~~Maximum \$168,840.00;~~
11 ~~5. Division Administrator:~~
12 ~~Minimum \$35,155.67, Mid point \$40,769.22,~~
13 ~~Maximum \$46,382.76;~~
14 ~~6. Forensic Chemist II:~~
15 ~~Minimum \$37,386.00, Mid point \$41,607.00,~~
16 ~~Maximum \$45,828.00;~~
17 ~~7. Forensic Chemist IV:~~
18 ~~Minimum \$42,210.00, Mid point \$48,240.00,~~
19 ~~Maximum \$54,270.00;~~
20 ~~8. Forensic Pathologist:~~
21 ~~Minimum \$118,188.00, Mid point \$131,454.00,~~
22 ~~Maximum \$144,720.00;~~
23 ~~9. Forensic Pathologist I:~~
24 ~~Minimum \$123,012.00, Mid point \$136,881.00,~~

1 ~~Maximum \$150,750.00;~~

2 ~~10. Investigator I:~~

3 ~~Minimum \$31,959.00, Mid point \$40,099.50,~~

4 ~~Maximum \$48,240.00;~~

5 ~~11. Investigator II:~~

6 ~~Minimum \$33,768.00, Mid point \$42,813.00,~~

7 ~~Maximum \$51,858.00;~~

8 ~~12. Investigator III:~~

9 ~~Minimum \$36,180.00, Mid point \$45,225.00,~~

10 ~~Maximum \$54,270.00; and~~

11 ~~13. Records Supervisor:~~

12 ~~Minimum \$25,626.29, Mid point \$29,647.70,~~

13 ~~Maximum \$33,669.11.~~

14 ~~Provided, however, no such employee shall receive less than the~~
15 ~~salary the employee received on December 31, 2006.~~

16 SECTION 6. AMENDATORY 63 O.S. 2001, Section 936, is
17 amended to read as follows:

18 Section 936. The ~~Board~~ Oklahoma State Bureau of Investigation
19 Commission shall provide for a central office and shall see that
20 there is maintained a laboratory suitably equipped with facilities
21 for performance of the duties imposed by ~~this act~~ Section 931 et
22 seq. of this title.

23 SECTION 7. AMENDATORY 63 O.S. 2001, Section 937, is
24 amended to read as follows:

1 Section 937. The Chief Medical Examiner shall appoint medical
2 examiners for each county of the state. Each medical examiner so
3 appointed shall be a Doctor of Medicine or Osteopathy and Surgery,
4 shall hold a valid license to practice ~~his~~ the profession in
5 Oklahoma, and shall hold office at the pleasure of the ~~Board~~ Chief
6 Medical Examiner. In the event there is no qualified person in the
7 county or no person willing to serve as a medical examiner, or in
8 the event the medical examiner is absent from the county in which ~~he~~
9 the medical examiner serves, or is ill or disqualified by personal
10 interest, the Chief Medical Examiner may in ~~his~~ the Chief Medical
11 Examiner's discretion appoint as a medical examiner for such county
12 a qualified person from another county, or may direct a medical
13 examiner from another county to perform the duties of a medical
14 examiner in both counties. Nothing in this section or ~~act~~ Section
15 931 et seq. of this title shall prohibit or restrict the Chief
16 Medical Examiner from appointing a medical examiner and directing
17 ~~him~~ the medical examiner to cross a county line. A medical examiner
18 shall not be precluded from holding other public offices created by
19 the laws of the state.

20 SECTION 8. AMENDATORY 63 O.S. 2001, Section 941a, is
21 amended to read as follows:

22 Section 941a. Within three (3) hours after the death of any
23 person who is at the time of death attended by a licensed medical or
24 osteopathic physician, the body of the deceased shall be released,

1 upon demand, to the person legally entitled to the custody thereof,
2 or ~~his~~ a representative of the person, unless:

3 1. A release is signed by the person legally entitled to the
4 custody of the body; or

5 2. The attending physician has notified the Chief Medical
6 Examiner of the State of Oklahoma, or ~~his~~ the designee of the Chief
7 Medical Examiner, of the need for further investigation into the
8 cause of death, or has notified the appropriate district attorney of
9 such need; or

10 3. The laws of this state or the ~~regulations~~ rules of the ~~Board~~
11 ~~of Medicolegal Investigations~~ Oklahoma State Bureau of Investigation
12 Commission require additional information or examination that cannot
13 be obtained or completed within the above period of time.

14 SECTION 9. AMENDATORY 63 O.S. 2001, Section 947, is
15 amended to read as follows:

16 Section 947. A. The certification of death of any person whose
17 death is investigated under ~~this act~~ Section 931 et seq. of this
18 title shall be made by the Chief Medical Examiner, ~~his~~ the designee
19 of the Chief Medical Examiner, or the medical examiner who conducted
20 the investigation, upon a medical examiner death certificate
21 provided by the State Registrar of Vital Statistics. Such death
22 certificates shall be valid only when signed by a duly appointed
23 medical examiner, the Chief Medical Examiner, or ~~his~~ a designee.
24 Copies of all such certificates shall be forwarded immediately upon

1 receipt by the State Registrar of Vital Statistics to the Office of
2 the Chief Medical Examiner.

3 B. Any certification of death by an attending physician may be
4 referred by the State Registrar of Vital Statistics to the Chief
5 Medical Examiner for investigation and the amending of the original
6 certificate of death by the filing of a medical examiner death
7 certificate by the medical examiner or Chief Medical Examiner when
8 the death is determined by the Chief Medical Examiner to be one
9 properly requiring investigation under Section 938 of this title.

10 C. Medical examiner death certificates will not be required in
11 cases investigated solely for the purpose of issuing a permit for
12 transport of a body out of state.

13 D. ~~The Board of Medicolegal Investigations~~ Oklahoma State
14 Bureau of Investigation Commission shall not charge a fee for
15 out-of-state shipment of human remains whenever the Office of the
16 Chief Medical Examiner has not been required to conduct an
17 investigation of the death.

18 SECTION 10. AMENDATORY 63 O.S. 2001, Section 948, as
19 amended by Section 1, Chapter 559, O.S.L. 2004 (63 O.S. Supp. 2007,
20 Section 948), is amended to read as follows:

21 Section 948. A. For each investigation or partial
22 investigation in which the medical examiner is relieved by the Chief
23 Medical Examiner or a designee, the medical examiner shall receive
24 compensation for such services as provided in the rules approved and

1 promulgated by the ~~Board of Medicolegal Investigations~~ Oklahoma
2 State Bureau of Investigation Commission, from funds appropriated to
3 the ~~Board of Medicolegal Investigations~~ Oklahoma State Bureau of
4 Investigation. Where, in the opinion of the Chief Medical Examiner,
5 it is necessary to designate a consultant pathologist to perform an
6 autopsy, such pathologist shall be entitled to a reasonable fee.
7 Such fees shall be payable from funds appropriated to the ~~Board of~~
8 ~~Medicolegal Investigations~~ Oklahoma State Bureau of Investigation.

9 B. The Office of the Chief Medical Examiner (OCME) shall store
10 biological specimens in the control of the OCME for the potential
11 purpose of independent analyses in matters of civil law, only upon
12 receipt of a written request for such storage and payment of a
13 storage fee. The fee shall be paid by the person requesting storage
14 to the Office of the Chief Medical Examiner. The ~~Board~~ Commission
15 shall promulgate rules establishing a fee for storage of such
16 biological specimens which shall not exceed One Hundred Dollars
17 (\$100.00) per year. All fees collected pursuant to the provisions
18 of this subsection shall be deposited to the credit of the Office of
19 the Chief Medical Examiner Toxicology Laboratory Revolving Fund.

20 C. 1. The Office of the Chief Medical Examiner (OCME) is
21 authorized to perform drug screens on specimens in the custody of
22 the OCME, provided the request is made by an agency or party
23 authorized to receive such information. The OCME may limit drug
24 screens within the technical and physical capabilities of the OCME.

1 2. The authorization for drug screens shall apply only to
2 specimens from cases already within the jurisdiction of the OCME and
3 only when the analyses are deemed by the Chief Medical Examiner or
4 Deputy Chief Medical Examiner not to conflict with any investigation
5 of the case by the state.

6 3. The ~~Board of Medicolegal Investigations~~ Commission shall
7 establish a fee for drug screen services by rule. All fees
8 collected pursuant to the provisions of this subsection shall be
9 deposited to the Chief Medical Examiner Toxicology Laboratory
10 Revolving Fund.

11 SECTION 11. AMENDATORY Section 2, Chapter 559, O.S.L.
12 2004 (63 O.S. Supp. 2007, Section 948.1), is amended to read as
13 follows:

14 Section 948.1 A. The ~~Board of Medicolegal Investigations~~
15 Oklahoma State Bureau of Investigation Commission may establish a
16 fee schedule for forensic services, permits and reports rendered to
17 members of the public and other agencies.

18 1. No fee schedule may be established or amended by the ~~Board~~
19 Commission except during a regular legislative session. The ~~Board~~
20 Commission shall comply with the Administrative Procedures Act for
21 adoption of rules and establishing or amending any such fee
22 schedule.

23 2. Except as otherwise specified in this section, the ~~Board~~
24 Commission shall charge fees only within the following ranges:

- 1 a. permit for cremations that occur within the state:
2 One Hundred Dollars (\$100.00) to Two Hundred Dollars
3 (\$200.00),
- 4 b. forensic science service: One Hundred Dollars
5 (\$100.00) to Three Thousand Dollars (\$3,000.00),
- 6 c. report copies: Ten Dollars (\$10.00) for report of
7 investigation, including toxicology, and Twenty
8 Dollars (\$20.00) for an autopsy report, including
9 toxicology,
- 10 d. x-rays: Fifteen Dollars (\$15.00) each,
- 11 e. microscopic slides, Hematoxilyn and Eosin (H&E): Ten
12 Dollars (\$10.00) each,
- 13 f. special stains: Fifteen Dollars (\$15.00) each, and
- 14 g. photographs: Twenty-five Dollars (\$25.00) per
15 computer diskette (CD).

16 B. The ~~Board~~ Commission shall base the fee schedule for
17 forensic science services, permits and reports upon reasonable costs
18 of review, investigation and forensic science service delivery;
19 provided, however, the fee schedule shall be within the ranges
20 specified in subsection A of this section. The ~~Board~~ Commission
21 shall continue a system of basic and continuing educational service
22 and training for all personnel who render forensic science services
23 in order to ensure uniform statewide application of the rules of the
24 ~~Board~~ Commission. The ~~Board~~ Commission shall consider the

1 reasonable costs associated with such training and continuing
2 education in setting the forensic science service fees.

3 C. The ~~Board~~ Commission may exempt by rule any agency or class
4 of individuals from the requirements of the fee schedule if the
5 ~~Board~~ Commission determines that the fees would cause an
6 unreasonable economic hardship or would otherwise hinder or conflict
7 with an agency's responsibilities.

8 D. All statutory fees currently in effect for permits or
9 forensic science services administered by the Chief Medical Examiner
10 and the ~~Board of Medicolegal Investigations~~ Oklahoma State Bureau of
11 Investigation Commission within the jurisdiction of the Office of
12 the Chief Medical Examiner shall remain in effect until such time as
13 the ~~Board~~ Commission acts to implement new schedules pursuant to the
14 provisions of ~~this act~~ Section 931 et seq. of this title.

15 SECTION 12. AMENDATORY 63 O.S. 2001, Section 949, as
16 amended by Section 1, Chapter 190, O.S.L. 2004 (63 O.S. Supp. 2007,
17 Section 949), is amended to read as follows:

18 Section 949.

19 A. 1. a. The Office of the Chief Medical Examiner shall keep
20 full and complete records, properly indexed, giving
21 the name, if known, of every person whose death is
22 investigated, the place where the body was found, the
23 date, cause, and manner of death and all other
24 relevant information concerning the death. The full

1 report and detailed findings of the autopsy, if any,
2 shall be a part of the record in each case.

3 b. The Chief Medical Examiner shall track and forward,
4 within seventy-two (72) hours after the examination,
5 demographic information on sudden, unexpected and
6 nontraumatic infant deaths including, but not limited
7 to, Sudden Infant Death Syndrome (SIDS), to the
8 Oklahoma SIDS Coordinator at the State Department of
9 Health and the SIDS Foundation of Oklahoma. As used
10 in this subparagraph, "Sudden Infant Death Syndrome
11 (SIDS)" means the sudden, unexpected death of an
12 apparently healthy infant less than one (1) year of
13 age which remains unexplained following a complete
14 medicolegal analysis and death scene investigation.
15 The Chief Medical Examiner shall follow up with
16 further notification upon final determination of a
17 cause of death. Such notification shall be for
18 statistical reporting purposes only.

19 2. The office shall promptly deliver to each district attorney
20 having jurisdiction of the case, copies of all records relating to a
21 death for which further investigation may be advisable. Any
22 district attorney or other law enforcement official may, upon
23 request, obtain copies of such records or other information deemed
24

1 necessary to the performance of such district attorney's or other
2 law enforcement official's official duties.

3 B. No report, findings, testimony, or other information of a
4 medical examiner shall be admitted in evidence in any civil action
5 in any court in this state, except under the following
6 circumstances:

7 1. Certified copies of reports pertaining to the factual
8 determinations of views and examination of or autopsies upon the
9 bodies of deceased persons by the Chief Medical Examiner, a medical
10 examiner, consultant pathologist, or anyone under their supervision
11 or control may be admitted in evidence in any civil case in a court
12 of competent jurisdiction in this state by stipulation of all
13 parties in the case;

14 2. If a party refuses to stipulate to admission, the reports
15 may be requested by any party seeking to admit the records as
16 evidence. The request shall be made to the Office of the Chief
17 Medical Examiner, who shall furnish same;

18 3. The party seeking admission of the reports shall then serve
19 interrogatories concerning the facts to be answered under oath by
20 the person preparing the records. The interrogatories and answers
21 thereto shall be subject to the rules of evidence and may be
22 admissible in evidence in any civil case in a court of competent
23 jurisdiction. Objections to the interrogatories shall be made by
24 any party in accordance with law just as if the interrogatories had

1 | been served on the objecting party. Cross interrogatories shall be
2 | submitted and shall be answered and admitted in evidence in the same
3 | manner as interrogatories;

4 | 4. The taking of depositions shall then be allowed pursuant to
5 | the provisions of Section 3230 of Title 12 of the Oklahoma Statutes;
6 | provided, however, depositions shall take place at the Office of the
7 | Chief Medical Examiner, a medical examiner, consultant pathologist,
8 | or anyone under their supervision or control whose testimony is
9 | sought, unless all parties, including the medical examiner, agree
10 | the deposition can be taken elsewhere;

11 | 5. No other testimony of the Chief Medical Examiner, a medical
12 | examiner, consultant pathologist, or anyone under their supervision
13 | and control shall be admitted in evidence in any civil action in any
14 | court of this state, unless timely application is made to the court
15 | by an interested party or litigant and timely notice of the
16 | application is given to the medical examiner. After a hearing, the
17 | court, for good cause shown, may order the appearance of the Chief
18 | Medical Examiner, a medical examiner, consultant pathologist, or
19 | anyone under their supervision and control for the purpose of
20 | testifying and may order that a subpoena be issued for that
21 | appearance; provided, however, that such order by the court shall be
22 | the exception and not the rule; and

23 | 6. The cost of the records or certified copies thereof shall be
24 | paid by the party requesting same. The reasonable fee charged by

1 the Chief Medical Examiner, a medical examiner, consultant
2 pathologist, or anyone under their supervision and control for
3 answering interrogatories or cross interrogatories, submitting to
4 depositions, or providing testimony shall be paid by the party
5 submitting same. This fee shall be in place of any other witness
6 fee allowed by law.

7 C. Certified copies of reports and findings, exclusive of
8 hearsay evidence, may be admitted in evidence in preliminary
9 hearings and criminal trials by stipulation.

10 D. Certified copies of reports of investigations by a medical
11 examiner, laboratory reports and/or autopsy reports may be furnished
12 to the next of kin or others having need for them upon written
13 statement and payment of a reasonable fee set by the ~~Board of~~
14 ~~Medicolegal Investigations~~ Oklahoma State Bureau of Investigation
15 Commission.

16 E. 1. In a case in which possible SIDS is determined as the
17 cause of death of an infant less than one (1) year of age, the
18 medical examiner shall explain to the newly bereaved family that
19 support services are available and can be rendered more efficiently
20 if the family signs a waiver to allow release of confidential
21 information. The medical examiner shall provide such waiver to the
22 family for signatures.

23 2. The medical examiner shall document receipt of the signed
24 waiver form and shall forward such documentation to the State

1 Department of Health and the SIDS Foundation of Oklahoma, along with
2 information related to the possible SIDS death including, but not
3 limited to, the infant's name, date of birth, date of death, race,
4 parents' names, address and phone number.

5 3. As used in this subsection, "possible SIDS" means the sudden
6 unexpected, nontraumatic death of an apparently healthy infant less
7 than one (1) year of age.

8 SECTION 13. AMENDATORY 63 O.S. 2001, Section 950, is
9 amended to read as follows:

10 Section 950. In the event it is necessary or advisable to
11 perform an autopsy under the provisions of ~~this act~~ Section 931 et
12 seq. of this title in some place other than the laboratories of the
13 Chief Medical Examiner, ~~said~~ the examiner may authorize payment of a
14 reasonable fee for the use of an appropriate place for the
15 performing of an autopsy, which payment shall be made upon a claim
16 and submitted to the ~~Board of Medicolegal Investigations~~ Oklahoma
17 State Bureau of Investigation.

18 SECTION 14. AMENDATORY 63 O.S. 2001, Section 951, is
19 amended to read as follows:

20 Section 951. The Chief Medical Examiner, ~~his~~ a designee, or a
21 medical examiner shall be authorized to transport bodies of deceased
22 persons of whose death ~~he~~ the Chief Medical Examiner is officially
23 informed to an appropriate place for autopsy or for the performance
24 of scientific tests; provided that, after said autopsy shall have

1 | been performed or such tests made, the bodies of such deceased
2 | persons shall be returned to the county from which they were
3 | brought, or, when so authorized by the district attorney of said
4 | county and upon request of the nearest relative of the deceased or
5 | other person who may be responsible for burial, the body may be
6 | transported to some place other than said county. The Chief Medical
7 | Examiner or ~~his~~ a designee may authorize payment for the services in
8 | transporting the body to the place designated for autopsy, which
9 | shall be submitted upon a claim filed with the ~~Board of Medicolegal~~
10 | ~~Investigations~~ Oklahoma State Bureau of Investigation.

11 | SECTION 15. AMENDATORY 63 O.S. 2001, Section 954, is
12 | amended to read as follows:

13 | Section 954. A. ~~The Board of Medicolegal Investigations~~
14 | Oklahoma State Bureau of Investigation is authorized to accept
15 | grants, gifts, fees or funds from persons, associations,
16 | corporations, or foundations for any purpose authorized by the ~~Board~~
17 | Oklahoma State Bureau of Investigation Commission pursuant to
18 | Section 931 et seq. of this title.

19 | B. There is hereby created in the State Treasury a revolving
20 | fund for the Office of the Chief Medical Examiner to be designated
21 | the "Chief Medical Examiner Revolving Fund". The fund shall be a
22 | continuing fund, not subject to fiscal year limitations, and shall
23 | consist of all moneys received from:
24 |

- 1 1. Laboratory analysis fees pursuant to the provisions of
- 2 Section 1313.2 of Title 20 of the Oklahoma Statutes;
- 3 2. Grants, gifts, fees or funds from persons, associations,
- 4 corporations or foundations pursuant to this section;
- 5 3. Document fees pursuant to the Oklahoma Open Records Act,
- 6 ~~Section 24A.1 et seq. of Title 51 of the Oklahoma Statutes;~~ and
- 7 4. Cremation, burial at sea or other recognized means of
- 8 dissolution permit fees pursuant to Section 1-329.1 of this title.

9 All monies accruing to the credit of said fund are hereby

10 appropriated and may be budgeted and expended by the Office of the

11 Chief Medical Examiner for the duties imposed upon the ~~Board of~~

12 ~~Medicolegal Investigations by law~~ Oklahoma State Bureau of

13 Investigation Commission pursuant to this act. Expenditures from

14 said fund shall be made upon warrants issued by the State Treasurer

15 against claims filed as prescribed by law with the Director of State

16 Finance for approval and payment.

17 SECTION 16. AMENDATORY 74 O.S. 2001, Section 150.3, as

18 last amended by Section 7, Chapter 229, O.S.L. 2003 (74 O.S. Supp.

19 2007, Section 150.3), is amended to read as follows:

20 Section 150.3 A. There is hereby created an Oklahoma State

21 Bureau of Investigation Commission which shall consist of ~~seven (7)~~

22 nine (9) members, not more than two of whom shall be from the same

23 congressional district. When congressional districts are redrawn,

24 each member appointed prior to July 1 of the year in which such

1 modification becomes effective shall complete the current term of
2 office and appointments made after July 1 of the year in which such
3 modification becomes effective shall be based on the redrawn
4 districts. No appointments may be made after July 1 of the year in
5 which such modification becomes effective if such appointment would
6 result in more than two members serving from the same modified
7 district. The members shall be appointed by the Governor and
8 confirmed by the Senate and shall be removable only for cause, as
9 provided by law for the removal of officers not subject to
10 impeachment. The term of office of each member shall be seven (7)
11 years. The first appointments shall be for the following terms as
12 designated by the Governor: one member for a term of one (1) year;
13 one member for a term of two (2) years; one member for a term of
14 three (3) years; one member for a term of four (4) years; one member
15 for a term of five (5) years; one member for a term of six (6)
16 years; and one member for a term of seven (7) years. The initial
17 appointment of the members added pursuant to this act shall be for
18 the following terms as determined by the Governor: one member for a
19 term of six (6) years and one member for a term of seven (7) years.
20 A member may serve more than one term on the Commission. Each
21 member shall continue to serve so long as the member is qualified
22 until a successor has been appointed and confirmed by the Senate.
23 Vacancies occurring during a term shall be filled for the unexpired
24

1 portion of the term by the same procedure used to make the regular
2 appointments.

3 B. Four of the members shall represent the lay citizenry, two
4 members shall be pathologists, one of whom is an active member of
5 the Oklahoma State Medical Association and one of whom is an active
6 member of the Oklahoma State Association of Pathologists, one member
7 shall be a district attorney while serving in that capacity, one
8 member shall be a sheriff while serving in that capacity, and one
9 member shall be a chief of police while serving in that capacity;
10 provided that the sheriff and police chief members shall have
11 successfully completed an approved course of instruction for peace
12 officers as required by law.

13 C. Annually the Commission shall select one of the Commission
14 members to serve as chair and one member to serve as vice-chair.
15 The Commission shall meet at least quarterly. The chair shall
16 preside at all meetings of the Commission and shall have the power
17 to call meetings of the Commission. In addition, meetings of the
18 Commission may be called by a majority of the members. The vice-
19 chair shall perform these functions in the absence or incapacity of
20 the chair. A quorum of ~~four~~ five members of the Commission shall be
21 necessary to conduct any official business. All actions taken by
22 the Commission shall be by a simple majority vote of a quorum. In
23 the event of a tie vote, the measure being voted upon shall be
24 deemed to have failed.

1 The Commission shall adopt rules of procedure for the orderly
2 performance of its functions.

3 D. Members of the Commission shall serve without salary but may
4 be reimbursed for travel and other expenses in attending meetings
5 and performing their duties in the manner provided for other state
6 officers and employees under the State Travel Reimbursement Act.
7 The lay-citizen members shall be paid Thirty Dollars (\$30.00) per
8 diem for attendance at meetings of the Commission. No other
9 provisions of law shall be construed as prohibiting public officers
10 from also serving as members of the Commission, nor shall any other
11 provisions of law be construed as prohibiting public officers or
12 public employees from performing services for the Commission without
13 compensation. It is further provided that no town, city, county or
14 other subdivision or other agency of state government shall be
15 prohibited from receiving a grant or from benefiting from grants or
16 expenditures of the Commission for the reason that an officer or
17 employee of such town, city, county or other subdivision or agency
18 of state government is a Commission member or employee.

19 SECTION 17. AMENDATORY 74 O.S. 2001, Section 840-5.5, as
20 last amended by Section 3, Chapter 208, O.S.L. 2007 (74 O.S. Supp.
21 2007, Section 840-5.5), is amended to read as follows:

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

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;

14 5. All officers and employees of The Oklahoma State System of
15 Higher Education, State Board of Education and Oklahoma Department
16 of Career and Technology Education;

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

1 and reappointment of any such person. Any such appointment shall be
2 funded from the budget of the appointing authority;

3 7. Election officials and employees;

4 8. Temporary employees employed to work less than one thousand
5 (1,000) hours in any twelve-month period, and seasonal employees
6 employed by the Oklahoma Tourism and Recreation Department pursuant
7 to Section 2241 of this title who work less than one thousand six
8 hundred (1,600) hours in any twelve-month period;

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

11 a. administrative aides to the Commissioner,

12 b. executive secretaries to the Commissioner,

13 c. the Governor's representative of the Oklahoma Highway
14 Safety Office who shall be appointed by the Governor,

15 d. Highway Patrol Colonel,

16 e. Highway Patrol Lieutenant Colonel,

17 f. Highway Patrol Major,

18 g. Director of Finance,

19 h. noncommissioned pilots,

20 i. Information Systems Administrator,

21 j. Law Enforcement Telecommunications System Specialist,

22 k. Director of Driver License Administration,

23 l. Director of Transportation Division,

24 m. Director of the Alcohol and Drug Countermeasures Unit,

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

1 Safety without any loss of rights, privileges or benefits
2 immediately upon completion of the duties in the unclassified
3 commissioned position;

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

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

13 a. an institution of higher learning within The Oklahoma
14 State System of Higher Education,

15 b. an institution of higher learning qualified to become
16 coordinated with The Oklahoma State System of Higher
17 Education. For purposes of this section, a student
18 shall be considered a regularly enrolled student if
19 the student is enrolled in a minimum of five (5) hours
20 of accredited graduate courses or a minimum of ten
21 (10) hours of accredited undergraduate courses,
22 provided, however, the student shall only be required
23 to be enrolled in a minimum of six (6) hours of
24 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,
- 24 e. Public Utility Division Chief Accountant,

- 1 f. Public Utility Division Chief Economist,
- 2 g. Public Utility Division Deputy Director,
- 3 h. Secretary of the Commission,
- 4 i. Deputy Conservation Director,
- 5 j. Manager of Pollution Abatement,
- 6 k. Manager of Field Operations,
- 7 l. Manager of Technical Services,
- 8 m. Public Utility Division Chief of Telecommunications,
- 9 n. Director of Information Services,
- 10 o. All Data Processing employees hired on or after
- 11 September 1, 2005,
- 12 p. All Public Utilities employees hired on or after
- 13 September 1, 2007, and
- 14 q. All Regulatory Program Managers hired on or after
- 15 September 1, 2007;

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

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

- 23 a. Director of Facility,
- 24 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. Administrative Officers,
 - c. Alternator Claims Auditor,
 - d. Employees hired to fulfill state compliance agency requirements under Model Tribal Gaming Compacts,
 - e. Employees of the Budget Division,
 - f. Employees of the Fiscal and Research Division,
 - g. Employees hired to work on the CORE Systems Project;
- and
- h. The following employees of the Information Services

Division:

- (1) Information Services Division Manager,
- (2) Network Manager,
- (3) Network Technician,
- (4) Security Manager,
- (5) Contracts/Purchasing Manager,
- (6) Operating and Applications Manager,
- (7) Project Manager,
- (8) Help Desk Manager,

- 1 (9) Help Desk Technician,
- 2 (10) Quality Assurance Manager,
- 3 (11) ISD Analysts,
- 4 (12) CORE Manager,
- 5 (13) Enterprise System/Database Software Manager,
- 6 (14) Data Center Operations and Production Manager,
- 7 (15) Voice Communications Manager,
- 8 (16) Applications Development Manager,
- 9 (17) Projects Manager,
- 10 (18) PC's Manager,
- 11 (19) Servers Manager,
- 12 (20) Portal Manager,
- 13 (21) Procurement Specialists,
- 14 (22) Security Technicians,
- 15 (23) Enterprise Communications and Network
- 16 Administrator,
- 17 (24) Server Support Specialists,
- 18 (25) Senior Server Support Specialists,
- 19 (26) Systems Support Specialists, and
- 20 (27) Senior Systems Support Specialists;
- 21 19. Employees of the Oklahoma Industrial Finance Authority;
- 22 20. Those positions so specified in the annual business plan of
- 23 the Oklahoma Department of Commerce;
- 24

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

3 22. The following positions and employees of the Oklahoma
4 School of Science and Mathematics:

- 5 a. positions for which the annual salary is Twenty-four
6 Thousand One Hundred Ninety-three Dollars (\$24,193.00)
7 or more, as determined by the Office of Personnel
8 Management, provided no position shall become
9 unclassified because of any change in salary or grade
10 while it is occupied by a classified employee,
- 11 b. positions requiring certification by the State
12 Department of Education, and
- 13 c. positions and employees authorized to be in the
14 unclassified service of the state elsewhere in this
15 section or in subsection B of this section;

16 23. Office of Personnel Management employees occupying the
17 following positions:

- 18 a. the Carl Albert Internship Program Coordinator,
- 19 b. one Administrative Assistant,
- 20 c. one Workforce Planning Manager,
- 21 d. Assistant Administrators,
- 22 e. one Associate Administrator, and
- 23 f. Division Directors;

1 24. Department of Labor personnel occupying the following
2 offices and positions:

- 3 a. two Deputy Commissioners,
- 4 b. two Executive Secretaries to the Commissioner,
- 5 c. Chief of Staff,
- 6 d. two Administrative Assistants,
- 7 e. Information Systems Administrator,
- 8 f. three Safety and Health Directors,
- 9 g. Research Director,
- 10 h. Employment Standards Director,
- 11 i. Asbestos Director,
- 12 j. General Counsel,
- 13 k. one Legal Secretary,
- 14 l. one Docket Clerk, and
- 15 m. two Information Systems Application Specialists;

16 25. The State Bond Advisor and his or her employees;

17 26. The Oklahoma Employment Security Commission employees
18 occupying the following positions:

- 19 a. Associate Director,
- 20 b. Secretary to the Associate Director, and
- 21 c. Assistant to the Executive Director;

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

24 28. Officers and employees of the State Banking Department;

1 29. Officers and employees of the University Hospitals
2 Authority except personnel in the state classified service pursuant
3 to Section 3211 of Title 63 of the Oklahoma Statutes and members of
4 the University Hospitals Authority Model Personnel System created
5 pursuant to subsection E of Section 3211 of Title 63 of the Oklahoma
6 Statutes or as otherwise provided for in Section 3213.2 of Title 63
7 of the Oklahoma Statutes;

8 30. Alcoholic Beverage Laws Enforcement Commission employees
9 occupying the following positions:

- 10 a. three Administrative Service Assistant positions,
11 however, employees in such positions who are in the
12 unclassified service on June 4, 2003, may make an
13 election to be in the classified service without a
14 loss in salary by September 1, 2003, and
- 15 b. the Deputy Director position in addition to the one
16 authorized by paragraph 2 of this subsection;

17 31. The Oklahoma State Bureau of Investigation employees
18 occupying the following positions:

- 19 a. five assistant directors,
- 20 b. six special investigators,
- 21 c. one information representative,
- 22 d. one federally funded physical evidence technician,
- 23 e. four federally funded laboratory analysts,

24

- f. a maximum of fourteen positions employed for the purpose of managing the automated information systems of the agency,
- g. one executive secretary in addition to the one authorized pursuant to paragraph 2 of this subsection,
- h. Child Abuse Response Team (CART) investigator, and
- i. Child Abuse Response Team (CART) forensic interviewer;

32. The Department of Transportation, the following positions:

- a. Director of the Oklahoma Aeronautics Commission,
- b. five Department of Transportation Assistant Director positions,
- c. eight field division engineer positions,
- d. one pilot position,
- e. five Project Manager Positions, and
- f. five Transportation Coordinators;

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

- a. Director of the Investments Division,
- b. Assistant Director of the Investments Division,
- c. one Administrative Assistant,
- d. one Audit Tech position,
- e. one Auditor I position,
- f. two Accounting Tech I positions,
- g. two Administrative Assistant I positions,

1 h. two Imaging Specialist positions, and

2 i. one Information Systems Specialist position;

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

5 a. six Narcotics Agent positions and three Typist
6 Clerk/Spanish transcriptionists, including a Typist
7 Clerk Supervisor/Spanish transcriptionist, provided,
8 authorization for such positions shall be terminated
9 if the federal funding for the positions is
10 discontinued,

11 b. one executive secretary in addition to the one
12 authorized pursuant to paragraph 2 of this subsection,

13 c. one fiscal officer,

14 d. one full-time Programmer, and

15 e. one full-time Network Engineer;

16 35. The Military Department of the State of Oklahoma is
17 authorized such unclassified employees within full-time employee
18 limitations to work in any of the Department of Defense directed
19 youth programs, the State of Oklahoma Juvenile Justice youth
20 programs, those persons reimbursed from Armory Board or Billeting
21 Fund accounts, and skilled trade positions;

22 36. Within the Oklahoma Commission on Children and Youth the
23 following unclassified positions:
24

- 1 a. one Oversight Specialist and one Community Development
- 2 Planner,
- 3 b. one State Plan Grant Coordinator, provided
- 4 authorization for the position shall be terminated
- 5 when federal support for the position by the United
- 6 States Department of Education Early Intervention
- 7 Program is discontinued, and
- 8 c. one executive secretary in addition to the one
- 9 authorized pursuant to paragraph 2 of this subsection;

10 37. The following positions and employees of the Department of
11 Central Services:

- 12 a. one Executive Secretary in addition to the Executive
- 13 Secretary authorized by paragraph 2 of this
- 14 subsection,
- 15 b. the Director of Central Purchasing,
- 16 c. one Alternate Fuels Administrator,
- 17 d. one Director of Special Projects,
- 18 e. three postauditors,
- 19 f. four high-technology contracting officers,
- 20 g. one Executive Assistant to the Purchasing Director,
- 21 h. four Contracts Managers,
- 22 i. one Associate Director,
- 23 j. one specialized HiTech/Food Contracting Officer,
- 24 k. one State Use Contracting Officer,

- 1 l. one Property Distribution Administrator,
- 2 m. three licensed architects assigned to the Facilities
- 3 and Properties Division,
- 4 n. three licensed engineers assigned to the Facilities
- 5 and Properties Division,
- 6 o. four construction consultants assigned to the
- 7 Facilities and Properties Division,
- 8 p. one attorney assigned to the Facilities and Properties
- 9 Division,
- 10 q. three positions assigned to the Information Services
- 11 Division, which shall include one Information
- 12 Technology Manager, one Applications Specialist and
- 13 one Data Planning Specialist, and
- 14 r. four positions assigned to Fleet Management, which
- 15 shall include one Deputy Fleet Manager and three
- 16 Management Analysts;

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

19 39. J.D. McCarty Center for Children with Developmental
20 Disabilities personnel occupying the following offices and
21 positions:

- 22 a. Physical Therapists,
- 23 b. Physical Therapist Assistants,
- 24 c. Occupational Therapists,

1 d. Certified Occupational Therapist Aides, and

2 e. Speech Pathologists;

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

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

7 a. one Executive Secretary in addition to the Executive
8 Secretary authorized by paragraph 2 of this subsection
9 and one Executive Assistant,

10 b. nineteen Agricultural Marketing Coordinator III
11 positions,

12 c. temporary fire suppression personnel, regardless of
13 the number of hours worked, who are employed by the
14 Oklahoma Department of Agriculture, Food, and
15 Forestry; provided, however, notwithstanding the
16 provisions of any other section of law, the hours
17 worked by such employees shall not entitle such
18 employees to any benefits received by full-time
19 employees,

20 d. one Administrator for Human Resources,

21 e. one Director of Administrative Services,

22 f. one Water Quality Consumer Complaint Coordinator,

23 g. one hydrologist position,

24 h. Public Information Office Director,

- 1 i. Market Development Services Director,
2 j. Legal Services Director,
3 k. Animal Industry Services Director,
4 l. Agricultural Environmental Management Services
5 Director,
6 m. Forestry Services Director,
7 n. Plant Industry and Consumer Services Director,
8 o. one Grants Administrator position,
9 p. Director of Laboratory Services,
10 q. Chief of Communications,
11 r. Public Information Manager,
12 s. Inventory/Supply Officer,
13 t. five Agriculture Field Inspector positions assigned
14 the responsibility for conducting inspections and
15 audits of agricultural grain storage warehouses. All
16 other Agriculture Field Inspector positions and
17 employees of the Oklahoma Department of Agriculture,
18 Food, and Forestry shall be classified and subject to
19 the provisions of the Merit System of Personnel
20 Administration. On November 1, 2002, all other
21 unclassified Agriculture Field Inspectors shall be
22 given status in the classified service as provided in
23 Section 840-4.2 of this title,
24 u. Rural Fire Coordinator,

- 1 v. one Agricultural Marketing Coordinator III,
- 2 w. Food Safety Division Director,
- 3 x. two Environmental Program Specialists,
- 4 y. two Scale Technicians, and
- 5 z. two Plant Protection Specialists;

6 42. The Contracts Administrator within the Oklahoma State
7 Employees Benefits Council;

8 43. The Development Officer within the Oklahoma Department of
9 Libraries;

10 44. Oklahoma Real Estate Commission personnel occupying the
11 following offices and positions:

- 12 a. Educational Program Director, and
- 13 b. Data Processing Manager;

14 45. A Chief Consumer Credit Examiner for the Department of
15 Consumer Credit;

16 46. All officers and employees of the Oklahoma Capitol Complex
17 and Centennial Commemoration Commission;

18 47. All officers and employees of the Oklahoma Motor Vehicle
19 Commission;

20 48. One Museum Archivist of The Will Rogers Memorial
21 Commission;

22 49. One Fire Protection Engineer of the Office of the State
23 Fire Marshal;

1 50. Acting incumbents employed pursuant to Section 209 of Title
2 44 or Section 48 of Title 72 of the Oklahoma Statutes who shall not
3 be included in any limitation on full-time equivalency imposed by
4 law on an agency. Permanent classified employees may request a
5 leave of absence from classified status and accept an unclassified
6 appointment and compensation as an acting incumbent with the same
7 agency; provided, the leave shall expire no later than two (2) years
8 from the date of the acting incumbent appointment. An appointing
9 authority may establish unclassified positions and appoint
10 unclassified employees to perform the duties of a permanent
11 classified employee who is on leave of absence from a classified
12 position to serve as an acting incumbent. All unclassified
13 appointments created pursuant to this paragraph shall expire no
14 later than two (2) years from the date of appointment. Classified
15 employees accepting unclassified appointments and compensation
16 pursuant to this paragraph shall be entitled to participate without
17 interruption in any benefit programs available to classified
18 employees, including retirement and insurance programs. Immediately
19 upon termination of an unclassified appointment pursuant to this
20 paragraph, an employee on assignment from the classified service
21 shall have a right to be restored to the classified service and
22 reinstated to the former job family level and compensation plus any
23 adjustments and increases in salary or benefits which the employee
24 would have received but for the leave of absence;

1 51. The Oklahoma Homeland Security Director and all other
2 positions assigned the responsibilities of working in the Oklahoma
3 Office of Homeland Security;

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

- 6 a. one surveillance supervisor,
- 7 b. one surveillance project monitor,
- 8 c. two bilingual interviewers,
- 9 d. eight senior interviewers, and
- 10 e. six interviewers;

11 53. State Board of Registration for Professional Engineers and
12 Land Surveyors personnel occupying the following offices and
13 positions:

- 14 a. one Director of Enforcement, and
- 15 b. one Board Investigator;

16 54. One Information Systems Data Management Analyst of the
17 Oklahoma State and Education Employees Group Insurance Board; ~~and~~

18 55. Two Management Information Systems positions of the Office
19 of Juvenile Affairs; and

20 56. The Chief Medical Examiner and all other staff members
21 within the Office of the Chief Medical Examiner.

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

- 1 1. Licensed medical doctors, osteopathic physicians, dentists,
2 psychologists, and nurses;
- 3 2. Certified public accountants;
- 4 3. Licensed attorneys;
- 5 4. Licensed veterinarians; and
- 6 5. Licensed pharmacists.

7 C. Effective July 1, 1996, authorization for unclassified
8 offices, positions, or personnel contained in a bill or joint
9 resolution shall terminate June 30 of the ensuing fiscal year after
10 the authorization unless the authorization is codified in the
11 Oklahoma Statutes or the termination is otherwise provided in the
12 legislation.

13 D. The appointing authority of agencies participating in the
14 statewide information systems project may establish unclassified
15 positions and appoint unclassified employees to the project as
16 needed. Additional unclassified positions may be established, if
17 required, to appoint an unclassified employee to perform the duties
18 of a permanent classified employee who is temporarily absent from a
19 classified position as a result of assignment to this project. All
20 unclassified appointments under this authority shall expire no later
21 than December 31, 2007, and all unclassified positions established
22 to support the project shall be abolished. Both the positions and
23 appointments resulting from this authority shall be exempt from any
24 agency FTE limitations and any limits imposed on the number of

1 unclassified positions authorized. Permanent classified employees
2 may request a leave of absence from classified status and accept an
3 unclassified appointment and compensation with the same agency under
4 the provisions of this subsection; provided, the leave shall expire
5 no later than December 31, 2007. Employees accepting the
6 appointment and compensation shall be entitled to participate
7 without interruption in any benefit programs available to classified
8 employees, including retirement and insurance programs. Immediately
9 upon termination of an unclassified appointment pursuant to this
10 subsection, an employee on assignment from the classified service
11 shall have a right to be restored to the classified service and
12 reinstated to the former job family level and compensation plus any
13 adjustments and increases in salary or benefits which the employee
14 would have received but for the leave of absence.

15 SECTION 18. This act shall become effective July 1, 2008.

16 SECTION 19. It being immediately necessary for the preservation
17 of the public peace, health and safety, an emergency is hereby
18 declared to exist, by reason whereof this act shall take effect and
19 be in full force from and after its passage and approval.

20

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