

SB 2232

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THE STATE SENATE
Monday, February 22, 2010

Senate Bill No. 2232
As Amended

SENATE BILL NO. 2232 - By: Aldridge of the Senate and Sullivan of the House.

[workers' compensation - providing for sale of CompSource Oklahoma by certain date - disposition of buildings - codification - effective dates]

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

SECTION 1. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 125 of Title 85, unless there is created a duplication in numbering, reads as follows:

CompSource Oklahoma shall be sold to the highest bidder by December 31, 2011. Any and all proceeds from the sale of CompSource Oklahoma shall be retained as an asset of the State of Oklahoma. The sale shall include the purchase of all buildings and assets owned by CompSource Oklahoma.

SECTION 2. AMENDATORY 74 O.S. 2001, Section 840-5.10, as last amended by Section 1, Chapter 440, O.S.L. 2009 (74 O.S. Supp. 2009, Section 840-5.10), is amended to read as follows:

Section 840-5.10 A. CompSource Oklahoma shall be under the Merit System until December 31, 2011. ~~Except as otherwise provided in subsection B of this section, all offices, positions and personnel shall be classified and subject to the provisions of the~~

1 ~~Merit System of Personnel Administration and rules promulgated~~
2 ~~hereunder Upon the successful sale of CompSource Oklahoma, any~~
3 ~~employee who is not hired by the successor company shall have~~
4 ~~priority over other applicants for positions in other agencies of~~
5 ~~the state. This section shall supersede and repeal any and all~~
6 ~~executive orders issued pursuant to this act to place the agency or~~
7 ~~its predecessors under the Merit System.~~

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

12 1. ~~President and Chief Executive Officer;~~

13 2. ~~Executive Vice President;~~

14 3. ~~Vice Presidents;~~

15 4. ~~Executive Secretaries to the President, Executive Vice~~
16 ~~President and Vice Presidents;~~

17 5. ~~Law Clerks and Legal Assistants;~~

18 6. ~~Special Counsel;~~

19 7. ~~General Counsel;~~

20 8. ~~Medical Analysts Supervisor;~~

21 9. ~~Medical Analysts;~~

22 10. ~~Field Adjusters;~~

23 11. ~~Investment Officer;~~

- ~~12. Workers' Compensation Insurance Consultants;~~
- ~~13. Workers' Compensation Insurance Technicians;~~
- ~~14. Workers' Compensation Insurance Adjusters;~~
- ~~15. Workers' Compensation Insurance Underwriters;~~
- ~~16. Information Systems Personnel;~~
- ~~17. Fraud Investigation Specialists;~~
- ~~18. Collections Attorneys;~~
- ~~19. Premium Auditors; and~~
- ~~20. Safety Consultants.~~

~~C. CompSource Oklahoma may develop a plan for a program for incentive based compensation for its employees. The plan shall be subject to the review and approval of the Insurance Commissioner~~

B. The Office of Personnel Management shall develop a plan as required by subsection A of this section by July 1, 2011.

SECTION 3. AMENDATORY Section 1, Chapter 17, O.S.L. 2002, as last amended by Section 5, Chapter 300, O.S.L. 2008 (74 O.S. Supp. 2009, Section 3601.1), is amended to read as follows:

Section 3601.1 A. For purposes of Sections 3601.1 through 3603 of this title, the term "employee" means a full-time employee or any number of part-time employees whose combined weekly hours of employment equal those of a full-time employee, but shall not include temporary employees working on a seasonal basis between May 1 and October 31.

1 B. Beginning July 1, 2008, the maximum number of full-time-
 2 equivalent employees for each of the following agencies, boards,
 3 commissions, departments, or programs shall not exceed the numbers
 4 specified in this section, except as may be authorized pursuant to
 5 the provisions of Section 3603 of this title.

	MAXIMUM NUMBER OF FULL-TIME-EQUIVALENT EMPLOYEES
6	
7	
8	
9 Board of Managers of the State Insurance Fund	591
10 Oklahoma Employment Security Commission	1150
11 Oklahoma Accountancy Board	11
12 Board of Governors of the Licensed Architects, 13 Landscape Architects and Interior Designers of 14 Oklahoma	4
15 Board of Chiropractic Examiners	3
16 State Board of Cosmetology	16
17 Board of Dentistry	5
18 Oklahoma State Board of Embalmers and Funeral 19 Directors	5
20 State Board of Registration for Professional 21 Engineers and Land Surveyors	10

1	State Board of Medical Licensure and Supervision/ Board of Podiatric Medical Examiners/State	
3	Board of Examiners of Perfusionists	29
4	Commission on Marginally Producing Oil and Gas Wells	5
6	Oklahoma Motor Vehicle Commission	6
7	Oklahoma Board of Nursing	26
8	Oklahoma State Board of Examiners for Nursing Home Administrators	4
10	Board of Examiners in Optometry	3
11	State Board of Osteopathic Examiners	7
12	Oklahoma Peanut Commission	2
13	Oklahoma State Board of Pharmacy	10
14	State Board of Examiners of Psychologists	2
15	Oklahoma Real Estate Commission	26
16	Board of Examiners for Speech-Language Pathology and Audiology	2
18	Oklahoma Used Motor Vehicle and Parts Commission	12
19	State Board of Veterinary Medical Examiners	6
20	Oklahoma Wheat Utilization, Research and Market Development Commission	7
22	Oklahoma Firefighters Pension and Retirement System	13

1	Oklahoma Police Pension and Retirement System	12
2	Teachers' Retirement System of Oklahoma	52
3	Oklahoma Public Employees Retirement System	63
4	Oklahoma Student Loan Authority	85
5	Oklahoma Industrial Finance Authority/Oklahoma	
6	Development Finance Authority	10
7	State and Education Employees Group Insurance	
8	Board	178
9	Oklahoma Capital Investment Board	4
10	State Board of Licensed Social Workers	1
11	Oklahoma State Employees Benefits Council	38
12	Oklahoma State Banking Department	46
13	Liquefied Petroleum Gas Administration	10

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

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

1 SECTION 4. AMENDATORY Section 2, Chapter 463, O.S.L.
2 2004, as last amended by Section 2, Chapter 208, O.S.L. 2007 (74
3 O.S. Supp. 2009, Section 3601.2), is amended to read as follows:

4 Section 3601.2 A. Beginning January 1, 2007, the agency,
5 board, commission, department or program shall establish the salary
6 of each of the chief executive officers for which they have
7 appointing authority. Such salary shall be set between the minimum
8 and maximum of the range specified below, for full-time employees
9 only, per annum, payable monthly, pursuant to the limitations
10 outlined below:

11 1. If the chief executive officer's salary is below the minimum
12 annual salary then it can not be raised to more than the minimum
13 annual salary in one (1) fiscal year. If the chief executive
14 officer's salary is at or above the minimum annual salary then the
15 salary may not be increased above the midpoint in one (1) fiscal
16 year.

17 2. Such increases shall not occur more than once in a fiscal
18 year; and

19 3. The salary of the incumbent chief executive officer shall
20 not be increased if the officer's salary exceeds the maximum of the
21 range.

22	MINIMUM	MIDPOINT	MAXIMUM
23	ANNUAL	ANNUAL	ANNUAL

	SALARY	SALARY	SALARY
1			
2	\$86,136.00	\$101,337.00	\$116,536.00
3			
4	\$93,190.00	\$109,635.00	\$126,080.00
5	\$55,748.00	\$65,585.00	\$75,424.00
6			
7			
8			
9			
10	\$45,513.00	\$62,757.00	\$80,000.00
11			
12	\$46,788.00	\$55,044.00	\$63,301.00
13	\$46,788.00	\$55,044.00	\$63,301.00
14	\$54,956.00	\$64,334.00	\$75,687.00
15	\$46,788.00	\$55,044.00	\$63,301.00
16			
17			
18			
19	\$55,748.00	\$65,585.00	\$75,424.00
20			
21			
22			
23			

1	Examiners/State Board of			
2	Examiners of			
3	Perfusionists	\$67,551.00	\$79,471.00	\$91,392.00
4	Commission on Marginally			
5	Producing Oil and Gas			
6	Wells	\$55,748.00	\$65,585.00	\$75,424.00
7	Oklahoma Motor Vehicle			
8	Commission	\$55,748.00	\$65,585.00	\$75,424.00
9	Oklahoma Board of Nursing	\$67,551.00	\$79,471.00	\$91,392.00
10	Oklahoma State Board of			
11	Examiners for Nursing			
12	Home Administrators	\$46,788.00	\$55,044.00	\$63,301.00
13	State Board of Osteopathic			
14	Examiners	\$54,956.00	\$64,334.00	\$75,687.00
15	Oklahoma Peanut Commission	\$45,513.00	\$55,044.00	\$63,300.00
16	State Board of Examiners of			
17	Psychologists	\$46,788.00	\$55,044.00	\$63,301.00
18	Oklahoma Real Estate			
19	Commission	\$67,551.00	\$79,471.00	\$91,392.00
20	Board of Examiners for			
21	Speech-Language Pathology			
22	and Audiology	\$38,001.00	\$44,706.00	\$51,412.00

1	Oklahoma Used Motor Vehicle			
2	and Parts Commission	\$55,748.00	\$65,585.00	\$75,424.00
3	State Board of Veterinary			
4	Medical Examiners	\$46,788.00	\$55,044.00	\$63,301.00
5	Oklahoma Wheat Utilization,			
6	Research and Market			
7	Development Commission	\$55,748.00	\$65,585.00	\$75,424.00
8	Oklahoma Firefighters			
9	Pension and Retirement			
10	System	\$80,732.00	\$94,980.00	\$109,226.00
11	Oklahoma Police Pension and			
12	Retirement System	\$80,733.00	\$94,981.00	\$109,227.00
13	Teachers' Retirement System			
14	of Oklahoma	\$86,136.00	\$101,337.00	\$116,536.00
15	Oklahoma Public Employees			
16	Retirement System	\$86,136.00	\$101,337.00	\$116,536.00
17	Oklahoma Student Loan			
18	Authority	\$83,790.00	\$101,377.00	\$116,536.00
19	Oklahoma Industrial Finance			
20	Authority	\$80,731.00	\$94,979.00	\$109,225.00
21	State and Education			
22	Employees Group Insurance			
23	Board	\$86,136.00	\$101,337.00	\$116,536.00

1	Oklahoma Capital Investment			
2	Board	\$80,731.00	\$94,979.00	\$109,225.00
3	State Board of Licensed			
4	Social Workers	\$46,788.00	\$55,044.00	\$63,301.00
5	Oklahoma State Employees			
6	Benefits Council	\$80,731.00	\$94,979.00	\$109,225.00
7	Grand River Dam Authority	\$101,437.00	\$119,339.00	\$137,239.00
8	Oklahoma State Banking			
9	Department	\$101,437.00	\$119,339.00	\$137,239.00
10	Liquefied Petroleum Gas			
11	Administration	\$55,748.00	\$65,585.00	\$75,424.00
12	Oklahoma Securities			
13	Commission	\$101,437.00	\$119,339.00	\$137,239.00

14 B. All increases require certification of the appointing
15 authority that said action can be implemented for the current fiscal
16 year and subsequent fiscal year without the need for additional
17 funding. The agency, board, commission, department or program shall
18 report increases granted under this section to the Office of
19 Personnel Management on an annual basis by August 1 of each year.
20 The Office of Personnel management shall forward a report of such
21 increases to the Governor, President Pro Tempore of the Senate, and
22 Speaker of the House of Representatives no later than September 1 of
23 each year.

1 C. Every two (2) years starting FY-05, the Office of Personnel
2 Management shall review these salary ranges and report on and make
3 recommendations on proposed salary ranges in their annual
4 compensation reports mandated by paragraph 5 of Section 840-1.6A of
5 this title by no later than December 1.

6 D. Every three (3) years the Legislature shall review the
7 salary ranges specified in subsection A of this section.

8 SECTION 5. AMENDATORY 85 O.S. 2001, Section 132a, as
9 amended by Section 1, Chapter 403, O.S.L. 2004 (85 O.S. Supp. 2009,
10 Section 132a), is amended to read as follows:

11 Section 132a. A. ~~1-~~ Volunteer fire departments organized
12 pursuant to state law ~~may~~ shall obtain workers' compensation
13 insurance for volunteer firefighters through ~~the Volunteer~~
14 ~~Firefighter Group Insurance Pool pursuant to requirements~~
15 ~~established by CompSource Oklahoma which shall administer the Pool.~~
16 ~~For the premium set by CompSource Oklahoma, the state shall provide~~
17 ~~Fifty-five Dollars (\$55.00) per firefighter per year. Except as~~
18 ~~otherwise provided by subsection D of this section, the total amount~~
19 ~~paid by the state shall not exceed Three Hundred Twenty Thousand~~
20 ~~Three Hundred Thirty eight Dollars (\$320,338.00) per year or so much~~
21 ~~thereof as may be necessary to fund the Volunteer Firefighter Group~~
22 ~~Insurance Pool.~~

1 ~~2. CompSource Oklahoma shall collect the premium from state~~
2 ~~agencies, public trusts and other instrumentalities of the state.~~
3 ~~Any funds received by CompSource Oklahoma from any state agency,~~
4 ~~public trust, or other instrumentality for purposes of workers'~~
5 ~~compensation insurance pursuant to this section shall be deposited~~
6 ~~to the credit of the Volunteer Firefighter Group Insurance Pool.~~
7 ~~CompSource Oklahoma shall collect premiums, pay claims, and provide~~
8 ~~for excess insurance as needed.~~

9 ~~B. CompSource Oklahoma shall report, annually, to the Governor,~~
10 ~~the Speaker of the Oklahoma House of Representatives, and the~~
11 ~~President Pro Tempore of the State Senate the number of enrollees in~~
12 ~~the Volunteer Firefighter Group Insurance Pool, and the amount of~~
13 ~~any anticipated surplus or deficiency of the Pool; and shall also~~
14 ~~provide to the Governor, the Speaker of the Oklahoma House of~~
15 ~~Representatives and the President Pro Tempore of the State Senate~~
16 ~~sixty (60) days advance notice of any proposed change in rates for~~
17 ~~the Volunteer Firefighter Group Insurance Pool.~~

18 ~~C. The amount of claims paid, claim expenses, underwriting~~
19 ~~losses, loss ratio, or any other financial aspect of the Volunteer~~
20 ~~Firefighter Group Insurance Pool shall not be considered when~~
21 ~~determining or considering bids for the amount of any premiums,~~
22 ~~rates, or expenses owed by, or any discounts, rebates, dividends, or~~

1 ~~other financial benefits owed to any other policyholder of~~
2 ~~CompSource Oklahoma.~~

3 ~~D. Except as otherwise provided by law, any increase in the~~
4 ~~state payment rate for volunteer firefighters under the Volunteer~~
5 ~~Firefighter Group Insurance Pool shall not exceed five percent (5%)~~
6 ~~per annum. Any proposed change in rates for the Volunteer~~
7 ~~Firefighter Group Insurance Pool must be approved by the Board of~~
8 ~~Managers of CompSource Oklahoma with notice provided pursuant to~~
9 ~~subsection B of this section. CompSource Oklahoma shall not~~
10 ~~increase premiums for the Volunteer Firefighter Group Insurance Pool~~
11 ~~more than once per annum any successor of CompSource Oklahoma.~~

12 ~~E. B.~~ For purposes of this section, the term "volunteer fire
13 departments" includes those volunteer fire departments which have
14 authorized voluntary or uncompensated workers rendering services as
15 firefighters and are created by statute pursuant to Section 592 of
16 Title 18 of the Oklahoma Statutes, Sections 29-201 through 29-205 of
17 Title 11 of the Oklahoma Statutes, and those defined by Section 351
18 of Title 19 of the Oklahoma Statutes.

19 SECTION 6. REPEALER 85 O.S. 2001, Sections 131, 131a,
20 131b and 132, as amended by Sections 6, 7, 8 and 9, Chapter 50,
21 O.S.L. 2002, 133, as last amended by Section 2, Chapter 316, O.S.L.
22 2006, 134, as last amended by Section 1, Chapter 77, O.S.L. 2008,
23 135, 135.1, 136, 137 and 138, as amended by Sections 12, 13, 14, 15

1 and 16, Chapter 50, O.S.L. 2002, 138.2, 139 and 141, as amended by
2 Sections 17 and 18, Chapter 50, O.S.L. 2002, 142, as amended by
3 Section 2, Chapter 145, O.S.L. 2002, 142a, 144, 145, 146, 147 and
4 148, as amended by Sections 19 and 20, Chapter 50, O.S.L. 2002,
5 149.1, 149.2, 151 and Section 21, Chapter 426, O.S.L. 2009 (85 O.S.
6 Supp. 2009, Sections 131, 131a, 131b, 132, 133, 134, 135, 135.1,
7 136, 137, 138, 139, 141, 142, 147, 148 and 154), are hereby
8 repealed.

9 SECTION 7. Section 1 of this act shall become effective
10 November 1, 2010.

11 SECTION 8. Sections 2 through 6 of this act shall become
12 effective upon the successful sale of CompSource Oklahoma.

13 COMMITTEE REPORT BY: COMMITTEE ON APPROPRIATIONS, dated 2-17-10 - DO
14 PASS, As Amended and Coauthored.