

1 STATE OF OKLAHOMA

2 1st Session of the 52nd Legislature (2009)

3 HOUSE BILL 1755

By: Martin (Scott)

4  
5  
6 AS INTRODUCED

7 An Act relating to state government; authorizing the  
8 Governor to designate state agencies as enterprise  
9 agencies; limiting number of enterprise agencies;  
10 providing for duration of designation; stating  
11 purpose; providing certain plans; providing contents  
12 of plans; providing procedure for review and approval  
13 of plans; authorizing the enterprise agency to waive  
14 certain rules concerning employees of the enterprise  
15 agency; exempting the enterprise agency from The  
16 Oklahoma Central Purchasing Act and any rule of the  
17 Department of Central Services for certain purposes;  
18 providing for certain contracts; amending 74 O.S.  
19 2001, Section 85.3A, as amended by Section 8, Chapter  
20 319, O.S.L. 2008 (74 O.S. Supp. 2008, Section 85.3A),  
21 which relates to The Oklahoma Central Purchasing Act;  
22 expanding exempted entities; amending 74 O.S. 2001,  
23 Sections 840-1.3, as amended by Section 3, Chapter  
24 347, O.S.L. 2002 and 840-1.6A, as last amended by  
Section 1, Chapter 312, O.S.L. 2004 (74 O.S. Supp.  
2008, Sections 840-1.3 and 840-1.6A), which relate to  
the Oklahoma Personnel Act; modifying scope of  
definitions; expanding duties and powers of the  
Office of Personnel Management; amending Section 1,  
Chapter 17, O.S.L. 2002, as last amended by Section  
5, Chapter 300, O.S.L. 2008 and Section 2, Chapter  
463, O.S.L. 2004, as last amended by Section 2,  
Chapter 208, O.S.L. 2007 (74 O.S. Supp. 2008,  
Sections 3601.1 and 3601.2), which relate to  
employees and chief executive officers of certain  
agencies; providing for exception from limitations on  
full-time-equivalent employees; authorizing  
modification of certain salaries in certain  
circumstances; providing for codification; providing  
an effective date; and declaring an emergency.

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

2 SECTION 1. NEW LAW A new section of law to be codified  
3 in the Oklahoma Statutes as Section 3316 of Title 74, unless there  
4 is created a duplication in numbering, reads as follows:

5 The Governor may, by executive order, designate a state agency  
6 as an enterprise agency. Not more than five agencies may be  
7 designated as enterprise agencies. The designation of an enterprise  
8 agency shall be for a period of one (1) year and may be renewed  
9 annually. The purpose of designating an enterprise agency is to  
10 grant the agency exemptions from certain statutory provisions or  
11 agency rules as provided by this act upon a prior showing of  
12 projected savings resulting from such relief.

13 SECTION 2. NEW LAW A new section of law to be codified  
14 in the Oklahoma Statutes as Section 3317 of Title 74, unless there  
15 is created a duplication in numbering, reads as follows:

16 A. Each director of a designated enterprise agency shall  
17 prepare a proposed plan for the agency for personnel, staffing and  
18 compensation and procurement. The plans shall set forth measurable  
19 organizational and budgetary goals in key operational areas of the  
20 agency, the amount of savings the agency is expected to generate,  
21 the amount it will transfer to the General Revenue Fund, and a  
22 procedure for the transfer of such funds.

23 B. The proposed plan shall be submitted to the Governor, the  
24 Director of State Finance, the Speaker of the House of

1 Representatives and the President Pro Tempore of the Senate for  
2 review. The proposed plan also shall be submitted to the  
3 Administrator of the Office of Personnel Management for review if  
4 the proposed plan contains a waiver of the Merit System of Personnel  
5 Administration rules related to hiring and alternative personnel  
6 procedures for hiring as provided in Section 3 of this act, and the  
7 Director of Central Services for review if the proposed plan  
8 contains alternative procurement procedures as provided in Section 4  
9 of this act. The Director of State Finance shall provide the  
10 Governor with any recommendations for changes to the plans relating  
11 to budgetary issues. The Administrator of the Office of Personnel  
12 Management shall make recommendations if the proposed plan contains  
13 a waiver of the Merit System of Personnel Administration rules  
14 related to hiring, alternative personnel procedures for hiring as  
15 provided in Section 3 of this act, or both a waiver of rules and  
16 alternative personnel procedures, and the Director of Central  
17 Services shall make recommendations if the proposed plan contains  
18 alternative procurement procedures as provided in Section 4 of this  
19 act. The Governor may require the enterprise agency to revise its  
20 plan in accordance with any of the recommendations. No plan shall  
21 be approved if approval would prevent or impede an agency's ability  
22 to receive federal funds.

23 C. Upon approval of a plan by the Governor, the funds provided  
24 for in subsection A of this section shall be transferred to the

1 General Revenue Fund pursuant to the procedure provided for in the  
2 plan.

3 D. The approved plan shall be transmitted to the Speaker of the  
4 House of Representatives and the President Pro Tempore of the  
5 Senate.

6 E. Pursuant to its role in preparing an estimate of revenue for  
7 the State Board of Equalization, the Office of State Finance shall  
8 estimate the net general revenue impact of all approved plans for  
9 the fiscal year.

10 SECTION 3. NEW LAW A new section of law to be codified  
11 in the Oklahoma Statutes as Section 3318 of Title 74, unless there  
12 is created a duplication in numbering, reads as follows:

13 An enterprise agency may be exempted from the Merit System of  
14 Personnel Administration rules relating to hiring and pay grade  
15 assigned to its employees, and may exercise the authority granted to  
16 the Administrator of the Office of Personnel Management concerning  
17 employees of the enterprise agency if the enterprise agency's plan  
18 provides alternative personnel procedures. An enterprise agency  
19 also may be exempted from any limitation on the number of full-time-  
20 equivalent positions and any legislative limitation on compensation  
21 for any agency employee or employee groups if the plan expressly  
22 states the waiver of any legislative limitation on full-time-  
23 equivalent positions or on compensation for any agency employee or  
24 employee groups. The alternative personnel procedures shall include

1 procedures that ensure fairness in hiring, promoting, salary equity  
2 and consideration of candidates who are veterans. The plan also  
3 shall be required to provide job descriptions aligned with job  
4 duties. The provisions of this section shall not exempt an  
5 enterprise agency from the provisions of Section 840-1.18 of Title  
6 74 of the Oklahoma Statutes, relating to payment of administrative  
7 costs and expenses. The waiver of any rule pursuant to this section  
8 shall be filed with the Office of Personnel Management and shall be  
9 available for public inspection.

10 SECTION 4. NEW LAW A new section of law to be codified  
11 in the Oklahoma Statutes as Section 3319 of Title 74, unless there  
12 is created a duplication in numbering, reads as follows:

13 A. An enterprise agency may be exempted from any provision of  
14 The Oklahoma Central Purchasing Act and any administrative rule of  
15 the Department of Central Services including procurement, fleet  
16 management, printing and copying, or maintenance of buildings and  
17 grounds, and may exercise the authority of the Department of Central  
18 Services as it relates to the physical resources of the state if the  
19 enterprise agency's plan provides alternative procurement  
20 procedures. The alternative procurement procedures shall specify a  
21 competitive procurement process, include plans for development of  
22 value-based and accountability-based procurement, include  
23 methodology for achieving cost savings, and include a requirement  
24 that at least ten percent (10%) bidding preference by the enterprise

1 agency be included on the procurement schedule, and approved by the  
2 State Use Committee pursuant to Section 3004 of Title 74 of the  
3 Oklahoma Statutes. The procurement plan shall be filed with the  
4 Department of Central Services.

5 B. An enterprise agency may be exempted from any provision of  
6 The Oklahoma Central Purchasing Act and any provision of Section  
7 41.5a et seq. of Title 62 of the Oklahoma Statutes, or  
8 administrative rule regarding the acquisition and use of information  
9 technology. Further, the agency may exercise the powers of the  
10 Department of Central Services and the Information Services Division  
11 of the Office of State Finance as it relates to information  
12 technology procurement, except that the enterprise agency shall  
13 comply with Section 41.5e of Title 62 of the Oklahoma Statutes. To  
14 be exempted from these statutes and exercise the powers provided for  
15 in this section, the enterprise agency's plan must provide an  
16 alternative technology procurement process. The alternative  
17 technology procurement process shall detail all proposed technology  
18 purchases, emphasizing efficiencies that the agency may create by  
19 coordinating the agency's technology with other state agencies or  
20 the private sector.

21 C. Any contracts or amendments to contracts entered into  
22 pursuant to an enterprise agency's alternative procurement  
23 procedures or an alternative technology procurement process shall be  
24 approved by the Director of State Finance.

1 D. If the Director of Central Services, in consultation with  
2 the Director of State Finance, determines that a contract entered  
3 into by an enterprise agency is of economic benefit to the state,  
4 the contract may be designated as a statewide contract by the  
5 Director of Central Services.

6 SECTION 5. NEW LAW A new section of law to be codified  
7 in the Oklahoma Statutes as Section 3320 of Title 74, unless there  
8 is created a duplication in numbering, reads as follows:

9 A. Each enterprise agency shall submit a written report to the  
10 Governor, the Speaker of the House of Representatives, the President  
11 Pro Tempore of the Senate, and the Director of State Finance, by  
12 December 31 of each year, summarizing the activities of the  
13 enterprise agency for the preceding fiscal year. The report shall  
14 include information concerning the expenditures of the agency, all  
15 operations and contracts of the agency and the number of filled  
16 full-time-equivalent positions during the preceding fiscal year.  
17 The report shall include information relating to the actions taken  
18 by the agency pursuant to the authority granted by this act.

19 B. Each enterprise agency shall submit a written quarterly  
20 report to the Governor, the Speaker of the House of Representatives,  
21 the President Pro Tempore of the Senate, and Director of State  
22 Finance detailing spending data for all agency operations and agency  
23 contracts.

24

1 SECTION 6. AMENDATORY 74 O.S. 2001, Section 85.3A, as  
2 amended by Section 8, Chapter 319, O.S.L. 2008 (74 O.S. Supp. 2008,  
3 Section 85.3A), is amended to read as follows:

4 Section 85.3A Compliance with the provisions of The Oklahoma  
5 Central Purchasing Act shall not be required of:

- 6 1. County government;
- 7 2. The Oklahoma State Regents for Higher Education, the  
8 institutions, centers, or other constituent agencies of The Oklahoma  
9 State System of Higher Education;
- 10 3. The telecommunications network known as OneNet; ~~or~~
- 11 4. The Department of Public Safety gun range; or
- 12 5. An enterprise agency established pursuant to Section 1 of  
13 this act that has a plan containing alternative procurement  
14 procedures as provided for in Section 4 of this act.

15 SECTION 7. AMENDATORY 74 O.S. 2001, Section 840-1.3, as  
16 amended by Section 3, Chapter 347, O.S.L. 2002 (74 O.S. Supp. 2008,  
17 Section 840-1.3), is amended to read as follows:

18 Section 840-1.3 As used in the Oklahoma Personnel Act, unless  
19 otherwise provided in Sections 840-1.1 through 840-6.9 of this title  
20 or Section 3 of this act:

- 21 1. "Agency" means any office, department, board, commission or  
22 institution of the executive branch of state government;
- 23 2. "Employee" or "state employee" means an elected or appointed  
24 officer or employee of an agency unless otherwise indicated;

1       3. "Appointing authority" means the chief administrative  
2 officer of an agency;

3       4. "Classification" means:

4           a. the process of placing an employee into an appropriate  
5 job family and level within the job family, consistent  
6 with the allocation of the position to which the  
7 employee is assigned, or

8           b. an employee's job family and the level at which work  
9 is assigned;

10       5. "Classification plan" means the orderly arrangement of  
11 positions within an agency into separate and distinct job families  
12 so that each job family will contain those positions which involve  
13 similar or comparable skills, duties and responsibilities;

14       6. "Classified service" means state employees and positions  
15 under the jurisdiction of the Oklahoma Merit System of Personnel  
16 Administration;

17       7. "Entrance examination" means any employment test used by the  
18 Office of Personnel Management to rank the names of applicants who  
19 possess the minimum requirements of education, experience, or  
20 licensure for a job or group of similar jobs on a register of  
21 eligibles established by the Office of Personnel Management;

22       8. "Job" means a position or job family level in a job family;

23       9. "Job family" means:  
24

- 1 a. jobs which require similar core skills and involve  
2 similar work, and  
3 b. a logical progression of roles in a specific type of  
4 occupation in which the differences between roles are  
5 related to the depth and breadth of experience at  
6 various levels within the job family and which are  
7 sufficiently similar in duties and requirements of the  
8 work to warrant similar treatment as to title, typical  
9 functions, knowledge, skills and abilities required,  
10 and education and experience requirements;

11 10. "Job family level" means a role in a job family having  
12 distinguishable characteristics such as knowledge, skills,  
13 abilities, education, and experience;

14 11. "Job family descriptor" means a written document that:

- 15 a. describes a job family, including, but not limited to,  
16 the basic purpose, typical functions performed,  
17 various levels within the job family, and the  
18 knowledge, skills, abilities, education, and  
19 experience required for each level, and  
20 b. identifies the pay band assigned for each level;

21 12. "Promotional examination" means any employment test  
22 designated by the Office of Personnel Management to determine  
23 further the qualifications of a permanent classified employee of a  
24 state agency for employment in a different job for which the

1 employee possesses the minimum qualifications of education,  
2 experience, or licensure within that agency;

3 13. "Interagency transfer" means an action in which an employee  
4 leaves employment with one agency and enters employment with another  
5 agency while continuously employed with the state;

6 14. "Intra-agency transfer" means moving an employee from one  
7 position to another position with the same agency either with or  
8 without reclassification;

9 15. "Job-related organization" means a membership association  
10 which collects annual dues, conducts annual meetings and provides  
11 job-related education for its members and which includes state  
12 employees, including any association for which payroll deductions  
13 for membership dues are authorized pursuant to paragraph 5 of  
14 subsection B of Section 7.10 of Title 62 of the Oklahoma Statutes;

15 16. "Lateral transfer" means the reassignment of an employee to  
16 another state job with the same pay band assignment as the job  
17 family level in which the employee was classified prior to the  
18 lateral transfer;

19 17. "Merit Rules" or "Merit Rules for Employment" or "Merit  
20 System of Personnel Administration Rules" means rules adopted by the  
21 Administrator of the Office of Personnel Management or the Oklahoma  
22 Merit Protection Commission pursuant to the Oklahoma Personnel Act;

23 18. "Noncompetitive appointment" means the appointment of a  
24 person to a noncompetitive job level within a job family;

1 19. "Noncompetitive job" means an unskilled or semiskilled job  
2 designated by the Office of Personnel Management as noncompetitive.  
3 Noncompetitive jobs do not require written examinations for  
4 placement on registers of eligibles;

5 20. "Permanent classified employee" means a classified service  
6 employee who has acquired permanent status in accordance with the  
7 Oklahoma Personnel Act, and rules adopted pursuant thereto, and who  
8 has the right to appeal involuntary demotion, suspension without  
9 pay, and discharge to the Commission;

10 21. "Presiding official" means a person serving the Oklahoma  
11 Merit Protection Commission in the capacity of administrative  
12 hearing officer, mediator, or other alternative dispute resolution  
13 arbitrator or facilitator;

14 22. "Progressive discipline" means a system designed to ensure  
15 the consistency, impartiality and predictability of discipline and  
16 the flexibility to vary penalties if justified by aggravating or  
17 mitigating conditions;

18 23. "Reclassification" means the process of changing a  
19 classified employee from one job family to another job family or  
20 from one job family level to another job family level in the same  
21 job family, resulting in a change in the employee's assigned job  
22 code;

23 24. "Regular and consistent" means, in connection with the work  
24 assignments of an employee, the usual and normal work assignments of

1 the employee, excluding incidental, casual, or occasional tasks and  
2 activities the employee assumes without direction to do so.  
3 Temporary work assignments of less than sixty (60) days in any  
4 twelve (12) consecutive months period shall not be considered  
5 regular and consistent;

6 25. "Regular unclassified service employee" means an  
7 unclassified service employee who is not on a temporary or other  
8 time-limited appointment;

9 26. "Supervisor" means a classified or unclassified officer or  
10 employee who has been assigned authority and responsibility for  
11 evaluating the performance of subordinates;

12 27. "Unclassified service" or "exempt service" means employees  
13 and positions excluded from coverage of the Oklahoma Merit System of  
14 Personnel Administration;

15 28. "Merit System" means the Oklahoma Merit System of Personnel  
16 Administration;

17 29. "Administrator" means the appointing authority of the  
18 Office of Personnel Management;

19 30. "Executive Director" means the appointing authority of the  
20 Oklahoma Merit Protection Commission;

21 31. "Office" means the Office of Personnel Management;

22 32. "Commission" means the Oklahoma Merit Protection  
23 Commission;

24

1 33. "Veteran" means a person who has been honorably discharged  
2 from the Armed Forces of the United States and has been a resident  
3 of Oklahoma for at least one (1) year prior to the date of the  
4 examination; and

5 34. "Voluntary out" means the voluntary separation of employees  
6 from the state service in exchange for benefits offered by an agency  
7 in order to reduce or eliminate the adverse impact of an imminent  
8 reduction-in-force.

9 SECTION 8. AMENDATORY 74 O.S. 2001, Section 840-1.6A, as  
10 last amended by Section 1, Chapter 312, O.S.L. 2004 (74 O.S. Supp.  
11 2008, Section 840-1.6A), is amended to read as follows:

12 Section 840-1.6A There is hereby created the Office of  
13 Personnel Management. The chief administrative officer of said  
14 Office of Personnel Management shall be the Administrator who shall  
15 be experienced in the field, theory, and application of personnel  
16 administration. The Administrator shall be appointed by the  
17 Governor with the confirmation of the Senate, and serve at the  
18 Governor's pleasure. In addition to the other duties imposed by  
19 law, the Administrator shall:

20 1. Be responsible for the development of an efficient and  
21 effective system of personnel administration that meets the  
22 management needs of the various agencies;

23 2. Effective July 1, 1995, organize the Office to provide both  
24 service and regulatory functions that are effective and efficient in

1 meeting the management needs of various state agencies. The  
2 Administrator is directed to establish an agency service function to  
3 assist agencies with human resource needs based upon the  
4 administrative capacity and resources of the various agencies;

5 3. Prepare, maintain, and revise a classified system of  
6 employment designed to assure the impartial consideration of  
7 applicants for employment and to protect state employees from  
8 arbitrary dismissal or unfair treatment;

9 4. Develop and maintain a classification and compensation  
10 system for all classified positions in the executive branch of state  
11 government including those established by the Oklahoma Constitution;

12 5. Conduct an analysis of the rates of pay prevailing in the  
13 state in the public and private sectors for comparable jobs and  
14 report the findings to the Governor, the President Pro Tempore of  
15 the Senate, and the Speaker of the House of Representatives no later  
16 than December 1 of each year. Such analysis shall include all forms  
17 of compensation including fringe benefits. Information solicited by  
18 the Office of Personnel Management from public and private sector  
19 employers for such analysis, including but not limited to salaries,  
20 benefits, and compensation policies and procedures, shall be  
21 confidential and shall not be subject to disclosure under the  
22 Oklahoma Open Records Act;

23 6. Develop a program for the recruitment of qualified persons,  
24 including the administration of valid job-related nondiscriminatory

1 selection procedures providing for competitive examinations when  
2 practical and for reasonable selection criteria when competitive  
3 examinations are not practical. As part of the recruitment program  
4 established by this section, the Administrator may identify  
5 positions or job family levels for expedited recruitment. Such  
6 expedited recruitment jobs may include only those jobs where  
7 education, experience or certification requirements substantially  
8 limit the pool of available applicants. Applicants who have been  
9 certified by the Office of Personnel Management as meeting the  
10 minimum qualifications for such jobs may be referred to agencies  
11 with vacancies in such jobs without examination or ranking, and may  
12 be eligible for appointment upon referral. However, a referral may  
13 not occur until the register for the job has been publicly announced  
14 for at least fourteen (14) calendar days. The Administrator may  
15 remove positions or job family levels from expedited recruitment at  
16 any time. The Administrator shall adopt rules to implement  
17 expedited recruitment;

18 7. Implement state affirmative action policies, and assure  
19 equal employment opportunity;

20 8. Develop and implement a reasonable and expeditious method  
21 for referral of capable candidates for vacancies, probationary  
22 periods of employment, and the employment of individuals on other  
23 types of appointments as necessary;

24

1           9. Assist state agencies in implementing their duties and  
2 obligations pursuant to the Oklahoma Personnel Act, Section 840-1.1  
3 et seq. of this title, and provide standard forms to the agencies if  
4 necessary;

5           10. Develop, in cooperation with appointing authorities,  
6 employee training programs, management training programs, a  
7 certified public manager program, a recruiting program, and a system  
8 of performance appraisals, and assist appointing authorities in the  
9 setting of productivity goals. The Administrator may establish and  
10 collect fees for participation in training programs. The  
11 Administrator is authorized to purchase awards for presentation to  
12 state employees as part of employee recognition activities sponsored  
13 by the Office of Personnel Management;

14           11. Establish rules for leave and pay including, but not  
15 limited to, rules for leave, furloughs, performance pay increases,  
16 rates for pay differentials, on-call pay, and other types of pay  
17 incentives and salary adjustments consistent with the Oklahoma  
18 Personnel Act;

19           12. Prepare and submit an annual budget covering the costs of  
20 administering the personnel program;

21           13. Make an annual report regarding the work of the Office of  
22 Personnel Management;

23           14. Adopt and implement rules necessary to perform the duties  
24 imposed by law on the Office of Personnel Management in accordance

1 with the provisions of the Administrative Procedures Act. All rules  
2 adopted by the Oklahoma Merit Protection Commission shall remain in  
3 full force and effect until modified by the appropriate authority;

4 15. Assist the Oklahoma Merit Protection Commission and the  
5 Executive Director in effectuating their duties, enforcement of the  
6 rules of the Merit System of Personnel Administration, and  
7 implementation of corrective action issued by the Commission;

8 16. Be responsible for the development and maintenance of a  
9 uniform occupation code system, grouped by job titles or duties, for  
10 all classified and unclassified state positions. Said  
11 responsibility shall include the establishment of rules governing  
12 the identification, tracking, and reporting of all state positions  
13 as provided in Section 840-2.13 of this title;

14 17. Be responsible for advising state agencies on personnel  
15 policy and administration;

16 18. Establish standards for continuing training, including  
17 affirmative action, and certification of personnel professionals in  
18 the executive branch of state government, excluding institutions  
19 within The Oklahoma State System of Higher Education. Employees  
20 appointed to professional personnel positions shall complete an  
21 initial training program within six (6) months after assuming the  
22 professional personnel position. Thereafter, they shall complete  
23 annual training requirements. Each appointing authority shall  
24 ensure that all professional personnel employees are notified of,

1 and scheduled to attend, required training programs and shall make  
2 time available for employees to complete the programs. The  
3 Administrator shall be authorized to bill agencies for the training  
4 of personnel professionals pursuant to this paragraph to recover  
5 reasonable costs associated with the training. Monies received for  
6 such training shall be deposited in the Office of Personnel  
7 Management Revolving Fund. Expenditure of such funds collected for  
8 the training shall be exempt from any expenditure limit on the  
9 Office of Personnel Management established by law;

10 19. Conduct a study identifying the following, by job family  
11 descriptor(s):

12 a. selected job family levels with a turnover rate in  
13 excess of ten percent (10%),

14 b. selected job family levels identified by the  
15 Administrator of the Office of Personnel Management  
16 with salaries and benefits that are ten percent (10%)  
17 or more below the market for such position(s), and

18 c. selected job family levels identified by the  
19 Administrator of the Office of Personnel Management in  
20 which recruitment efforts have yielded a low number of  
21 qualified applicants.

22 The initial study shall be conducted by December 1, 2001, and every  
23 two (2) years thereafter;

24 20. Issue orders directing agencies to:

1 a. conform and comply with the provisions of the Oklahoma  
2 Personnel Act, the Merit Rules of Personnel  
3 Administration, and all memoranda or other written  
4 communications issued to agencies explaining the  
5 Oklahoma Personnel Act, the Rules, and any other  
6 matter relating to the Merit System of Personnel  
7 Administration or under the jurisdiction of the  
8 Administrator of the Office of Personnel Management,  
9 and

10 b. take action pursuant to Section 840-6.9 of this title  
11 for failure to implement those orders;

12 21. Establish a workforce planning function within the Office  
13 of Personnel Management to assist state agencies in analyzing the  
14 current workforce, determining future workforce needs, and  
15 implementing solutions so that agencies may accomplish their  
16 missions; ~~and~~

17 22. Establish a quality management function within the Office  
18 of Personnel Management to assist state agencies in fully  
19 integrating quality management concepts and models into their  
20 business practices for the purpose of improving the overall  
21 efficiency and effectiveness of state government; and

22 23. Review waiver of Merit System of Personnel Administration  
23 rules related to hiring and alternative personnel procedures  
24

1 submitted by any enterprise agency and provide the Governor with any  
2 recommendations for changes to the plan.

3 SECTION 9. AMENDATORY Section 1, Chapter 17, O.S.L.  
4 2002, as last amended by Section 5, Chapter 300, O.S.L. 2008 (74  
5 O.S. Supp. 2008, Section 3601.1), is amended to read as follows:

6 Section 3601.1 A. For purposes of Sections 3601.1 through 3603  
7 of this title, the term "employee" means a full-time employee or any  
8 number of part-time employees whose combined weekly hours of  
9 employment equal those of a full-time employee, but shall not  
10 include temporary employees working on a seasonal basis between May  
11 1 and October 31.

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

	MAXIMUM NUMBER OF FULL-TIME-EQUIVALENT EMPLOYEES
21 Board of Managers of <del>the State Insurance Fund</del>	
22 <u>CompSource Oklahoma</u>	591
23 Oklahoma Employment Security Commission	1150
24 Oklahoma Accountancy Board	11

1	Board of Governors of the Licensed Architects,	
2	Landscape Architects and Interior Designers of	
3	Oklahoma	4
4	Board of Chiropractic Examiners	3
5	State Board of Cosmetology	16
6	Board of Dentistry	5
7	Oklahoma State Board of Embalmers and Funeral	
8	Directors	5
9	State Board of Registration for Professional	
10	Engineers and Land Surveyors	10
11	State Board of Medical Licensure and Supervision/	
12	Board of Podiatric Medical Examiners/State	
13	Board of Examiners of Perfusionists	29
14	Commission on Marginally Producing Oil and Gas	
15	Wells	5
16	Oklahoma Motor Vehicle Commission	6
17	Oklahoma Board of Nursing	26
18	Oklahoma State Board of Examiners for Nursing	
19	Home Administrators	4
20	Board of Examiners in Optometry	3
21	State Board of Osteopathic Examiners	7
22	Oklahoma Peanut Commission	2
23	Oklahoma State Board of Pharmacy	10
24	State Board of Examiners of Psychologists	2

1	Oklahoma Real Estate Commission	26
2	Board of Examiners for Speech-Language Pathology	
3	and Audiology	2
4	Oklahoma Used Motor Vehicle and Parts Commission	12
5	State Board of Veterinary Medical Examiners	6
6	Oklahoma Wheat Utilization, Research and Market	
7	Development Commission	7
8	Oklahoma Firefighters Pension and Retirement	
9	System	13
10	Oklahoma Police Pension and Retirement System	12
11	Teachers' Retirement System of Oklahoma	52
12	Oklahoma Public Employees Retirement System	63
13	Oklahoma Student Loan Authority	85
14	Oklahoma Industrial Finance Authority/Oklahoma	
15	Development Finance Authority	10
16	State and Education Employees Group Insurance	
17	Board	178
18	Oklahoma Capital Investment Board	4
19	State Board of Licensed Social Workers	1
20	Oklahoma State Employees Benefits Council	38
21	Oklahoma State Banking Department	46
22	Liquefied Petroleum Gas Administration	10
23	C. The duties and compensation of employees, not otherwise	
24	prescribed by law, necessary to perform the duties imposed upon the	

1 Oklahoma Public Employees Retirement System Board of Trustees by law  
2 shall be set by the Board of Trustees.

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

7 SECTION 10. AMENDATORY Section 2, Chapter 463, O.S.L.  
8 2004, as last amended by Section 2, Chapter 208, O.S.L. 2007 (74  
9 O.S. Supp. 2008, Section 3601.2), is amended to read as follows:

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

17 1. If the chief executive officer's salary is below the minimum  
18 annual salary then it can not be raised to more than the minimum  
19 annual salary in one (1) fiscal year. If the chief executive  
20 officer's salary is at or above the minimum annual salary then the  
21 salary may not be increased above the midpoint in one (1) fiscal  
22 year-;

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

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

4	MINIMUM	MIDPOINT	MAXIMUM	
5	ANNUAL	ANNUAL	ANNUAL	
6	SALARY	SALARY	SALARY	
7	CompSource Oklahoma	\$86,136.00	\$101,337.00	\$116,536.00
8	Oklahoma Employment			
9	Security Commission	\$93,190.00	\$109,635.00	\$126,080.00
10	Oklahoma Accountancy Board	\$55,748.00	\$65,585.00	\$75,424.00
11	Board of Governors of the			
12	Licensed Architects,			
13	Landscape Architects and			
14	Interior Designers of			
15	Oklahoma	\$45,513.00	\$62,757.00	\$80,000.00
16	Board of Chiropractic			
17	Examiners	\$46,788.00	\$55,044.00	\$63,301.00
18	State Board of Cosmetology	\$46,788.00	\$55,044.00	\$63,301.00
19	Board of Dentistry	\$54,956.00	\$64,334.00	\$75,687.00
20	Oklahoma Funeral Board	\$46,788.00	\$55,044.00	\$63,301.00
21	State Board of Registration			
22	for Professional			
23	Engineers and Land			
24	Surveyors	\$55,748.00	\$65,585.00	\$75,424.00

1	State Board of Medical			
2	Licensure and			
3	Supervision, Board of			
4	Podiatric Medical			
5	Examiners/State Board of			
6	Examiners of			
7	Perfusionists	\$67,551.00	\$79,471.00	\$91,392.00
8	Commission on Marginally			
9	Producing Oil and Gas			
10	Wells	\$55,748.00	\$65,585.00	\$75,424.00
11	Oklahoma Motor Vehicle			
12	Commission	\$55,748.00	\$65,585.00	\$75,424.00
13	Oklahoma Board of Nursing	\$67,551.00	\$79,471.00	\$91,392.00
14	Oklahoma State Board of			
15	Examiners for Nursing			
16	Home Administrators	\$46,788.00	\$55,044.00	\$63,301.00
17	State Board of Osteopathic			
18	Examiners	\$54,956.00	\$64,334.00	\$75,687.00
19	Oklahoma Peanut Commission	\$45,513.00	\$55,044.00	\$63,300.00
20	State Board of Examiners of			
21	Psychologists	\$46,788.00	\$55,044.00	\$63,301.00
22	Oklahoma Real Estate			
23	Commission	\$67,551.00	\$79,471.00	\$91,392.00
24				

1	Board of Examiners for			
2	Speech-Language Pathology			
3	and Audiology	\$38,001.00	\$44,706.00	\$51,412.00
4	Oklahoma Used Motor Vehicle			
5	and Parts Commission	\$55,748.00	\$65,585.00	\$75,424.00
6	State Board of Veterinary			
7	Medical Examiners	\$46,788.00	\$55,044.00	\$63,301.00
8	Oklahoma Wheat Utilization,			
9	Research and Market			
10	Development Commission	\$55,748.00	\$65,585.00	\$75,424.00
11	Oklahoma Firefighters			
12	Pension and Retirement			
13	System	\$80,732.00	\$94,980.00	\$109,226.00
14	Oklahoma Police Pension and			
15	Retirement System	\$80,733.00	\$94,981.00	\$109,227.00
16	Teachers' Retirement System			
17	of Oklahoma	\$86,136.00	\$101,337.00	\$116,536.00
18	Oklahoma Public Employees			
19	Retirement System	\$86,136.00	\$101,337.00	\$116,536.00
20	Oklahoma Student Loan			
21	Authority	\$83,790.00	\$101,377.00	\$116,536.00
22	Oklahoma Industrial Finance			
23	Authority	\$80,731.00	\$94,979.00	\$109,225.00
24				

1	State and Education			
2	Employees Group Insurance			
3	Board	\$86,136.00	\$101,337.00	\$116,536.00
4	Oklahoma Capital Investment			
5	Board	\$80,731.00	\$94,979.00	\$109,225.00
6	State Board of Licensed			
7	Social Workers	\$46,788.00	\$55,044.00	\$63,301.00
8	Oklahoma State Employees			
9	Benefits Council	\$80,731.00	\$94,979.00	\$109,225.00
10	Grand River Dam Authority	\$101,437.00	\$119,339.00	\$137,239.00
11	Oklahoma State Banking			
12	Department	\$101,437.00	\$119,339.00	\$137,239.00
13	Liquefied Petroleum Gas			
14	Administration	\$55,748.00	\$65,585.00	\$75,424.00
15	Oklahoma Securities			
16	Commission	\$101,437.00	\$119,339.00	\$137,239.00

17       B. All increases require certification of the appointing  
18 authority that said action can be implemented for the current fiscal  
19 year and subsequent fiscal year without the need for additional  
20 funding. The agency, board, commission, department or program shall  
21 report increases granted under this section to the Office of  
22 Personnel Management on an annual basis by August 1 of each year.  
23 The Office of Personnel management shall forward a report of such  
24 increases to the Governor, President Pro Tempore of the Senate, and

1 Speaker of the House of Representatives no later than September 1 of  
2 each year.

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

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

10 E. Effective November 1, 2009, if any entity provided for in  
11 this section is designated an enterprise agency pursuant to Section  
12 1 of this act and provides for alternative personnel procedures  
13 pursuant to Section 3 of this act, the provisions of this section  
14 shall not prevent modification of salaries pursuant to Section 3 of  
15 this act.

16 SECTION 11. This act shall become effective July 1, 2009.

17 SECTION 12. It being immediately necessary for the preservation  
18 of the public peace, health and safety, an emergency is hereby  
19 declared to exist, by reason whereof this act shall take effect and  
20 be in full force from and after its passage and approval.

21

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