

1 STATE OF OKLAHOMA

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

3 COMMITTEE SUBSTITUTE  
4 FOR

5 HOUSE BILL NO. 1755

By: Martin (Scott)

6  
7 COMMITTEE SUBSTITUTE

8 An Act relating to state government; designating  
9 certain state agency an enterprise agency; providing  
10 for duration of designation; stating purpose;  
11 providing for agreement to set certain goal;  
12 authorizing payment of certain bonuses; providing for  
13 certain proceeds; authorizing CompSource Oklahoma to  
14 waive certain rule concerning employees of the  
15 enterprise agency; authorizing CompSource Oklahoma to  
16 waive provisions of The Oklahoma Central Purchasing  
17 Act and any rule of the Department of Central  
18 Services; requiring certain waiver of rules to be  
19 filed with certain agency; authorizing CompSource  
20 Oklahoma to waive certain administrative rule  
21 regarding the acquisition and use of information  
22 technology; setting procedures for waiving certain  
23 provisions of certain rules; setting time frame for  
24 certain waiver or suspension; requiring report;  
establishing enterprise agency grant fund; stating  
purpose; providing for application; authorizing  
CompSource Oklahoma to keep certain funds in the  
enterprise agency grant fund; providing for  
codification; and providing an effective date.

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

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

1       CompSource Oklahoma is hereby designated as an enterprise  
2 agency. The designation of CompSource Oklahoma as an enterprise  
3 agency shall be for a period of three (3) years. The purpose of  
4 designating CompSource Oklahoma an enterprise agency is to grant the  
5 agency relief from certain statutory provisions or agency rules as  
6 provided by this act in order to realize projected savings resulting  
7 from such relief.

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

11       A. Prior to each fiscal year, or as soon thereafter as  
12 possible, the CompSource Oklahoma President and Chief Executive  
13 Officer shall submit an annual enterprise plan to the Governor, the  
14 Speaker of the House of Representatives and the President Pro  
15 Tempore of the Senate which shall set forth measurable  
16 organizational and budgetary goals for the director in key  
17 operational areas of the agency. The annual performance plan shall  
18 be made public, except those portions containing proprietary,  
19 privileged or confidential information protected by law or that  
20 would place the agency or its constituents at an unfair disadvantage  
21 relative to those similarly situated.

22       B. Except when contrary to the Oklahoma Constitution, the  
23 Board of Managers of CompSource Oklahoma board may set the salary  
24 and authorize the payment of a bonus to the CompSource Oklahoma

1 President and Chief Executive Officer in an amount not in excess of  
2 fifteen percent (15%) of the annual rate of pay of the President and  
3 Chief Executive Officer, based upon the Board of Managers evaluation  
4 of the performance of the President and Chief Executive Officer in  
5 relation to the goals set forth in the annual performance plan and  
6 the efficacy of performance of the President and Chief Executive  
7 Officer, notwithstanding any statutory salary limitation.

8 C. The CompSource Oklahoma President and Chief Executive  
9 Officer may authorize the payment of bonuses to employees of  
10 CompSource Oklahoma in a total amount not in excess of fifteen  
11 percent (15%) of the individual employee's annual rate of pay, based  
12 upon evaluation of the employees' performance by the President and  
13 Chief Executive Officer.

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

17 Except as otherwise provided by law, proceeds from the sale or  
18 lease of capital assets that are under the control of CompSource  
19 Oklahoma shall be retained by CompSource Oklahoma and used for  
20 purposes that are within the scope of the responsibilities of  
21 CompSource Oklahoma.

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

1       A. Notwithstanding any provision of law to the contrary,  
2       CompSource Oklahoma shall not be subject to any limitation relating  
3       to the number of or pay grade assigned to its employees, including  
4       any limitation on the number of full-time-equivalent positions.

5       B. CompSource Oklahoma may waive any personnel rule or statute  
6       and may exercise the authority granted to the Office of Personnel  
7       Management concerning employees of the enterprise agency. The  
8       waiver of any statute or rule pursuant to this subsection shall be  
9       filed with the Office of Personnel Management and shall be available  
10      for public inspection.

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

14      CompSource Oklahoma may waive any provision of The Oklahoma  
15      Central Purchasing Act and any administrative rule of the Department  
16      of Central Services regarding procurement, fleet management,  
17      printing and copying, or maintenance of buildings and grounds, and  
18      may exercise the authority of the Department of Central Services as  
19      it relates to the physical resources of the state. A waiver of a  
20      statute or rule pursuant to this subsection shall be filed with the  
21      Department of Central Services and made available for public  
22      inspection.

1       SECTION 6.       NEW LAW       A new section of law to be codified  
2 in the Oklahoma Statutes as Section 3321 of Title 74, unless there  
3 is created a duplication in numbering, reads as follows:

4       CompSource Oklahoma may waive any provision of The Oklahoma  
5 Central Purchasing Act, any provision of Section 41.5a et seq. of  
6 Title 62 of the Oklahoma Statutes, and any administrative rule  
7 regarding the acquisition and use of information technology and may  
8 exercise the powers of the Department of Central Services and the  
9 Information Services Division of the Office of State Finance as it  
10 relates to information technology. A waiver of any statute or rule  
11 pursuant to this subsection shall be filed with the Department of  
12 Central Services and made available for public inspection.

13       SECTION 7.       NEW LAW       A new section of law to be codified  
14 in the Oklahoma Statutes as Section 3322 of Title 74, unless there  
15 is created a duplication in numbering, reads as follows:

16       A.   CompSource Oklahoma may temporarily waive or suspend the  
17 provisions of any other administrative rule if strict compliance  
18 with the rule impacts the ability of the enterprise agency to  
19 perform its duties in a more cost-efficient manner and the  
20 requirements of this subsection are met.

21       B.   The procedure for granting a temporary waiver or suspension  
22 of any administrative rule shall be as follows:  
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1        1. CompSource Oklahoma may waive or suspend a rule if the  
2 agency finds, based on clear and convincing evidence, all of the  
3 following:

4            a. the application of the rule poses an undue financial  
5 hardship on the agency,

6            b. the waiver or suspension from the requirements of a  
7 rule in the specific case would not prejudice the  
8 substantial legal rights of any person,

9            c. substantially equal protection of public health,  
10 safety, and welfare will be afforded by a means other  
11 than that prescribed in the particular rule for which  
12 the waiver or suspension is requested, and

13           d. the waiver or suspension would not result in a  
14 violation of due process, a violation of state or  
15 federal law, or a violation of the state or federal  
16 constitution;

17        2. If CompSource Oklahoma proposes to grant a waiver or  
18 suspension, CompSource Oklahoma shall draft the waiver or suspension  
19 so as to provide the narrowest exception possible to the provisions  
20 of the rule and may place any condition on the waiver or suspension  
21 that CompSource Oklahoma finds desirable to protect the public  
22 health, safety, and welfare. CompSource Oklahoma shall then submit  
23 the waiver or suspension to the Governor;

1        3. The Governor shall review the proposed waiver or suspension  
2 and may either take no action, affirmatively approve the waiver or  
3 suspension, delay the effective date of the waiver or suspension or  
4 reject the waiver or suspension.

5            a. The waiver or suspension shall become effective within  
6 ninety (90) days from the date of submission if the  
7 Governor approves or takes no action concerning the  
8 proposed waiver or suspension.

9            b. If the Governor delays the effective date of the  
10 waiver or suspension, but takes no further action to  
11 rescind the waiver or suspension, the proposed waiver  
12 or suspension shall become effective on the date to  
13 which the waiver or suspension was delayed.

14           c. The Governor shall notify CompSource Oklahoma in  
15 writing of the action concerning the proposed waiver  
16 or suspension.

17           d. Rejection of the waiver or suspension by the Governor  
18 shall require that the enterprise agency fully comply  
19 with the rule; and

20        4. Copies of the grant or denial of a waiver or suspension  
21 under this subsection shall be filed and made available to the  
22 public by CompSource Oklahoma.

23        C. A waiver or suspension granted pursuant to this section  
24 shall be for a period of time not to exceed twelve (12) months, and

1 as determined by the applicable enterprise agency. A renewal of a  
2 temporary waiver or suspension granted pursuant to this section  
3 shall be granted or denied in the same manner as the initial waiver  
4 or suspension.

5 SECTION 8. NEW LAW A new section of law to be codified  
6 in the Oklahoma Statutes as Section 3323 of Title 74, unless there  
7 is created a duplication in numbering, reads as follows:

8 CompSource Oklahoma shall submit a written report to the  
9 Governor and the Legislature by December 31 of each year summarizing  
10 the activities of CompSource Oklahoma for the preceding fiscal year.  
11 The report shall include information concerning the expenditures of  
12 CompSource Oklahoma and the number of filled full-time-equivalent  
13 positions during the preceding fiscal year. The report shall  
14 include information relating to the actions taken by CompSource  
15 Oklahoma pursuant to the authority granted by this act. Information  
16 that is privileged, proprietary or confidential by law or that would  
17 place CompSource Oklahoma or its constituents at an unfair  
18 disadvantage relative to others similarly situated shall not be  
19 publicly disclosed.

20 SECTION 9. NEW LAW A new section of law to be codified  
21 in the Oklahoma Statutes as Section 3324 of Title 74, unless there  
22 is created a duplication in numbering, reads as follows:

23 A. An enterprise agency grant fund is created in the State  
24 Treasury under the control of the State Treasurer for the purpose of



1 providing funding to support innovation in accordance with this act.  
2 Innovation purposes shall include but are not limited to training,  
3 development of outcome measurement systems, management system  
4 modifications, and other modifications associated with transition of  
5 operations to enterprise agency status. Monies in the fund are  
6 appropriated to the Office of State Finance for the purposes  
7 described in this subsection.

8 B. To receive a grant from the fund, CompSource Oklahoma shall  
9 complete an application process designated by the Director of State  
10 Finance.

11 C. Notwithstanding any provision of law to the contrary,  
12 interest or earnings on monies deposited in the enterprise agency  
13 grant fund shall be credited to the enterprise agency grant fund.  
14 Notwithstanding any provision of law to the contrary, monies  
15 credited to the enterprise agency grant fund shall not revert to the  
16 fund from which they were appropriated at the close of a fiscal  
17 year.

18 SECTION 10. This act shall become effective November 1, 2009.  
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