

THE STATE SENATE
Tuesday, March 31, 2009

ENGROSSED

House Bill No. 1755

As Amended

ENGROSSED HOUSE BILL NO. 1755 - By: Martin (Scott), Pittman and Derby of the House and Jolley of the Senate.

[state government - CompSource Oklahoma - codification - effective date]

~~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 3316 of Title 74, unless there is created a duplication in numbering, reads as follows:

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

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

1 A. Prior to each fiscal year, or as soon thereafter as
2 possible, the CompSource Oklahoma President and Chief Executive
3 Officer shall submit an annual enterprise plan to the Governor, the
4 Speaker of the House of Representatives and the President Pro
5 Tempore of the Senate which shall set forth measurable
6 organizational and budgetary goals for the director in key
7 operational areas of the agency. The annual performance plan shall
8 be made public, except those portions containing proprietary,
9 privileged or confidential information protected by law or that
10 would place the agency or its constituents at an unfair disadvantage
11 relative to those similarly situated.

12 B. Except when contrary to the Oklahoma Constitution, the
13 Board of Managers of CompSource Oklahoma board may set the salary
14 and authorize the payment of a bonus to the CompSource Oklahoma
15 President and Chief Executive Officer in an amount not in excess of
16 fifteen percent (15%) of the annual rate of pay of the President and
17 Chief Executive Officer, based upon the Board of Managers evaluation
18 of the performance of the President and Chief Executive Officer in
19 relation to the goals set forth in the annual performance plan and
20 the efficacy of performance of the President and Chief Executive
21 Officer, notwithstanding any statutory salary limitation.

22 C. The CompSource Oklahoma President and Chief Executive
23 Officer may authorize the payment of bonuses to employees of

1 CompSource Oklahoma in a total amount not in excess of fifteen
2 percent (15%) of the individual employee's annual rate of pay, based
3 upon evaluation of the employees' performance by the President and
4 Chief Executive Officer.

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

8 Except as otherwise provided by law, proceeds from the sale or
9 lease of capital assets that are under the control of CompSource
10 Oklahoma shall be retained by CompSource Oklahoma and used for
11 purposes that are within the scope of the responsibilities of
12 CompSource Oklahoma.

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

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

20 B. CompSource Oklahoma may waive any personnel rule or statute
21 and may exercise the authority granted to the Office of Personnel
22 Management concerning employees of the enterprise agency. The
23 waiver of any statute or rule pursuant to this subsection shall be

1 filed with the Office of Personnel Management and shall be available
2 for public inspection.

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

6 CompSource Oklahoma may waive any provision of The Oklahoma
7 Central Purchasing Act and any administrative rule of the Department
8 of Central Services regarding procurement, fleet management,
9 printing and copying, or maintenance of buildings and grounds, and
10 may exercise the authority of the Department of Central Services as
11 it relates to the physical resources of the state. A waiver of a
12 statute or rule pursuant to this subsection shall be filed with the
13 Department of Central Services and made available for public
14 inspection.

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

18 CompSource Oklahoma may waive any provision of The Oklahoma
19 Central Purchasing Act, any provision of Section 41.5a et seq. of
20 Title 62 of the Oklahoma Statutes, and any administrative rule
21 regarding the acquisition and use of information technology and may
22 exercise the powers of the Department of Central Services and the
23 Information Services Division of the Office of State Finance as it

1 relates to information technology. A waiver of any statute or rule
2 pursuant to this subsection shall be filed with the Department of
3 Central Services and made available for public inspection.

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

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

12 B. The procedure for granting a temporary waiver or suspension
13 of any administrative rule shall be as follows:

14 1. CompSource Oklahoma may waive or suspend a rule if the
15 agency finds, based on clear and convincing evidence, all of the
16 following:

17 a. the application of the rule poses an undue financial
18 hardship on the agency,

19 b. the waiver or suspension from the requirements of a
20 rule in the specific case would not prejudice the
21 substantial legal rights of any person,

22 c. substantially equal protection of public health,
23 safety, and welfare will be afforded by a means other

1 than that prescribed in the particular rule for which
2 the waiver or suspension is requested, and
3 d. the waiver or suspension would not result in a
4 violation of due process, a violation of state or
5 federal law, or a violation of the state or federal
6 constitution;

7 2. If CompSource Oklahoma proposes to grant a waiver or
8 suspension, CompSource Oklahoma shall draft the waiver or suspension
9 so as to provide the narrowest exception possible to the provisions
10 of the rule and may place any condition on the waiver or suspension
11 that CompSource Oklahoma finds desirable to protect the public
12 health, safety, and welfare. CompSource Oklahoma shall then submit
13 the waiver or suspension to the Governor;

14 3. The Governor shall review the proposed waiver or suspension
15 and may either take no action, affirmatively approve the waiver or
16 suspension, delay the effective date of the waiver or suspension or
17 reject the waiver or suspension.

18 a. The waiver or suspension shall become effective within
19 ninety (90) days from the date of submission if the
20 Governor approves or takes no action concerning the
21 proposed waiver or suspension.

22 b. If the Governor delays the effective date of the
23 waiver or suspension, but takes no further action to

1 rescind the waiver or suspension, the proposed waiver
2 or suspension shall become effective on the date to
3 which the waiver or suspension was delayed.

4 c. The Governor shall notify CompSource Oklahoma in
5 writing of the action concerning the proposed waiver
6 or suspension.

7 d. Rejection of the waiver or suspension by the Governor
8 shall require that the enterprise agency fully comply
9 with the rule; and

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

13 C. A waiver or suspension granted pursuant to this section
14 shall be for a period of time not to exceed twelve (12) months, and
15 as determined by the applicable enterprise agency. A renewal of a
16 temporary waiver or suspension granted pursuant to this section
17 shall be granted or denied in the same manner as the initial waiver
18 or suspension.

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

22 CompSource Oklahoma shall submit a written report to the
23 Governor and the Legislature by December 31 of each year summarizing

1 the activities of CompSource Oklahoma for the preceding fiscal year.
2 The report shall include information concerning the expenditures of
3 CompSource Oklahoma and the number of filled full-time-equivalent
4 positions during the preceding fiscal year. The report shall
5 include information relating to the actions taken by CompSource
6 Oklahoma pursuant to the authority granted by this act. Information
7 that is privileged, proprietary or confidential by law or that would
8 place CompSource Oklahoma or its constituents at an unfair
9 disadvantage relative to others similarly situated shall not be
10 publicly disclosed.

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

14 A. An enterprise agency grant fund is created in the State
15 Treasury under the control of the State Treasurer for the purpose of
16 providing funding to support innovation in accordance with this act.
17 Innovation purposes shall include but are not limited to training,
18 development of outcome measurement systems, management system
19 modifications, and other modifications associated with transition of
20 operations to enterprise agency status. Monies in the fund are
21 appropriated to the Office of State Finance for the purposes
22 described in this subsection.

1 B. To receive a grant from the fund, CompSource Oklahoma shall
2 complete an application process designated by the Director of State
3 Finance.

4 C. Notwithstanding any provision of law to the contrary,
5 interest or earnings on monies deposited in the enterprise agency
6 grant fund shall be credited to the enterprise agency grant fund.
7 Notwithstanding any provision of law to the contrary, monies
8 credited to the enterprise agency grant fund shall not revert to the
9 fund from which they were appropriated at the close of a fiscal
10 year.

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

12 COMMITTEE REPORT BY: COMMITTEE ON APPROPRIATIONS, dated 3-25-09 - DO
13 PASS, As Amended.