HOUSE OF REPRESENTATIVES - FLOOR VERSION

STATE OF OKLAHOMA

1st Session of the 54th Legislature (2013)

COMMITTEE SUBSTITUTE
FOR
HOUSE BILL NO. 1477 By: Murphey

COMMITTEE SUBSTITUTE

An Act relating to state government; declaring legislative intent; amending 62 O.S. 2011, Section 34.6, as amended by Section 336, Chapter 304, O.S.L. 2012 (62 O.S. Supp. 2012, Section 34.6), which relates to the powers and duties of the Director of the Office of Management and Enterprise Services; authorizing Director to adopt certain rules and regulations; requiring Director to provide certain proposal by a certain date; amending 74 O.S. 2011, Section 905, as amended by Section 926, Chapter 304, O.S.L. 2012 (74 O.S. Supp. 2012, Section 905), which relates to the Oklahoma Public Employees Retirement System; adding Commissioner of Labor to Board; providing for noncodification; and providing an effective date.

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

SECTION 1. NEW LAW A new section of law not to be codified in the Oklahoma Statutes reads as follows:

Whereas, with passage of House Bill No. 2140 of the 2nd Session of the 53rd Oklahoma Legislature, the Legislature consolidated the

Office of State Finance, the Department of Central Services, the Office of Personnel Management, the Employees Benefits Council and the Oklahoma State and Education Employees Group Insurance Board; and

Whereas, with the passage of House Bill No. 2140 of the 2nd Session of the 53rd Oklahoma Legislature, the Legislature continued the effort to adjust, clarify and streamline Oklahoma statutes to properly reflect the mission and needs of the consolidated agency now known as the Office of Management and Enterprise Services; and

Whereas, the Legislature wishes to account for any and all unintended outcomes from the passage of this previous legislation.

Now, therefore, with passage of this legislation, the Legislature seeks to provide the necessary statutory clarification to allow the Office of Management and Enterprise Services to continue in its mission.

SECTION 2. AMENDATORY 62 O.S. 2011, Section 34.6, as amended by Section 336, Chapter 304, O.S.L. 2012 (62 O.S. Supp. 2012, Section 34.6), is amended to read as follows:

Section 34.6 The Director of the Office of Management and Enterprise Services shall have the power and duty under the direction of the Governor to:

1. Prepare the budget document and assist in the drafting of legislation to make it effective;

2. Make field surveys and studies of governmental agencies, looking toward economy and greater efficiency;

3. Make allotments to control expenditures;

4. Authorize transfers of appropriation authorized by law;

5. Study accounting and other reports rendered by the Central Accounting and Reporting Division;

6. Enter into agreements with the United States Secretary of the Treasury for the purpose of implementing federal law; ~~and~~

7. Aid the Governor in the economical management of state affairs<u>; and</u>

<u>8. Adopt such rules and regulations concerning the exercise of powers and duties as the Director shall deem appropriate, in accordance with the Administrative Procedures Act</u>.

B. In addition to other duties, the Director of the Office of Management and Enterprise Services shall, upon request, advise and consult with members of the Legislature and legislative committees concerning revenue and expenditures of state agencies.

<u>C. Not later than December 31, 2013, the Director of the Office of Management and Enterprise Services shall provide the Legislature with a proposal to consolidate, streamline, and reduce the size of the administrative code of the agencies consolidated pursuant to House Bill No. 2140 of the 2nd Session of the 53rd Oklahoma Legislature. The recommendation shall contain the Director's advice</u>

on the possibility of consolidating the affected code into a single title.

SECTION 3. AMENDATORY 74 O.S. 2011, Section 905, as amended by Section 926, Chapter 304, O.S.L. 2012 (74 O.S. Supp. 2012, Section 905), is amended to read as follows:

Section 905. (1) There shall be a Board of Trustees which shall consist of ~~twelve (12)~~ thirteen (13) members as follows: a member of the Corporation Commission selected by the Corporation Commission, the Director of the Office of Management and Enterprise Services or the Director's designee, the State Insurance Commissioner or the Commissioner's designee, the Director of Human Capital Management of the Office of Management and Enterprise Services, a member of the Oklahoma Tax Commission selected by the Tax Commission, three members appointed by the Governor, one member appointed by the Supreme Court, two members appointed by the Speaker of the House of Representatives and two members appointed by the President Pro Tempore of the State Senate. One member appointed by the Governor shall be an active member of the System. One member appointed by the Speaker shall be an active member of the System. One member appointed by the President Pro Tempore shall be a retired member of the System.

(2) The member of the Board of Trustees on the operative date of this act who was appointed by the Supreme Court shall complete

the term of office for which the member was appointed. The members thereafter appointed by the Supreme Court shall serve terms of office of four (4) years.

(3) Members of the Board of Trustees on the operative date of this act who were appointed by the Speaker of the House of Representatives or by the President Pro Tempore of the Senate shall complete their term of office for which they were appointed. The initial term of office of members appointed thereafter shall expire on January 8, 1991. The members thereafter appointed by the Speaker of the House of Representatives and by the President Pro Tempore of the Senate shall serve terms of office of four (4) years.

(4) The initial term of office of the members appointed by the Governor shall expire on January 14, 1991. The members thereafter appointed by the Governor shall serve a term of office of four (4) years which is coterminous with the term of office of the office of the appointing authority.

(5) One of the members appointed to the Board by the Speaker of the House of Representatives and by the President Pro Tempore of the Senate and two members appointed to the Board by the Governor shall:

(a) have demonstrated professional experience in investment or funds management, public funds management, public or private pension fund management or retirement system management~~;~~,

(b) have demonstrated experience in the banking profession and have demonstrated professional experience in investment or funds management~~;~~,

(c) be licensed to practice law in this state and have demonstrated professional experience in commercial matters~~;~~, or

(d) be licensed by the Oklahoma Accountancy Board to practice in this state as a public accountant or a certified public accountant.

The appointing authorities, in making appointments that conform to the requirements of this subsection, shall give due consideration to balancing the appointments among the criteria specified in paragraphs (a) through (d) of this subsection.

(6) No member of the Board of Trustees shall be a lobbyist registered in this state as provided by law.

(7) Any vacancy that occurs on the Board of Trustees shall be filled for the unexpired term in the same manner as the office was previously filled.

(8) Notwithstanding any of the provisions of this section to the contrary, any person serving as an appointed member of the Board on the operative date of this act shall be eligible for reappointment when the term of office of the member expires.

(9) The Board shall elect one of its members as Chairman of the Board at its annual meeting. He shall preside over meetings of the Board and perform such other duties as may be required by the Board.

(10) The Board shall also elect another member to serve as Vice Chairman, and the Vice Chairman shall perform duties of Chairman in the absence of the latter or upon his inability or refusal to act.

SECTION 4. This act shall become effective November 1, 2013.

COMMITTEE REPORT BY: COMMITTEE ON GOVERNMENT MODERNIZATION, dated 03/04/2013 - DO PASS, As Amended.