

1 ENGROSSED HOUSE
2 BILL NO. 1795

By: McDugle of the House

3 and

4 Jech of the Senate

5
6 An Act relating to state government; amending 74 O.S.
7 2011, Section 840-5.5, as last amended by Section 1,
8 Chapter 339, O.S.L. 2016 (74 O.S. Supp. 2016, Section
9 840-5.5), which relates to the Oklahoma Personnel
10 Act; modifying certain personnel in unclassified
11 service; and providing an effective date.

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

13 SECTION 1. AMENDATORY 74 O.S. 2011, Section 840-5.5, as
14 last amended by Section 1, Chapter 339, O.S.L. 2016 (74 O.S. Supp.
15 2016, Section 840-5.5), is amended to read as follows:

16 Section 840-5.5 A. The following offices, positions, and
17 personnel shall be in the unclassified service and shall not be
18 placed under the classified service:

19 1. Persons chosen by popular vote or appointment to fill an
20 elective office, and their employees, except the employees of the
21 Corporation Commission, the State Department of Education and the
22 Department of Labor;

23 2. Members of boards and commissions, and heads of agencies;
24 also one principal assistant or deputy and one executive secretary
for each state agency;

1 3. All judges, elected or appointed, and their employees;

2 4. Persons employed with one-time, limited duration, federal or
3 other grant funding that is not continuing or indefinitely
4 renewable. The length of the unclassified employment shall not
5 exceed the period of time for which that specific federal funding is
6 provided;

7 5. All officers and employees of The Oklahoma State System of
8 Higher Education, State Board of Education and Oklahoma Department
9 of Career and Technology Education;

10 6. Persons employed in a professional or scientific capacity to
11 make or conduct a temporary and special inquiry, investigation, or
12 examination on behalf of the Legislature or a committee thereof or
13 by authority of the Governor. These appointments and authorizations
14 shall terminate on the first day of the regular legislative session
15 immediately following the appointment, if not terminated earlier.
16 However, nothing in this paragraph shall prevent the reauthorization
17 and reappointment of any such person. Any such appointment shall be
18 funded from the budget of the appointing authority;

19 7. Election officials and employees;

20 8. Temporary employees employed to work less than one thousand
21 (1,000) hours in any twelve-month period, and seasonal employees
22 employed by the Oklahoma Tourism and Recreation Department pursuant
23 to Section 2241 of this title who work less than one thousand six
24 hundred (1,600) hours in any twelve-month period;

1 9. Department of Public Safety employees occupying the
2 following offices or positions:

- 3 a. administrative aides to the Commissioner,
- 4 b. executive secretaries to the Commissioner,
- 5 c. the Governor's representative of the Oklahoma Highway
6 Safety Office who shall be appointed by the Governor,
- 7 d. Highway Patrol Colonel,
- 8 e. Highway Patrol Lieutenant Colonel,
- 9 f. Director of Finance,
- 10 g. noncommissioned pilots,
- 11 h. Information Systems Administrator,
- 12 i. Law Enforcement Telecommunications System Specialist,
- 13 j. Director of Driver Compliance,
- 14 k. Director of Transportation Division,
- 15 l. Director of the Oklahoma Highway Safety Office,
- 16 m. Civil Rights Administrator,
- 17 n. Budget Analyst,
- 18 o. Comptroller,
- 19 p. Chaplain,
- 20 q. Helicopter Mechanic,
- 21 r. Director of Safety Compliance,
- 22 s. Human Resources Director,
- 23 t. Administrator of Department Services, and

1 u. a maximum of seven positions for the purpose of
2 administering programs in the Oklahoma Highway Safety
3 Office, within full-time employee limitations of the
4 Department, employed with federal funding that is
5 continuing or indefinitely renewable. The
6 authorization for such positions shall be terminated
7 if the federal funding for positions is discontinued;
8 provided, any person appointed to a position prescribed in
9 subparagraph d or e of this paragraph shall have a right of return
10 to the classified commissioned position without any loss of rights,
11 privileges or benefits immediately upon completion of the duties in
12 the unclassified commissioned position;

13 10. Professional trainees only during the prescribed length of
14 their course of training or extension study;

15 11. Students who are employed on a part-time basis, which shall
16 be seventy-five percent (75%) of a normal forty-hour work week or
17 thirty (30) hours per week, or less, or on a full-time basis if the
18 employment is pursuant to a cooperative education program such as
19 that provided for under Title I IV-D of the Higher Education Act of
20 1965 (20 U.S.C. 1087a-1087c), as amended, and who are regularly
21 enrolled in:

22 a. an institution of higher learning within The Oklahoma
23 State System of Higher Education,
24

- b. an institution of higher learning qualified to become coordinated with The Oklahoma State System of Higher Education. For purposes of this section, a student shall be considered a regularly enrolled student if the student is enrolled in a minimum of five (5) hours of accredited graduate courses or a minimum of ten (10) hours of accredited undergraduate courses; provided, however, the student shall only be required to be enrolled in a minimum of six (6) hours of accredited undergraduate courses during the summer, or
- c. high school students regularly enrolled in a high school in Oklahoma and regularly attending classes during such time of enrollment;

12. The spouses of personnel who are employed on a part-time basis to assist or work as a relief for their spouses in the Oklahoma Tourism and Recreation Department;

13. Service substitute attendants who are needed to replace museum and site attendants who are unavoidably absent. Service substitutes may work as part-time or full-time relief for absentees for a period of not more than four (4) weeks per year in the Oklahoma Historical Society sites and museums; such substitutes will not count towards the agency's full-time-equivalent (FTE) employee limit;

14. Employees of the Oklahoma House of Representatives, the State Senate, or the Legislative Service Bureau;

15. Corporation Commission personnel occupying the following
offices and positions:

- a. Administrative aides, and executive secretaries to the Commissioners,
- b. Directors of all the divisions, personnel managers and comptrollers,
- c. General Counsel,
- d. Public Utility Division Chief Engineer,
- e. Public Utility Division Chief Accountant,
- f. Public Utility Division Chief Economist,
- g. Public Utility Division Deputy Director,
- h. Secretary of the Commission,
- i. Deputy Conservation Director,
- j. Manager of Pollution Abatement,
- k. Manager of Field Operations,
- l. Manager of Technical Services,
- m. Public Utility Division Chief of Telecommunications,
- n. Director of Information Services,
- o. All Data Processing employees hired on or after September 1, 2005,
- p. All Public Utilities employees hired on or after September 1, 2007,

1 q. All Regulatory Program Managers hired on or after
2 September 1, 2007, and

3 r. All Pipeline Safety Department employees hired on or
4 after September 1, 2008;

5 16. At the option of the employing agency, the Supervisor,
6 Director, or Educational Coordinator in any other state agency
7 having a primary responsibility to coordinate educational programs
8 operated for children in state institutions;

9 17. Department of Mental Health and Substance Abuse Services
10 personnel occupying the following offices and positions at each
11 facility:

- 12 a. Director of Facility,
- 13 b. Deputy Director for Administration,
- 14 c. Clinical Services Director,
- 15 d. Executive Secretary to Director, and
- 16 e. Directors or Heads of Departments or Services;

17 18. Office of Management and Enterprise Services personnel
18 occupying the following offices and positions:

- 19 a. State Comptroller,
- 20 b. Administrative Officers,
- 21 c. Alternator Claims Auditor,
- 22 d. Employees hired to fulfill state compliance agency
23 requirements under Model Tribal Gaming Compacts,
- 24 e. Employees of the Budget Division,

- 1 f. Employees of the Fiscal and Research Division,
- 2 g. Employees hired to work on the CORE Systems Project,
- 3 and
- 4 h. The following employees of the Information Services
- 5 Division:
- 6 (1) Information Services Division Manager,
- 7 (2) Network Manager,
- 8 (3) Network Technicians,
- 9 (4) Security Manager,
- 10 (5) Contracts/Purchasing Manager,
- 11 (6) Operating and Applications Manager,
- 12 (7) Project Manager,
- 13 (8) Help Desk Manager,
- 14 (9) Help Desk Technicians,
- 15 (10) Quality Assurance Manager,
- 16 (11) ISD Analysts,
- 17 (12) CORE Manager,
- 18 (13) Enterprise System/Database Software Manager,
- 19 (14) Data Center Operations and Production Manager,
- 20 (15) Voice Communications Manager,
- 21 (16) Applications Development Manager,
- 22 (17) Projects Manager,
- 23 (18) PC's Manager,
- 24 (19) Servers Manager,

- (20) Portal Manager,
 - (21) Procurement Specialists,
 - (22) Security Technicians,
 - (23) Enterprise Communications and Network
Administrator,
 - (24) Server Support Specialists,
 - (25) Senior Server Support Specialists,
 - (26) Systems Support Specialists,
 - (27) Senior Systems Support Specialists,
 - (28) Chief Technology Officer,
 - (29) Facility Manager,
 - (30) Application Development Specialists,
 - (31) Senior Application Development Specialists,
 - (32) Workstation Specialists,
 - (33) Senior Workstation Specialists,
 - (34) Cabling Infrastructure Administration,
 - (35) Planning Specialists,
 - (36) Senior Planning Specialists,
 - (37) Network Specialists,
 - (38) Senior Network Specialists,
 - (39) Voice Communication Specialists, and
 - (40) Senior Voice Communication Specialists;
19. Employees of the Oklahoma Industrial Finance Authority;

1 20. Those positions so specified in the annual business plan of
2 the Oklahoma Department of Commerce;

3 21. Those positions so specified in the annual business plan of
4 the Oklahoma Center for the Advancement of Science and Technology;

5 22. The following positions and employees of the Oklahoma
6 School of Science and Mathematics:

- 7 a. positions for which the annual salary is Twenty-four
8 Thousand One Hundred Ninety-three Dollars (\$24,193.00)
9 or more, as determined by the Office of Management and
10 Enterprise Services; provided, no position shall
11 become unclassified because of any change in salary or
12 grade while it is occupied by a classified employee,
- 13 b. positions requiring certification by the State
14 Department of Education, and
- 15 c. positions and employees authorized to be in the
16 unclassified service of the state elsewhere in this
17 section or in subsection B of this section;

18 23. Office of Management and Enterprise Services employees
19 occupying the following positions:

- 20 a. the Carl Albert Internship Program Coordinator,
- 21 b. one Administrative Assistant,
- 22 c. one Workforce Planning Manager,
- 23 d. Assistant Administrators,
- 24 e. one Associate Administrator, and

1 f. Division Directors;

2 24. Department of Labor personnel occupying the following
3 offices and positions:

4 a. two Deputy Commissioners,

5 b. two Executive Secretaries to the Commissioner,

6 c. Chief of Staff,

7 d. two Administrative Assistants,

8 e. Information Systems Administrator,

9 f. three Safety and Health Directors,

10 g. Research Director,

11 h. Employment Standards Director,

12 i. Asbestos Director,

13 j. General Counsel,

14 k. one Legal Secretary,

15 l. one Docket Clerk, and

16 m. two Information Systems Application Specialists;

17 25. The State Bond Advisor and his or her employees;

18 26. The Oklahoma Employment Security Commission employees
19 occupying the following positions:

20 a. Associate Director,

21 b. Secretary to the Associate Director, and

22 c. Assistant to the Executive Director;

23 27. Officers and employees of the State Banking Department;

1 28. Officers and employees of the University Hospitals
2 Authority except personnel in the state classified service pursuant
3 to Section 3211 of Title 63 of the Oklahoma Statutes and members of
4 the University Hospitals Authority Model Personnel System created
5 pursuant to subsection E of Section 3211 of Title 63 of the Oklahoma
6 Statutes or as otherwise provided for in Section 3213.2 of Title 63
7 of the Oklahoma Statutes;

8 29. Alcoholic Beverage Laws Enforcement Commission employees
9 occupying the following positions:

- 10 a. three Administrative Service Assistant positions,
11 however, employees in such positions who are in the
12 unclassified service on June 4, 2003, may make an
13 election to be in the classified service without a
14 loss in salary by September 1, 2003, and
15 b. the Deputy Director position in addition to the one
16 authorized by paragraph 2 of this subsection;

17 30. The Oklahoma State Bureau of Investigation employees
18 occupying the following positions:

- 19 a. five assistant directors,
20 b. six special investigators,
21 c. one information representative,
22 d. one federally funded physical evidence technician,
23 e. four federally funded laboratory analysts,

- f. a maximum of fourteen positions employed for the purpose of managing the automated information systems of the agency,
- g. one executive secretary in addition to the one executive secretary authorized pursuant to paragraph 2 of this subsection,
- h. Child Abuse Response Team (CART) investigator,
- i. Child Abuse Response Team (CART) forensic interviewer, and
- j. nine administration and research positions and five data processing and information technology positions transferred from the Criminal Justice Resource Center pursuant to Section 150.17a of this title;

31. The Department of Transportation, the following positions:

- a. Director of the Oklahoma Aeronautics Commission,
- b. five Department of Transportation Assistant Director positions,
- c. eight field division engineer positions,
- d. one pilot position,
- e. five Project Manager Positions, and
- f. five Transportation Coordinators;

32. Commissioners of the Land Office employees occupying the following positions:

- a. Chief Financial Officer,

- b. two Assistant Directors of Financial Services,
- c. two Archivists,
- d. one Audit Tech position,
- e. two Auditor positions,
- f. two Accounting Tech I positions,
- g. two Administrative Assistant positions,
- h. one Imaging Specialist position,
- i. one Information Systems Specialist position,
- j. Director of Communications,
- k. Director of Royalty Compliance,
- l. Director of Mineral Management,
- m. Accountant or Certified Public Accountant,
- n. Commercial Property Manager,
- o. Assistant Secretary,
- p. Director of Real Estate Management,
- q. one executive assistant,
- r. one legal secretary,
- s. one secretary,
- t. one Assistant Commercial Property Manager,
- u. one Oil and Gas Production Advisor or Geologist,
- v. one Soil Conservationist,
- w. one Administrative Programs Officer, and
- x. one Geographic Information Systems Specialist;

1 33. Within the Oklahoma State Bureau of Narcotics and Dangerous
2 Drugs Control Commission, the following positions:

- 3 a. six Narcotics Agent positions and three Typist
4 Clerk/Spanish transcriptionists, including a Typist
5 Clerk Supervisor/Spanish transcriptionist; provided,
6 authorization for such positions shall be terminated
7 if the federal funding for the positions is
8 discontinued,
- 9 b. one executive secretary in addition to the one
10 authorized pursuant to paragraph 2 of this subsection,
- 11 c. one fiscal officer,
- 12 d. one full-time Programmer, and
- 13 e. one full-time Network Engineer;

14 34. The Military Department of the State of Oklahoma is
15 authorized such unclassified employees within full-time employee
16 limitations to work in any of the Department of Defense directed
17 youth programs, the State of Oklahoma Juvenile Justice youth
18 programs, those persons reimbursed from Armory Board or Billeting
19 Fund accounts, and skilled trade positions;

20 35. Within the Oklahoma Commission on Children and Youth the
21 following unclassified positions:

- 22 a. one Oversight Specialist and one Community Development
23 Planner,

- b. one State Plan Grant Coordinator; provided,
authorization for the position shall be terminated
when federal support for the position by the United
States Department of Education Early Intervention
Program is discontinued,
- c. one executive secretary in addition to the one
authorized pursuant to paragraph 2 of this subsection,
and
- d. one Programs Manager;

36. The following positions and employees of the Office of
Management and Enterprise Services:

- a. one Executive Secretary in addition to the Executive
Secretary authorized by paragraph 2 of this
subsection,
- b. the Director of Central Purchasing,
- c. one Alternate Fuels Administrator,
- d. one Director of Special Projects,
- e. three postauditors,
- f. four high-technology contracting officers,
- g. one Executive Assistant to the Purchasing Director,
- h. four Contracts Managers,
- i. one Associate Director,
- j. one specialized HiTech/Food Contracting Officer,
- k. one State Use Contracting Officer,

1. one Property Distribution Administrator,
- m. three licensed architects assigned to the Construction and Properties Division,
- n. three licensed engineers assigned to the Construction and Properties Division,
- o. eight construction consultants assigned to the Construction and Properties Division,
- p. one attorney assigned to the Construction and Properties Division,
- q. three positions assigned to the Information Services Division, which shall include one Information Technology Manager, one Applications Specialist and one Data Planning Specialist,
- r. four positions assigned to Fleet Management, which shall include one Deputy Fleet Manager and three Management Analysts,
- s. one Chief Auditor,
- t. one Assistant Director of Central Purchasing Division,
- u. one Professional Errors and Omissions Liability Adjuster,
- v. three Strategic Sourcing Managers,
- w. three Strategic Sourcing Assistant Managers, and
- x. two Printing Services Brokers;

1 37. Oklahoma Water Resources Board personnel occupying the
2 following offices and positions:

- 3 a. four Water Quality Assistant Division Chiefs,
- 4 b. four Water Resources Division Chiefs, and
- 5 c. Director of Water Planning;

6 38. J.D. McCarty Center for Children with Developmental
7 Disabilities personnel occupying the following offices and
8 positions:

- 9 a. Physical Therapists,
- 10 b. Physical Therapist Assistants,
- 11 c. Occupational Therapists,
- 12 d. Certified Occupational Therapist Aides, and
- 13 e. Speech Pathologists;

14 39. Oklahoma Historical Society personnel occupying the
15 following offices and positions:

- 16 a. the Development Officer,
- 17 b. the Director of the State Museum of History,
- 18 c. the Cherokee Strip Regional Heritage Center Director,
- 19 d. the Director of Museums and Historic Sites,
- 20 e. the Director of Research,
- 21 f. the Deputy State Historic Preservation Officer, and
- 22 g. the Director of the Oklahoma Museum of Popular
23 Culture;

1 40. Oklahoma Department of Agriculture, Food, and Forestry
2 personnel occupying the following positions:

- 3 a. one Executive Secretary in addition to the Executive
4 Secretary authorized by paragraph 2 of this subsection
5 and one Executive Assistant,
- 6 b. nineteen Agricultural Marketing Coordinator III
7 positions,
- 8 c. temporary fire suppression personnel, regardless of
9 the number of hours worked, who are employed by the
10 Oklahoma Department of Agriculture, Food, and
11 Forestry; provided, however, notwithstanding the
12 provisions of any other section of law, the hours
13 worked by such employees shall not entitle such
14 employees to any benefits received by full-time
15 employees,
- 16 d. one Information Technology Specialist,
- 17 e. one Director of Administrative Services,
- 18 f. one Water Quality Consumer Complaint Coordinator,
- 19 g. one hydrologist position,
- 20 h. Public Information Office Director,
- 21 i. one Information Technology Technician,
- 22 j. Legal Services Director,
- 23 k. Animal Industry Services Director,

1. Agricultural Environmental Management Services
Director,
- m. Forestry Services Director,
- n. Plant Industry and Consumer Services Director,
- o. one Grants Administrator position,
- p. Director of Laboratory Services,
- q. Chief of Communications,
- r. Public Information Manager,
- s. Inventory/Supply Officer,
- t. five Agriculture Field Inspector positions assigned
the responsibility for conducting inspections and
audits of agricultural grain storage warehouses. All
other Agriculture Field Inspector positions and
employees of the Oklahoma Department of Agriculture,
Food, and Forestry shall be classified and subject to
the provisions of the Merit System of Personnel
Administration. On November 1, 2002, all other
unclassified Agriculture Field Inspectors shall be
given status in the classified service as provided in
Section 840-4.2 of this title,
- u. Rural Fire Coordinator,
- v. one Agricultural Marketing Coordinator I,
- w. Food Safety Division Director,
- x. two Environmental Program Specialists,

1 y. two Scale Technicians,

2 z. two Plant Protection Specialists, and

3 aa. Chief Agent;

4 41. The Contracts Administrator within the Oklahoma State
5 Employees Benefits Council;

6 42. The Development Officer within the Oklahoma Department of
7 Libraries;

8 43. Oklahoma Real Estate Commission personnel occupying the
9 following offices and positions:

10 a. Educational Program Director, and

11 b. Data Processing Manager;

12 44. A Chief Consumer Credit Examiner for the Department of
13 Consumer Credit;

14 45. All officers and employees of the Oklahoma Capitol Complex
15 and Centennial Commemoration Commission;

16 46. All officers and employees of the Oklahoma Motor Vehicle
17 Commission;

18 47. One Museum Archivist of The Will Rogers Memorial
19 Commission;

20 48. One Fire Protection ~~Engineer~~ Consultant of the Office of
21 the State Fire Marshal;

22 49. Acting incumbents employed pursuant to Section 209 of Title
23 44 or Section 48 of Title 72 of the Oklahoma Statutes who shall not
24 be included in any limitation on full-time equivalency imposed by

1 law on an agency. Permanent classified employees may request a
2 leave of absence from classified status and accept an unclassified
3 appointment and compensation as an acting incumbent with the same
4 agency; provided, the leave shall expire no later than two (2) years
5 from the date of the acting incumbent appointment. An appointing
6 authority may establish unclassified positions and appoint
7 unclassified employees to perform the duties of a permanent
8 classified employee who is on leave of absence from a classified
9 position to serve as an acting incumbent. All unclassified
10 appointments created pursuant to this paragraph shall expire no
11 later than two (2) years from the date of appointment. Classified
12 employees accepting unclassified appointments and compensation
13 pursuant to this paragraph shall be entitled to participate without
14 interruption in any benefit programs available to classified
15 employees, including retirement and insurance programs. Immediately
16 upon termination of an unclassified appointment pursuant to this
17 paragraph, an employee on assignment from the classified service
18 shall have a right to be restored to the classified service and
19 reinstated to the former job family level and compensation plus any
20 adjustments and increases in salary or benefits which the employee
21 would have received but for the leave of absence;

22 50. The Oklahoma Homeland Security Director and all other
23 positions assigned the responsibilities of working in the Oklahoma
24 Office of Homeland Security;

1 51. The following eighteen positions in the State Department of
2 Health:

- 3 a. one surveillance supervisor,
- 4 b. one surveillance project monitor,
- 5 c. two bilingual interviewers,
- 6 d. eight senior interviewers, and
- 7 e. six interviewers;

8 52. State Board of Licensure for Professional Engineers and
9 Land Surveyors personnel occupying the following offices and
10 positions:

- 11 a. one Director of Enforcement, and
- 12 b. two Board Investigators;

13 53. One Information Systems Data Management Analyst of the
14 State and Education Employees Group Insurance Board;

15 54. Two Management Information Systems positions of the Office
16 of Juvenile Affairs; and

17 55. Heads of agencies, principal assistants or deputies and
18 executive secretaries of an agency that is consolidated into another
19 agency.

20 B. If an agency has the authority to employ personnel in the
21 following offices and positions, the appointing authority shall have
22 the discretion to appoint personnel to the unclassified service:

23 1. Licensed medical doctors, osteopathic physicians, dentists,
24 psychologists, and nurses;

1 2. Certified public accountants;

2 3. Licensed attorneys;

3 4. Licensed veterinarians; and

4 5. Licensed pharmacists.

5 C. Effective July 1, 1996, authorization for unclassified
6 offices, positions, or personnel contained in a bill or joint
7 resolution shall terminate June 30 of the ensuing fiscal year after
8 the authorization unless the authorization is codified in the
9 Oklahoma Statutes or the termination is otherwise provided in the
10 legislation.

11 D. The appointing authority of agencies participating in the
12 statewide information systems project may establish unclassified
13 positions and appoint unclassified employees to the project as
14 needed. Additional unclassified positions may be established, if
15 required, to appoint an unclassified employee to perform the duties
16 of a permanent classified employee who is temporarily absent from a
17 classified position as a result of assignment to this project. All
18 unclassified appointments under this authority shall expire no later
19 than December 31, 2007, and all unclassified positions established
20 to support the project shall be abolished. Both the positions and
21 appointments resulting from this authority shall be exempt from any
22 agency FTE limitations and any limits imposed on the number of
23 unclassified positions authorized. Permanent classified employees
24 may request a leave of absence from classified status and accept an

1 unclassified appointment and compensation with the same agency under
2 the provisions of this subsection; provided, the leave shall expire
3 no later than December 31, 2007. Employees accepting the
4 appointment and compensation shall be entitled to participate
5 without interruption in any benefit programs available to classified
6 employees, including retirement and insurance programs. Immediately
7 upon termination of an unclassified appointment pursuant to this
8 subsection, an employee on assignment from the classified service
9 shall have a right to be restored to the classified service and
10 reinstated to the former job family level and compensation plus any
11 adjustments and increases in salary or benefits which the employee
12 would have received but for the leave of absence.

13 SECTION 2. This act shall become effective November 1, 2017.

14 Passed the House of Representatives the 13th day of March, 2017.

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Presiding Officer of the House
of Representatives

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Passed the Senate the ____ day of _____, 2017.

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Presiding Officer of the Senate

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