

1 ENGROSSED HOUSE AMENDMENT
TO
2 ENGROSSED SENATE BILL NO. 306 By: Haste of the Senate
3 and
4 Russ of the House
5
6

7 [Oklahoma Personnel Act - professions which may be
8 appointed to the unclassified service - effective
date]
9

10
11 AUTHOR: Remove Representative Russ as principal House author and
12 substitute with Representative Humphrey

13 AMENDMENT NO. 1. Delete the stricken title, enacting clause and
14 entire bill and replace with:

15 "An Act relating to landowner liability; amending 76
16 O.S. 2011, Section 10.1, as amended by Section 1,
Chapter 225, O.S.L. 2013 (76 O.S. Supp. 2020,
17 Section 10.1), which relates to landowner liability;
modifying provisions related to liability based on
designated uses; and providing an effective date.
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20 BE IT ENACTED BY THE PEOPLE OF THE STATE OF OKLAHOMA:

21 SECTION 1. AMENDATORY 76 O.S. 2011, Section 10.1, as
22 amended by Section 1, Chapter 225, O.S.L. 2013 (76 O.S. Supp. 2020,
23 Section 10.1), is amended to read as follows:
24

1 Section 10.1 A. 1. The purpose of this section is to
2 encourage landowners to make land available to the public for
3 outdoor recreational purposes by limiting their liability to persons
4 entering upon and using such land and to third persons who may be
5 damaged by the acts or omissions of persons going upon these lands.

6 2. As used in this section:

7 a. "land" means real property, roads, water,
8 watercourses, private ways, buildings, structures, and
9 machinery or equipment when attached to realty,

10 b. "outdoor recreational purposes" includes any of the
11 following, or any combination thereof: hunting,
12 fishing, swimming, boating, camping, picnicking,
13 hiking, pleasure driving, jogging, cycling, other
14 sporting events and activities, nature study, water
15 skiing, jet skiing, winter sports, viewing or enjoying
16 historical, archaeological, scenic, or scientific
17 sites, and aviation at non-public-use airports,

18 c. "owner" means the possessor of a fee interest, a
19 tenant, lessee, occupant, or person in control of the
20 land,

21 d. "charge" means the admission price or fee asked in
22 return for invitation or permission to enter or go
23 upon the land. The term "charge" shall not include:
24

- 1 (1) a license or permit fee imposed by a governmental
2 entity for the purpose of regulating the use of
3 land, a water or park area, or lake reservation,
4 (2) hunting, fishing, boating, and other license and
5 permit fees,
6 (3) hunting or fishing leases, or
7 (4) donations made at fly-ins at non-public-use
8 airports, and

9 e. "non-public-use airport" means an airport that is
10 primarily used by the owner with access to the public
11 as permitted by the owner.

12 B. An owner who provides the public with land for outdoor
13 recreational purposes owes no duty of care to keep the land safe for
14 entry or use by others, or to give warning to persons entering or
15 using the land of any hazardous conditions, structures, or
16 activities.

17 C. 1. Except as otherwise provided by this section, an owner
18 who provides the public with land for outdoor recreational purposes
19 shall not:

- 20 a. be presumed to extend any assurance that the land is
21 safe for any purpose,
22 b. incur any duty of care toward a person who enters or
23 uses the land, or
24

1 c. assume any liability or responsibility for any injury
2 to persons or property caused by the act or omission
3 of a person who enters or uses the land.

4 2. This subsection applies whether the person entering or using
5 the land is an invitee, licensee, trespasser, or otherwise.

6 ~~D. This section shall not apply if:~~

7 ~~1. Any charge is made or is usually made for entering or using~~
8 ~~any part of the land; or~~

9 ~~2. Any commercial or other activity for profit directly related~~
10 ~~to the use is conducted on any part of the land.~~

11 ~~E.~~ 1. An owner of land leased to the state or to other public
12 entity for outdoor recreational purposes owes no duty of care to
13 keep the land safe for entry or use by others, or to give warning to
14 persons entering or using the land of any hazardous conditions,
15 structures, or activities. Any owner who leases or subleases land
16 to the state or other public entity for outdoor recreational
17 purposes shall not:

18 a. be presumed to extend any assurance that the land is
19 safe for any purpose,

20 b. incur any duty of care toward a person who enters or
21 uses the leased land, or

22 c. become liable or responsible for any injury to persons
23 or property caused by the act or omission of a person
24 who enters or uses the leased land.

1 2. This subsection applies whether the person entering or using
2 the leased land is an invitee, licensee, trespasser, or otherwise,
3 notwithstanding any other section of law.

4 ~~F.~~ E. 1. Except as provided in this section, no person is
5 relieved of liability which would exist for want of ordinary care or
6 for deliberate, willful, or malicious injury to persons or property.
7 The provisions shall not create or increase the liability of any
8 person.

9 2. This section shall not relieve any owner of any liability
10 for the operation and maintenance of structures affixed to real
11 property by the owner for use by the general public.

12 ~~G.~~ F. By entering or using land, no person shall be deemed to
13 be acting as an employee or agent of the owner whether the entry or
14 use is with or without the knowledge or consent of the owner.

15 ~~H.~~ G. The provisions of this section shall not apply to any
16 land that is used primarily for farming or ranching activities or to
17 roads, water, watercourses, private ways, buildings, structures, and
18 machinery or equipment when attached to realty which is used
19 primarily for farming or ranching activities.

20 The Oklahoma Limitation of Liability for Farming and Ranching
21 Land Act shall govern such land.

22 SECTION 2. This act shall become effective November 1, 2021."
23
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1 ENGROSSED SENATE
2 BILL NO. 306

By: Haste of the Senate

3 and

4 Russ of the House

5
6 [Oklahoma Personnel Act - professions which may be
7 appointed to the unclassified service - effective
8 date]
9

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

11 SECTION 3. AMENDATORY 74 O.S. 2011, Section 840-5.5, as
12 last amended by Section 1, Chapter 365, O.S.L. 2019 (74 O.S. Supp.
13 2020, Section 840-5.5), is amended to read as follows:

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

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

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

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

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

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

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

18 7. Election officials and employees;

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

24

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. Highway Patrol Major,
- 10 g. Director of Finance,
- 11 h. noncommissioned pilots,
- 12 i. Information Systems Administrator,
- 13 j. Law Enforcement Telecommunications System Specialist,
- 14 k. Director of Driver Compliance,
- 15 l. Director of Transportation Division,
- 16 m. Director of the Oklahoma Highway Safety Office,
- 17 n. Civil Rights Administrator,
- 18 o. Budget Analyst,
- 19 p. Comptroller,
- 20 q. Chaplain,
- 21 r. Helicopter Mechanic,
- 22 s. Director of Safety Compliance,
- 23 t. Human Resources Director,
- 24 u. Administrator of Department Services, and

1 v. 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, e or f of this paragraph shall have a right of
10 return to the classified commissioned position without any loss of
11 rights, privileges or benefits immediately upon completion of the
12 duties in 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

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

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

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

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

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

- 5 a. Administrative aides, and executive secretaries to the
6 Commissioners,
- 7 b. Directors of all the divisions, personnel managers and
8 comptrollers,
- 9 c. General Counsel,
- 10 d. Public Utility Division Chief Engineer,
- 11 e. Public Utility Division Chief Accountant,
- 12 f. Public Utility Division Chief Economist,
- 13 g. Public Utility Division Deputy Director,
- 14 h. Secretary of the Commission,
- 15 i. Deputy Conservation Director,
- 16 j. Manager of Pollution Abatement,
- 17 k. Manager of Field Operations,
- 18 l. Manager of Technical Services,
- 19 m. Public Utility Division Chief of Telecommunications,
- 20 n. Director of Information Services,
- 21 o. All Data Processing employees hired on or after
22 September 1, 2005,
- 23 p. All Public Utilities employees hired on or after
24 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,

- 1 (20) Portal Manager,
- 2 (21) Procurement Specialists,
- 3 (22) Security Technicians,
- 4 (23) Enterprise Communications and Network
- 5 Administrator,
- 6 (24) Server Support Specialists,
- 7 (25) Senior Server Support Specialists,
- 8 (26) Systems Support Specialists,
- 9 (27) Senior Systems Support Specialists,
- 10 (28) Chief Technology Officer,
- 11 (29) Facility Manager,
- 12 (30) Application Development Specialists,
- 13 (31) Senior Application Development Specialists,
- 14 (32) Workstation Specialists,
- 15 (33) Senior Workstation Specialists,
- 16 (34) Cabling Infrastructure Administration,
- 17 (35) Planning Specialists,
- 18 (36) Senior Planning Specialists,
- 19 (37) Network Specialists,
- 20 (38) Senior Network Specialists,
- 21 (39) Voice Communication Specialists, and
- 22 (40) Senior Voice Communication Specialists;
- 23 19. Employees of the Oklahoma Industrial Finance Authority;
- 24

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,

16 m. two Information Systems Application Specialists,

17 n. one Administrative Programs Officer,

18 o. one Industrial Hygienist Supervisor, and

19 p. one Public Information Officer;

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

21 26. The Oklahoma Employment Security Commission employees
22 occupying the following positions:

23 a. Associate Director,

24 b. Secretary to the Associate Director, and

1 c. Assistant to the Executive Director;

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

3 28. Officers and employees of the University Hospitals

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

10 29. Alcoholic Beverage Laws Enforcement Commission employees
11 occupying the following positions:

12 a. three Administrative Service Assistant positions,
13 however, employees in such positions who are in the
14 unclassified service on June 4, 2003, may make an
15 election to be in the classified service without a
16 loss in salary by September 1, 2003, and

17 b. the Deputy Director position in addition to the one
18 authorized by paragraph 2 of this subsection;

19 30. The Oklahoma State Bureau of Investigation employees
20 occupying the following positions:

21 a. five assistant directors,

22 b. special investigators based upon the availability of
23 funds and the needs of the agency as determined by the
24 Director,

- c. one information representative,
- d. one federally funded physical evidence technician,
- 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,
- 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,
- k. one Human Resources Director, and
- l. one Comptroller;

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

1 f. five Transportation Coordinators;

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

4 a. Chief Financial Officer,

5 b. two Assistant Directors of Financial Services,

6 c. two Archivists,

7 d. one Audit Tech position,

8 e. two Auditor positions,

9 f. two Accounting Tech I positions,

10 g. two Administrative Assistant positions,

11 h. one Imaging Specialist position,

12 i. one Information Systems Specialist position,

13 j. Director of Communications,

14 k. Director of Royalty Compliance,

15 l. Director of Mineral Management,

16 m. Accountant or Certified Public Accountant,

17 n. Commercial Property Manager,

18 o. Assistant Secretary,

19 p. Director of Real Estate Management,

20 q. one executive assistant,

21 r. one legal secretary,

22 s. one secretary,

23 t. one Assistant Commercial Property Manager,

24 u. one Oil and Gas Production Advisor or Geologist,

- v. one Soil Conservationist,
- w. one Administrative Programs Officer,
- x. one Geographic Information Systems Specialist,
- y. Director of Oil and Gas Division, and
- z. Financial Manager/Comptroller;

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

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

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

1 35. Within the Oklahoma Commission on Children and Youth the
2 following unclassified positions:

- 3 a. one Oversight Specialist and one Community Development
4 Planner,
- 5 b. one State Plan Grant Coordinator; provided,
6 authorization for the position shall be terminated
7 when federal support for the position by the United
8 States Department of Education Early Intervention
9 Program is discontinued,
- 10 c. one executive secretary in addition to the one
11 authorized pursuant to paragraph 2 of this subsection,
12 and
- 13 d. one Programs Manager;

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

- 16 a. one Executive Secretary in addition to the Executive
17 Secretary authorized by paragraph 2 of this
18 subsection,
- 19 b. the Director of Central Purchasing,
- 20 c. one Alternate Fuels Administrator,
- 21 d. one Director of Special Projects,
- 22 e. three postauditors,
- 23 f. four high-technology contracting officers,
- 24 g. one Executive Assistant to the Purchasing Director,

- 1 h. four Contracts Managers,
- 2 i. one Associate Director,
- 3 j. one specialized HiTech/Food Contracting Officer,
- 4 k. one State Use Contracting Officer,
- 5 l. one Property Distribution Administrator,
- 6 m. three licensed architects assigned to the Construction
7 and Properties Division,
- 8 n. three licensed engineers assigned to the Construction
9 and Properties Division,
- 10 o. eight construction consultants assigned to the
11 Construction and Properties Division,
- 12 p. one attorney assigned to the Construction and
13 Properties Division,
- 14 q. three positions assigned to the Information Services
15 Division, which shall include one Information
16 Technology Manager, one Applications Specialist and
17 one Data Planning Specialist,
- 18 r. four positions assigned to Fleet Management, which
19 shall include one Deputy Fleet Manager and three
20 Management Analysts,
- 21 s. one Chief Auditor,
- 22 t. one Assistant Director of Central Purchasing Division,
- 23 u. one Professional Errors and Omissions Liability
24 Adjuster,

- v. three Strategic Sourcing Managers,
- w. three Strategic Sourcing Assistant Managers, and
- x. two Printing Services Brokers;

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

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

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

- a. Physical Therapists,
- b. Physical Therapist Assistants,
- c. Occupational Therapists,
- d. Certified Occupational Therapist Aides, and
- e. Speech Pathologists;

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

- a. the Development Officer,
- b. the Director of the State Museum of History,
- c. the Cherokee Strip Regional Heritage Center Director,
- d. the Director of Museums and Historic Sites,
- e. the Director of Research,
- f. the Deputy State Historic Preservation Officer, and

1 g. the Director of the Oklahoma Museum of Popular
2 Culture;

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

5 a. one Executive Secretary in addition to the Executive
6 Secretary authorized by paragraph 2 of this subsection
7 and one Executive Assistant,

8 b. nineteen Agricultural Marketing Coordinator III
9 positions,

10 c. temporary fire suppression personnel, regardless of
11 the number of hours worked, who are employed by the
12 Oklahoma Department of Agriculture, Food, and
13 Forestry; provided, however, notwithstanding the
14 provisions of any other section of law, the hours
15 worked by such employees shall not entitle such
16 employees to any benefits received by full-time
17 employees,

18 d. one Information Technology Specialist,

19 e. one Director of Administrative Services,

20 f. one Professional Engineer,

21 g. one hydrologist position,

22 h. Pet Breeder Inspectors,

23 i. one Information Technology Technician,

24 j. Legal Services Director,

- 1 k. Animal Industry Services Director,
- 2 l. Agricultural Environmental Management Services
- 3 Director,
- 4 m. Forestry Services Director,
- 5 n. Plant Industry and Consumer Services Director,
- 6 o. one Grants Administrator position,
- 7 p. Director of Laboratory Services,
- 8 q. Chief of Communications,
- 9 r. Public Information Manager,
- 10 s. Inventory/Supply Officer,
- 11 t. five Agriculture Field Inspector positions assigned
- 12 the responsibility for conducting inspections and
- 13 audits of agricultural grain storage warehouses. All
- 14 other Agriculture Field Inspector positions and
- 15 employees of the Oklahoma Department of Agriculture,
- 16 Food, and Forestry shall be classified and subject to
- 17 the provisions of the Merit System of Personnel
- 18 Administration. On November 1, 2002, all other
- 19 unclassified Agriculture Field Inspectors shall be
- 20 given status in the classified service as provided in
- 21 Section 840-4.2 of this title,
- 22 u. Rural Fire Coordinator,
- 23 v. one Agricultural Marketing Coordinator I,
- 24 w. Food Safety Division Director,

- 1 x. two Environmental Program Specialists,
- 2 y. two Scale Technicians,
- 3 z. two Plant Protection Specialists,
- 4 aa. Chief Agent,
- 5 bb. Professional Foresters,
- 6 cc. Forestry Education Coordinator,
- 7 dd. Forest Data Analyst,
- 8 ee. Executive Secretary to Chief Agent, and
- 9 ff. Executive Secretary of State Forester;

10 41. The Contracts Administrator within the Oklahoma State
11 Employees Benefits Council;

12 42. The Development Officer within the Oklahoma Department of
13 Libraries;

14 43. Oklahoma Real Estate Commission personnel occupying the
15 following offices and positions:

- 16 a. Educational Program Director, and
- 17 b. Data Processing Manager;

18 44. A Chief Consumer Credit Examiner for the Department of
19 Consumer Credit;

20 45. All officers and employees of the Oklahoma Capitol Complex
21 and Centennial Commemoration Commission;

22 46. All officers and employees of the Oklahoma Motor Vehicle
23 Commission;

24

1 47. One Museum Archivist of The Will Rogers Memorial
2 Commission;

3 48. One Fire Protection Consultant of the Office of the State
4 Fire Marshal;

5 49. Acting incumbents employed pursuant to Section 209 of Title
6 44 or Section 48 of Title 72 of the Oklahoma Statutes who shall not
7 be included in any limitation on full-time equivalency imposed by
8 law on an agency. Permanent classified employees may request a
9 leave of absence from classified status and accept an unclassified
10 appointment and compensation as an acting incumbent with the same
11 agency; provided, the leave shall expire no later than two (2) years
12 from the date of the acting incumbent appointment. An appointing
13 authority may establish unclassified positions and appoint
14 unclassified employees to perform the duties of a permanent
15 classified employee who is on leave of absence from a classified
16 position to serve as an acting incumbent. All unclassified
17 appointments created pursuant to this paragraph shall expire no
18 later than two (2) years from the date of appointment. Classified
19 employees accepting unclassified appointments and compensation
20 pursuant to this paragraph shall be entitled to participate without
21 interruption in any benefit programs available to classified
22 employees, including retirement and insurance programs. Immediately
23 upon termination of an unclassified appointment pursuant to this
24 paragraph, an employee on assignment from the classified service

1 shall have a right to be restored to the classified service and
2 reinstated to the former job family level and compensation plus any
3 adjustments and increases in salary or benefits which the employee
4 would have received but for the leave of absence;

5 50. The Oklahoma Homeland Security Director and all other
6 positions assigned the responsibilities of working in the Oklahoma
7 Office of Homeland Security;

8 51. The following eighteen positions in the State Department of
9 Health:

- 10 a. one surveillance supervisor,
- 11 b. one surveillance project monitor,
- 12 c. two bilingual interviewers,
- 13 d. eight senior interviewers, and
- 14 e. six interviewers;

15 52. State Board of Licensure for Professional Engineers and
16 Land Surveyors personnel occupying the following offices and
17 positions:

- 18 a. one Director of Enforcement, and
- 19 b. two Board Investigators;

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

22 54. Office of Juvenile Affairs personnel occupying the
23 following offices and positions:

- 24 a. two Management Information Systems positions, and

1 b. employees hired for service at the Southwest Oklahoma
2 Juvenile Center in Manitou after June 1, 2020, as
3 provided in subsection C of Section 2-7-202 of Title
4 10A of the Oklahoma Statutes; and

5 55. Heads of agencies, principal assistants or deputies and
6 executive secretaries of an agency that is consolidated into another
7 agency.

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

11 1. Licensed medical doctors, osteopathic physicians, dentists,
12 psychologists, and nurses;

13 2. Certified public accountants;

14 3. Licensed attorneys;

15 4. Licensed veterinarians; ~~and~~

16 5. Licensed pharmacists;

17 6. Professional engineers;

18 7. Licensed architects;

19 8. Licensed landscape architects; and

20 9. Licensed land surveyors.

21 C. Effective July 1, 1996, authorization for unclassified
22 offices, positions, or personnel contained in a bill or joint
23 resolution shall terminate June 30 of the ensuing fiscal year after
24 the authorization unless the authorization is codified in the

1 Oklahoma Statutes or the termination is otherwise provided in the
2 legislation.

3 D. The appointing authority of agencies participating in the
4 statewide information systems project may establish unclassified
5 positions and appoint unclassified employees to the project as
6 needed. Additional unclassified positions may be established, if
7 required, to appoint an unclassified employee to perform the duties
8 of a permanent classified employee who is temporarily absent from a
9 classified position as a result of assignment to this project. All
10 unclassified appointments under this authority shall expire no later
11 than December 31, 2007, and all unclassified positions established
12 to support the project shall be abolished. Both the positions and
13 appointments resulting from this authority shall be exempt from any
14 agency FTE limitations and any limits imposed on the number of
15 unclassified positions authorized. Permanent classified employees
16 may request a leave of absence from classified status and accept an
17 unclassified appointment and compensation with the same agency under
18 the provisions of this subsection; provided, the leave shall expire
19 no later than December 31, 2007. Employees accepting the
20 appointment and compensation shall be entitled to participate
21 without interruption in any benefit programs available to classified
22 employees, including retirement and insurance programs. Immediately
23 upon termination of an unclassified appointment pursuant to this
24 subsection, an employee on assignment from the classified service

1 shall have a right to be restored to the classified service and
2 reinstated to the former job family level and compensation plus any
3 adjustments and increases in salary or benefits which the employee
4 would have received but for the leave of absence.

5 SECTION 4. This act shall become effective November 1, 2021.

6 Passed the Senate the 11th day of March, 2021.

7

8

Presiding Officer of the Senate

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10 Passed the House of Representatives the ____ day of _____,
11 2021.

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Presiding Officer of the House
of Representatives

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