

**Office of Personnel Management
Office of Communications**

2002 Legislative Enactments

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Introduction

The OPM Office of Communications is pleased to submit its annual report of HR-related legislative enactments for the 2002 legislative session. During the session, the Office of Communications reviewed 958 House Bills (plus multiple versions of various bills), 41 House Concurrent Resolutions, 29 House Joint Resolutions, and 24 House Resolutions; and 869 Senate Bills (plus multiple versions of various bills), 41 Senate Concurrent Resolutions, 14 Senate Joint Resolutions, and 45 Senate Resolutions, to determine their impact on the state government personnel system. The Office of Communications tracked or monitored approximately 154 pieces of legislation during the session and completed 68 written analyses of these bills for Governor Keating and his staff; other OPM Departments/Divisions contributed information to 18 of these analyses. In addition, the Office of Communications monitored 678 House and Senate bills on such topics as benefits, other state agencies, appropriations, retirement, technology, purchasing, sunset, and workers' compensation.

This report describes 31 bills that were of interest to OPM during the 2002 Legislative Session:

- Part 1 includes bills, listed by topic, which amend the Oklahoma Personnel Act, relate to OPM in general or to an OPM program area, or require action by the Administrator and/or OPM;
- Part 2 includes bills, listed by topic, which do not amend the Oklahoma Personnel Act, but are of interest to OPM;
- Part 3 includes bills of interest to OPM, listed by topic, which were vetoed by the Governor; and
- Part 4 includes the indices, which list bills by both number and topic, and a table listing the sections of the Oklahoma Personnel Act that were amended during the 2002 session.

The table below contains “at a glance” information concerning the legislation that is the subject of this report.

House Bills

Bill #	Topic	Status	Effective
HB 1985	Freedom of Expression	Signed	7/1/02
HB 2099	Employee Recognition	Signed	11/1/02
HB 2257	Agencies	Signed	7/1/02
HB 2264	Compensation, Employee Actions, Unclassified Service	Signed	6/5/02
HB 2284	Agencies	Vetoed	N/A
HB 2302	Agencies	Signed	11/1/02
HB 2307	Agencies	Signed	7/1/02
HB 2345	Agencies	Vetoed	N/A
HB 2412	Legislative Review of State Audits Act	Signed	11/1/02
HB 2473	Appropriations	Signed	7/1/02
HB 2665	Compensation	Signed	7/1/02
HB 2795	Agencies	Signed	7/1/02
HB 2921	Unclassified Service	Signed	11/1/02
HB 2924	Duplicate Sections	Signed	3/11/02
HCR 1058	Anniversary Commemoration	Filed	N/A
HCR 1076	Agencies	Filed	N/A

Senate Bills

Bill #	Topic	Status	Effective
SB 125	Agencies	Signed	7/1/02
SB 948	Rulemaking	Signed	7/1/02
SB 960	Unclassified Service	Signed	7/1/02
SB 1202	Unclassified Service	Signed	6/5/02
SB 1292	Workplace Security	Signed	11/1/02
SB 1323	Agencies	Vetoed	N/A
SB 1359	Compensation	Vetoed	N/A
SB 1364	Leave	Vetoed	N/A
SB 1379	Unclassified Service	Vetoed	N/A
SB 1384	Affirmative Action, Carl Albert Public Internship Program, Compensation, Employee Actions, State Employee Personal Information, Leave, State Mentor Program, Recruitment, RIF Severance Benefits, Sales Solicitation, Unclassified Service, Workforce Planning	Signed	5/30/02; 11/1/02
SB 1395	Leave	Signed	7/1/02
SB 1404	Employee Recognition Program	Signed	11/1/02
SB 1453	Voluntary Payroll Deduction	Signed	11/1/02
SB 1489	Unclassified Service	Signed	2/15/02
SB 1553	Smoking	Signed	7/1/02

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⁴ Indices of bills, by number and topic, and a table listing the sections of the Oklahoma Personnel Act that were amended during the 2002 session.

Part 1*

**Bills, listed by topic, that amend the Oklahoma Personnel Act,
relate to OPM in general or to an OPM program area,
or require action by the Administrator and/or OPM.**

Senate Bill 1384

<u>Topic:</u>	Affirmative Action
<u>Authors:</u>	Dickerson & Herbert of the Senate/Dunegan of the House
<u>Affected Statute(s):</u>	Amends 74:840-2.1.
<u>Status:</u>	Signed by Governor Keating May 30, 2002.
<u>Description:</u>	Section 5 changes the due date for the annual Equal Employment Opportunity/Affirmative Action Status Report from January 1 to March 1.
<u>Rulemaking Required:</u>	None.
<u>Effective Date:</u>	November 1, 2002.

House Concurrent Resolution 1058

<u>Topic:</u>	Anniversary Commemoration
<u>Authors:</u>	Dunegan of the House/Herbert of the Senate
<u>Affected Statute(s):</u>	Noncodified.
<u>Status:</u>	Filed with the Secretary of State May 17, 2002.
<u>Description:</u>	Congratulates the Office of Personnel Management and the Oklahoma Merit Protection on their 20 th anniversary and the 20 th anniversary of the Oklahoma Personnel Act.
<u>Rulemaking Required:</u>	None.
<u>Effective Date:</u>	N/A.

House Bill 2473

Topic: Appropriations

Authors: Mass & Bonny of the House/Haney & Hobson of the Senate

Affected Statute(s):

- Noncodified.
- Repeals 74:668.

Status: Signed by Governor Keating June 7, 2002.

Description:

- Section 1 appropriates \$5,399,774.00 to OPM for FY 03.
- Section 4 transfers \$100,000 from OPM to the Special Cash Fund.
- Section 5 requires OPM to spend \$35,000 to support the Oklahoma Commission on the Status of Women (OCSW).
- Section 7 removes the requirement that the Office of the Secretary of State to provide staff support to the OCSW.

Rulemaking Required: None.

Effective Date: July 1, 2002.

Senate Bill 1384

- Topic:** Carl Albert Public Internship Program
- Authors:** Dickerson & Herbert of the Senate/Dunegan of the House
- Affected Statute(s):**
- Amends 74:840-3.4.
 - Amends 74:840-3.5.
- Status:** Signed by Governor Keating May 30, 2002.
- Description:**
- Section 11:
 - ✓ Removes the requirement that undergraduate students attend a *state* college or university.
 - ✓ Requires a performance appraisal for Executive Fellows pursuant to 74:840-4.17.
 - Section 12:
 - ✓ Permits the waiver of the six-hour coursework requirement for CAPIP Executive Fellows under certain circumstances.
- Rulemaking Required:** Requires amendments to OAC 530:10-17-74 and 10-17-75.
- Effective Date:** November 1, 2002.

House Bill 2264

Topic: Compensation

Authors: Dunegan, et al. of the House/Crutchfield of the Senate

Affected Statute(s):

- Amends 44:209.
- Amends 72:48.

Status: Signed by Governor Keating June 5, 2002.

Description: Sections 1 and 3:

- Clarify that each affected state agency is responsible for paying employees who are members of the Reserves during the first 20 days of active service.
- Require that all state employees receive the difference between their full regular pay and their Reserve Components pay when they are ordered to active or inactive service retroactive to the date that the employee reported to active service on or after September 11, 2001, during the period that *Operation Enduring Freedom* is in effect.

Rulemaking Required: None.

Effective Date: June 5, 2002.

House Bill 2665

Topic: Compensation

Authors: Miller & Nance of the House/Rabon of the Senate

Affected Statute(s): Amends 74:840-2.29.

Status: Signed by Governor Keating May 22, 2002.

Description: Requires that all classified employees who are on-call receive a minimum of two hours of work if they report to a work location while on-call.

Rulemaking Required: Requires an amendment to OAC 530:10-7-16.

Effective Date: July 1, 2002.

Senate Bill 1384

<u>Topic:</u>	Compensation
<u>Authors:</u>	Dickerson & Herbert of the Senate/Dunegan of the House
<u>Affected Statute(s):</u>	Amends 74:840-2.17.
<u>Status:</u>	Signed by Governor Keating May 30, 2002.
<u>Description:</u>	Section 7: <ul style="list-style-type: none">• Limits the five percent salary adjustment on lateral transfer to intra-agency lateral transfers.• Authorizes a five percent salary adjustment for permanent classified employees successfully completing trial periods after intra-agency lateral transfer.
<u>Rulemaking Required:</u>	Requires amendments to OAC 530:10-7-14 and 10-7-22.
<u>Effective Date:</u>	November 1, 2002.

House Bill 2924

Topic: Duplicate Sections

Authors: Touré of the House/Smith of the Senate

Affected Statute(s):

- Amends 74:840-1.6A, 840-2.23, & 840-5.5.
- Repeals multiple versions of 74:840-1.6A, 840-2.23, & 840-5.5.

Status: Signed by Governor Keating March 11, 2002.

Description: Reconciles duplicate sections.

**Rulemaking
Required:** None.

Effective Date: March 11, 2002.

House Bill 2264

Topic: Employee Actions

Authors: Dunegan, et al. of the House/Crutchfield of the Senate

Affected Statute(s): Amends 72:47.

Status: Signed by Governor Keating June 5, 2002.

Description: Section 2 makes state law consistent with the Uniformed Services Employment and Re-Employment Rights Act (USERRA), which provides that an employee may return to his or her job with no less than an honorable discharge.

Rulemaking Required: None.

Effective Date: June 5, 2002.

Senate Bill 1384

<u>Topic:</u>	Employee Actions
<u>Authors:</u>	Dickerson & Herbert of the Senate/Dunegan of the House
<u>Affected Statute(s):</u>	Amends 74:840-1.3.
<u>Status:</u>	Signed by Governor Keating May 30, 2002.
<u>Description:</u>	Section 3 defines lateral transfer as the <i>reassignment</i> of an employee to another state job with the same pay band assignment as the job family level in which the employee was classified prior to the lateral transfer.
<u>Rulemaking Required:</u>	Requires amendments to OAC 530:10-1-2.
<u>Effective Date:</u>	November 1, 2002.

Senate Bill 1384

<u>Topic:</u>	Employee Actions
<u>Authors:</u>	Dickerson & Herbert of the Senate/Dunegan of the House
<u>Affected Statute(s):</u>	Amends 74:840-2.21.
<u>Status:</u>	Signed by Governor Keating May 30, 2002.
<u>Description:</u>	Section 8 clarifies the authority of state agencies to separate employees solely on the basis of absence from work when such employees are receiving Temporary Total Disability (TTD). Note: The Oklahoma Supreme Court held in <i>Upton v. DOC</i> , 2000 OK 46, that state agencies may not terminate employees solely on the basis of absence from work when such employees are receiving TTD under the provisions of the Workers Compensation Act (85:1, et seq.).
<u>Rulemaking Required:</u>	None.
<u>Effective Date:</u>	November 1, 2002.

Senate Bill 1384

Topic: Employee Actions

Authors: Dickerson & Herbert of the Senate/Dunegan of the House

Affected Statute(s): Amends 74:840-4.2.

Status: Signed by Governor Keating May 30, 2002.

Description: Section 14 provides that a position that has been made unclassified will be considered classified, as long as it is occupied by a classified employee.

Rulemaking Required: None.

Effective Date: November 1, 2002.

Senate Bill 1384

<u>Topic:</u>	Employee Actions
<u>Authors:</u>	Dickerson & Herbert of the Senate/Dunegan of the House
<u>Affected Statute(s):</u>	Amends 74:840-4.12.
<u>Status:</u>	Signed by Governor Keating May 30, 2002.
<u>Description:</u>	Section 15 requires a trial period following intra-agency lateral transfers.
<u>Rulemaking Required:</u>	Requires amendments to OAC 530:10-11-55 and 10-11-71.
<u>Effective Date:</u>	November 1, 2002.

House Bill 2099

Topic: Employee Recognition

Authors: Gilbert of the House/Cain of the Senate

Affected Statute(s): Amends 74:4121.

Status: Signed by Governor Keating May 30, 2002.

Description: Authorizes state agencies to:

- Use operating funds to pay for a ceremony, banquet, or reception where employee recognition awards will be presented.
- Purchase recognition awards worth no more than \$150 per recognized employee each fiscal year.
- Establish an employee performance and conduct cash recognition program not to exceed \$250 per recognized employee each fiscal year.

Rulemaking Required: Requires amendments to OAC 530:10-23.

Effective Date: November 1, 2002.

Senate Bill 1384

<u>Topic:</u>	State Employee Personal Information
<u>Authors:</u>	Dickerson & Herbert of the Senate/Dunegan of the House
<u>Affected Statute(s):</u>	Amends 74:840-2.11.
<u>Status:</u>	Signed by Governor Keating May 30, 2002.
<u>Description:</u>	<p>Section 6 amends to provide that the home addresses, home telephone numbers, and social security numbers of current and former state employees may not be inspected or disclosed without:</p> <ul style="list-style-type: none">• The employee's written permission, or• A court order.
<u>Rulemaking Required:</u>	None.
<u>Effective Date:</u>	November 1, 2002.

House Bill 1985

Topic: Freedom of Expression

Authors: Erwin, et al. of the House/Herbert of the Senate

Affected Statute(s): Amends 74:840-2.5.

Status: Signed by Governor Keating June 4, 2002.

Description:

- Adds the term “Whistleblower Act” to state law.
- Provides that the purpose of the Act is to encourage reporting of wrongful government activity and to protect state employees who make such reports.
- Provides that the conviction of “any person” is not required to provide protection to an employee who reports wrongful activities.
- Protects public disclosure that the public employee reasonably believes is necessary to correct a violation of law.
- Authorizes public employees to disclose wrongdoing to not only the Governor and the Legislature, but to “other persons in a position to investigate or initiate corrective action.”
- Protects employees who testify before the Merit Protection Commission on behalf of another employee.
- Provides that “mismanagement” includes “fraudulent activity, criminal misuse of funds or violation of a well-established, articulated, clear and compelling public policy.”

Rulemaking Required: None.

Effective Date: July 1, 2002.

Senate Bill 1384

<u>Topic:</u>	Leave
<u>Authors:</u>	Dickerson & Herbert of the Senate/Dunegan of the House
<u>Affected Statute(s):</u>	Amends 74:840-2.23.
<u>Status:</u>	Signed by Governor Keating May 30, 2002.
<u>Description:</u>	Section 9 corrects inconsistencies related to circumstances that qualify for shared leave.
<u>Rulemaking Required:</u>	None.
<u>Effective Date:</u>	November 1, 2002.

Senate Bill 1395

Topic: Leave

Authors: Williams of the Senate/Vaughn of the House

Affected Statute(s):

- Amends Enrolled Senate Bill 1628.
- Recodifies 63:2220.11 as 74:840-2.20B.

Status: Signed by Governor Keating June 5, 2002.

Description: Section 1:

- Requires that state employees be granted a paid leave of absence of five workdays to serve as a bone marrow donor and a paid leave of absence of 30 workdays to serve as a human organ donor.
- Provides that the scheduling of such paid leave is subject to the approval of the employee's Appointing Authority, with medical necessity being the primary determinant for such approval.

Rulemaking Required: None.

Effective Date: July 1, 2002.

Senate Bill 1384

<u>Topic:</u>	State Mentor Program
<u>Authors:</u>	Dickerson & Herbert of the Senate/Dunegan of the House
<u>Affected Statute(s):</u>	Amends 74:840-3.8.
<u>Status:</u>	Signed by Governor Keating May 30, 2002.
<u>Description:</u>	Section 13: <ul style="list-style-type: none">• Removes the restriction on the agencies where a Mentor Executive may complete a management rotation.• Authorizes OPM to deal with a situation in which there are no agencies willing to host a Mentor Executive or a Mentor Executive is not working out.
<u>Rulemaking Required:</u>	Requires amendments to OAC 530:10-17-156.
<u>Effective Date:</u>	November 1, 2002.

Senate Bill 1384

<u>Topic:</u>	Recruitment
<u>Authors:</u>	Dickerson & Herbert of the Senate/Dunegan of the House
<u>Affected Statute(s):</u>	Amends 74:840-1.6A.
<u>Status:</u>	Signed by Governor Keating May 30, 2002.
<u>Description:</u>	Section 4 authorizes the OPM Administrator to establish an expedited recruitment program that includes jobs where education, experience, or certification requirements substantially limit the pool of available applicants. Applicants who have been certified by OPM as meeting the minimum qualifications for such jobs may be referred to agencies with vacancies in such jobs without examination or ranking, and may be eligible for appointment upon referral; however, a referral may not occur until the register for the job has been publicly announced for at least 14 calendar days.
<u>Rulemaking Required:</u>	Requires amendments to OAC 530:10-9.
<u>Effective Date:</u>	November 1, 2002.

Senate Bill 1384

<u>Topic:</u>	Reduction-in-Force Severance Benefits
<u>Authors:</u>	Dickerson & Herbert of the Senate/Dunegan of the House
<u>Affected Statute(s):</u>	Amends 74:840-2.27E.
<u>Status:</u>	Signed by Governor Keating May 30, 2002.
<u>Description:</u>	Section 10 clarifies that severance benefits are in exchange for continued employment with any state agency at the time of a reduction-in-force (RIF) and future employment for one year with the agency from which separated, i.e., if an employee is rehired within a year by the agency that separated him/or her by RIF, the employee must repay the benefits.
<u>Rulemaking Required:</u>	Requires amendment to OAC 530:10-13-12.
<u>Effective Date:</u>	November 1, 2002.

Senate Bill 1384

<u>Topic:</u>	Sales Solicitation
<u>Authors:</u>	Dickerson & Herbert of the Senate/Dunegan of the House
<u>Affected Statute(s):</u>	Creates 74:842.
<u>Status:</u>	Signed by Governor Keating May 30, 2002.
<u>Description:</u>	Section 17 requires the OPM Administrator to promulgate rules allowing product vendors access to state employees to provide information concerning their products.
<u>Rulemaking Required:</u>	Requires amendments to OAC 530:10.
<u>Effective Date:</u>	May 30, 2002.

House Bill 2264

Topic: Unclassified Service

Authors: Dunegan, et al. of the House/Crutchfield of the Senate

Affected Statute(s): Amends 74:840-5.5.

Status: Signed by Governor Keating June 5, 2002.

Description: Section 4 provides:

- An unclassified authorization for “acting incumbents” hired pursuant to 44:209 or 72:48 to perform the duties of a state employee ordered to active or inactive military service.
- That “acting incumbents” will not count against an agency’s FTE limit.

Rulemaking Required: None.

Effective Date: June 5, 2002.

Senate Bill 1202

Topic: Unclassified Service

Authors: Haney & Hobson of the Senate/Mass & Bonny of the House

Affected Statute(s): Amends 74:840-5.5.

Status: Signed by Governor Keating June 5, 2002.

Description: Adds unclassified authorizations for:

- Department of Public Safety—Executive secretaries to the Commissioner, Highway Patrol Colonel, Highway Patrol Lieutenant Colonel, Highway Patrol Major, Information Systems Administrator, Law Enforcement Telecommunications System Specialist, Law Enforcement Programs Administrator; Civil Rights Administrator, Budget Analyst, Comptroller, Law Enforcement Highway Patrol Administrator, Director of Finance, and noncommissioned pilots.
- Oklahoma State Bureau of Investigation—Five assistant directors.
- Bureau of Narcotics and Dangerous Drugs Control—Programmer and network engineer.
- Department of Agriculture, Food, and Forestry—Executive assistant.
- Will Rogers Memorial Commission—Museum archivist.
- State Fire Marshal—Fire protection engineer.

Rulemaking Required: None.

Effective Date: June 5, 2002.

Senate Bill 1384

Topic: Unclassified Service

Authors: Dickerson & Herbert of the Senate/Dunegan of the House

Affected Statute(s): Amends 74:840-5.5.

Status: Signed by Governor Keating May 30, 2002.

Description: Section 16:

- Returns all but five Department of Agriculture, Food, and Forestry Agricultural Field Inspector positions to the classified service.
- Provides unclassified authorizations for agencies participating in *CORE Oklahoma* (Statewide Information Systems Project).

Rulemaking Required: None.

Effective Date: May 30, 2002.

Senate Bill 1453

Topic: Voluntary Payroll Deduction

Authors: Leftwich of the Senate/Deutschendorf of the House

Affected Statute(s): Amends 62:7.10.

Status: Signed by Governor Keating May 6, 2002.

Description:

- Permits state employees to join the Oklahoma Public Employees Association and other statewide employee associations online.
- Requires OPM to develop and implement a verification process for online or electronically-submitted forms that may include the use of electronic signature technology or other process.

Rulemaking Required: Requires amendments to 530:15.

Effective Date: November 1, 2002.

Senate Bill 1384

Topic: Workforce Planning

Authors: Dickerson & Herbert of the Senate/Dunegan of the House

Affected Statute(s): Amends 74:840-1.6A.

Status: Signed by Governor Keating May 30, 2002.

Description: Section 4 requires the OPM to establish a workforce planning function to assist state agencies in analyzing the current workforce, determining future workforce needs, and implementing solutions so that agencies may accomplish their missions.

**Rulemaking
Required:** None.

Effective Date: November 1, 2002.

Part 2*

*** Bills, listed by topic, that do not amend the
Oklahoma Personnel Act, but are of interest to OPM**

House Bill 2257

<u>Topic:</u>	Agencies
<u>Authors:</u>	Fields of the House/Wilkerson of the Senate
<u>Affected Statute(s):</u>	Creates 57:508.4.
<u>Status:</u>	Signed by Governor Keating April 17, 2002.
<u>Description:</u>	Creates the Investigations Division within the Department of Corrections (DOC) and requires the DOC Director to appoint a Division Director and employ personnel to carry out the duties of the Division.
<u>Rulemaking Required:</u>	None.
<u>Effective Date:</u>	July 1, 2002.

House Bill 2302

Topic: Agencies

Authors: McCarter of the House/Helton of the Senate

Affected Statute(s):

- Amends 47:2-104.
- Amends 47:2-106.
- Amends 74:840-5.5.

Status: Signed by Governor Keating June 5, 2002.

Description:

- Section 5 removes the authorization for the Department of Public Safety (DPS) to hire an unclassified director of finance and unclassified pilots from Title 47 to the Oklahoma Personnel Act.
- Section 6 changes one of the minimum qualifications for Driver License Examiners. Currently, the law requires graduation from an accredited four-year high school; HB 2302 permits Driver License Examiners to possess a high school diploma or General Educational Development equivalency certificate.

Rulemaking Required: None.

Effective Date: November 1, 2002.

House Bill 2307

Topic: Agencies

Authors: Webb & Nance of the House/Mickle of the Senate

Affected Statute(s): Repeals 69:4011.

Status: Signed by Governor Keating April 16, 2002.

Description: Repeals the transfer of the Oklahoma Aeronautics Commission, its director, and staff to the Oklahoma Department of Transportation.

See also SB 125.

**Rulemaking
Required:** None.

Effective Date: July 1, 2002.

House Bill 2795

<u>Topic:</u>	Agencies
<u>Authors:</u>	Perry & Nance of the House/Snyder, et al. of the Senate
<u>Affected Statute(s):</u>	Creates 74:150.36.
<u>Status:</u>	Signed by Governor Keating May 30, 2002.
<u>Description:</u>	Provides two unfunded FTE to the Oklahoma State Bureau of Investigation for the purpose of conducting oil field theft and fraud investigations.
<u>Rulemaking Required:</u>	None.
<u>Effective Date:</u>	July 1, 2002.

House Concurrent Resolution 1076

Topic: Agencies

Authors: Rice, et al. of the House/Easley & Littlefield of the Senate

Affected Statute(s): Noncodified.

Status: Filed with the Secretary of State May 24, 2002.

Description: Directs:

- OPM to discard the results of the 2002 Grand River Dam Authority (GRDA) survey.
- GRDA to compile data on electricity-generating utilities market rates of pay in order to develop and adopt salary increases supported by the wage information obtained from other utilities salary surveys, to be in effect until the next OPM salary survey is produced in 2004.

Rulemaking Required: None.

Effective Date: N/A.

Senate Bill 125

Topic: Agencies

Authors: Mickle & Dickerson of the Senate/Webb, et al. of the House

Affected Statute(s): Creates 3:84.2.

Status: Signed by Governor Keating May 17, 2002.

Description:

- Creates the Oklahoma Aeronautics Commission (OAC) as a non-Merit System agency.
- Permits the transfer of employees from ODOT's Aeronautics Commission Division to OAC, if they consent in writing.
- Requires OPM to coordinate the transfer of personnel between ODOT and OAC.
- Provides that employees who remain at ODOT will retain the status in the class to which their positions are allocated on July 1, 2002.
- Provides that ODOT's Aeronautics Commission Division will be abolished after the transfer of personnel has been completed.

See also HB 2307.

Rulemaking Required: None.

Effective Date: July 1, 2002.

Senate Bill 1384

<u>Topic:</u>	Employee Actions
<u>Authors:</u>	Dickerson & Herbert of the Senate/Dunegan of the House
<u>Affected Statute(s):</u>	Amends 74:150.8.
<u>Status:</u>	Signed by Governor Keating May 30, 2002.
<u>Description:</u>	Section 2 requires a classified employee from another agency who is selected for an Oklahoma State Bureau of Investigation agent or criminalist position to resign his or her position and be reinstated in accordance with the Merit Rules.
<u>Rulemaking Required:</u>	None.
<u>Effective Date:</u>	November 1, 2002.

Senate Bill 1404

<u>Topic:</u>	Employee Recognition
<u>Authors:</u>	Leftwich of the Senate/Fields of the House
<u>Affected Statute(s):</u>	Creates 40:4-317.
<u>Status:</u>	Signed by Governor Keating June 5, 2002.
<u>Description:</u>	Section 25 creates an employee recognition program within the Oklahoma Employment Security Commission.
<u>Rulemaking Required:</u>	None.
<u>Effective Date:</u>	June 5, 2002.

House Bill 2412

- Topic:** Legislative Review of State Audits Act
- Authors:** Coleman, et al. of the House/Herbert of the Senate
- Affected Statute(s):** Creates 74:452.11, et seq.
- Status:** Signed by Governor Keating June 5, 2002.
- Description:** Requires state agencies to:
- Provide two copies of all audit reports to both the Speaker and the Pro Tempore who will submit copies to the chair of their respective appropriations committees and the chair of the standing committee with oversight over the agency submitting the report.
 - Submit a written response to the Legislative leadership within 30 days after submission of audit report regarding changes made as the result of the report, plan of action for making changes, and reasons for not making changes.
- Rulemaking Required:** None.
- Effective Date:** November 1, 2002.

Senate Bill 948

Topic: Rulemaking

Authors: Maddox of the Senate/Plunk, et al. of the House

Affected Statute(s):

- Creates 75:501, et seq.
- Amends 75:250.10.
- Amends 75:303.

Status: Signed by Governor Keating June 7, 2002.

Description: Creates the “Oklahoma Small Business Regulatory Flexibility Act” and outlines a procedure for all state agencies to follow to determine whether their administrative rules adversely affect small business.

**Rulemaking
Required:** None.

Effective Date: July 1, 2002.

Senate Bill 1553

<u>Topic:</u>	Smoking
<u>Authors:</u>	Robinson & Reynolds of the Senate/Vaughn & Cox of the House
<u>Affected Statute(s):</u>	Amends 21:1247.
<u>Status:</u>	Signed by Governor Keating April 17, 2002.
<u>Description:</u>	Section 1 prohibits smoking: <ul style="list-style-type: none">• In state buildings except in a designated smoking room.• Within 25 feet of the entrance or exit of state buildings.
<u>Rulemaking Required:</u>	None.
<u>Effective Date:</u>	July 1, 2002.

House Bill 2921

Topic: Unclassified Service

Authors: Morgan, et al. of the House/Pruitt of the Senate

Affected Statute(s): Creates 22:60.13.

Status: Signed by Governor Keating June 5, 2002.

Description: Section 1 requires the Secretary of State to create an Address Confidentiality Program Office to be staffed by unclassified employees who have been subjected to a criminal history records search.

Rulemaking Required: None.

Effective Date: November 1, 2002.

Senate Bill 960

<u>Topic:</u>	Unclassified Service
<u>Authors:</u>	Helton & Crutchfield of the Senate/Wells & Greenwood of the House
<u>Affected Statute(s):</u>	Amends 73:63.18A.
<u>Status:</u>	Signed by Governor Keating June 6, 2002.
<u>Description:</u>	Authorizes the Oklahoma Department of Veterans Affairs to hire unclassified nurse practitioners, physical therapy assistants, and an administrative assistant to the Director.
<u>Rulemaking Required:</u>	None.
<u>Effective Date:</u>	July 1, 2002.

Senate Bill 1489

Topic: Unclassified Service

Authors: Haney & Hobson of the Senate/Mass & Bonny of the House

Affected Statute(s): Noncodified.

Status: Signed by Governor Keating February 15, 2002.

Description: Section 7 authorizes the State Fire Marshal to hire an unclassified Fire Protection Engineer.

Rulemaking Required: None.

Effective Date: February 15, 2002.

Senate Bill 1292

Topic: Workplace Security

Authors: Crutchfield of the Senate/Roan of the House

Affected Statute(s): Noncodified.

Status: Signed by Governor Keating April 15, 2002.

Description:

- Makes it illegal for anyone:
 - ✓ To willfully disturb, interfere or disrupt state business, agency operations or any employee, agent, official or representative of the state.
 - ✓ Who is without authority or who is causing any disturbance, interference or disruption to willfully refuse to disperse or leave any property, building or structure owned, leased or occupied by state officials, employees, agents or representatives or used in any manner to conduct state business or operations after proper notice by a peace officer, sergeant-at-arms, or other security personnel.
- Makes a violation of its provisions a misdemeanor punishable by imprisonment in the county jail for up to one year, by a fine of up to \$1,000.00, or both.
- Defines “disturb, interfere or disrupt” as any conduct that is violent, threatening, abusive, obscene, or that jeopardizes the safety of self or others.

Rulemaking Required: None.

Effective Date: November 1, 2002.

Part 3*

*** Bills of interest to OPM, listed by topic,
that were vetoed by the Governor.**

House Bill 2284

Topic: Agencies

Authors: Erwin of the House/Shurden of the Senate

Affected Statute(s): Creates 47:240.1, et seq.

Status: Vetoed by the Governor May 8, 2002.

Description:

- Section 1 creates the “Oklahoma Motor Carrier Act”.
- Section 2 provides that the Act applies to motor carriers “over public highways of this state” and gives the Oklahoma Corporation Commission (OCC) the responsibility of regulating “such transportation”.
- Section 16 requires OCC to appoint a director and deputy director of transportation and “a sufficient number” of motor carrier enforcement officers and supervisor-officers, and transportation auditors, as well as an Administrative Law Judge, and provides that “such employees shall be compensated as for similar service in the same or other departments of the state”.
- Sections 32 – 36 repeal various sections of current law related to motor carriers.

Veto Message: *I have VETOED House Bill 2284, which authorized the Corporation Commission to employ a "sufficient" number of transportation auditors and enforcement officers to investigate violations of the Oklahoma Motor Carrier Act. The existing cooperation and enforcement efforts between the Corporation Commission and the Department of Public Safety are working well to ensure enforcement of the Motor Carrier Act. Authorizing this agency to employ "sufficient" or unlimited personnel, particularly when facing a budget shortfall, is imprudent and irresponsible.*

House Bill 2345

Topic: Agencies

Authors: Crutchfield of the Senate/Staggs & Easley of the House

Affected Statute(s):

- Amends 10:1419.
- Amends 74:840-5.3.

Status: Vetoed by the Governor May 8, 2002.

Description:

- Section 1:
 - ✓ Prohibits the Director of the Department of Rehabilitation Services from hiring instructional personnel for the School for the Blind and the School for the Deaf unless the superintendent of the school has recommended the person.
 - ✓ Clarifies that the superintendents of the School for the Blind and the School for the Deaf are unclassified state employees.
 - ✓ Authorizes the instructional personnel of the School for the Blind and the School for the Deaf to collectively bargain.
- Section 3:
 - ✓ Provides unclassified authorizations for the superintendents of the School for the Blind and the School for the Deaf.
 - ✓ Clarifies that the superintendents are subject to the provisions of the Oklahoma Personnel Act that relate to unclassified employees.

Veto Message: *I have VETOED HB 2345, which prohibits the Director of the Department of Rehabilitation Services from hiring instructional personnel unless the superintendent of the school has recommended the person. This tying of the Director's hands could serve to disrupt the services provided by the schools particularly if either of the superintendent positions is vacant.*

Senate Bill 1323

Topic: Agencies

Authors: Easley & Littlefield of the Senate/Hutchison of the House

Affected Statute(s):

- Amends 82:864.
- Noncodified.

Status: Vetoed by the Governor June 4, 2002.

Description:

- Section 4 requires:
 - ✓ OPM, in its biannual compensation study of the positions at the Grand River Dam Authority (GRDA), to compare all GRDA positions, including support and maintenance staff, with comparable positions within other electrical generating utilities only.
 - ✓ GRDA, if it does not implement the compensation study's recommendations, to report to the Governor, President Pro Tempore, and Speaker why the recommendations were not implemented within 30 days of the decision not to implement.
- Section 5 authorizes GRDA to pay classified employees whose salaries currently exceed pay band maximums the amount their salaries exceed the maximum retroactive to the date the pay bands were exceeded.

Veto Message: *I have VETOED Senate Bill 1323 which, among other things, authorizes the Grand River Dam Authority to pay classified employees whose salaries currently exceed pay band maximums the amount such salaries exceed the maximum retroactive to the date the pay bands were exceeded. It is imprudent policy to allow agencies to pay employees salaries above the limits set by law and then subsequently change the law to make the salaries legal.*

Senate Bill 1359

Topic: Compensation

Authors: Dickerson & Herbert of the Senate/Miller (Ray) of the House

Affected Statute(s): Creates 74:841.30.

Status: Vetoed by the Governor May 6, 2002.

Description: Creates the “Oklahoma Biennial Compensation Review Board” to review the OPM Annual Compensation study and make “compensation adjustment recommendations” to the Governor and legislative leadership regarding adoption of midpoints and targeted salary increases.

Veto Message: *I have VETOED SB 1359, which creates the Oklahoma Biennial Compensation Review Board to make recommendations on compensation adjustments for classified state employees. The Board proposed in this bill would have the same basic mission as the statutory duties of the Administrator of the Office of Personnel Management. It is inappropriate and ineffective to create a new board that simply duplicates the work being done by the Office of Personnel Management.*

Senate Bill 1364

Topic: Leave

Authors: Monson of the Senate/Askins, et al. of the House

Affected Statute(s): Amends 74:840-2.23.

Status: Vetoed by the Governor May 30, 2002.

Description: Removes the authority of agency Appointing Authorities to approve or not approve the transfer of donated leave between agencies.

Veto Message: *I have VETOED Senate Bill 1364, which removes the authority of the chief administrative officer of a state agency to approve donations and receipt of leave under the employee leave sharing program. This bill would restrict the current authority of agency directors to limit donation of leave to agency employees. Agency directors must retain approval authority particularly because the agency whose employee is receiving the transfer of leave from another agency must fund that transfer.*

Senate Bill 1379

Topic: Unclassified Service

Authors: Herbert of the Senate/Askins & Davis of the House

Affected Statute(s): Creates 74:840-5.1B.

Status: Vetoed by the Governor May 8, 2002.

Description: Creates the State Classification Task Force to review state unclassified positions and make recommendations to the Legislature concerning the current unclassified service and the feasibility of proposals to unclassify positions in the state service.

Veto Message: *I have VETOED SB 1379, which creates the State Classification Task Force to review both agency proposals to add unclassified positions and positions currently in the unclassified service. This Task Force is unnecessary, as agencies must already undergo review in seeking to add unclassified positions. Furthermore, it would be an impediment to the flexibility which agencies now enjoy, which is particularly important in these tight budget times.*

Part 4

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**Sections of the Oklahoma Personnel Act
Amended During the 2002 Legislative Session**

OPA Section	Action	Bill Number
840-1.3	Amended	SB 1384
840-1.6A	Amended	HB 2924 SB 1384
840-2.1	Amended	SB 1384
840-2.5	Amended	HB 1985
840-2.11	Amended	SB 1384
840-2.17	Amended	SB 1384
840-2.20B	Added	SB 1395
840-2.21	Amended	SB 1384
840-2.23	Amended	HB 2924 SB 1384
840-2.27E	Amended	SB 1384
840-2.29	Amended	HB 2665
840-3.4	Amended	SB 1384
840-3.5	Amended	SB 1384
840-3.8	Amended	SB 1384
840-4.2	Amended	SB 1384
840-4.12	Amended	SB 1384
840-5.5	Amended	HB 2264 HB 2924 HB 2302 SB 1202 SB 1384