

1 STATE OF OKLAHOMA

2 1st Session of the 58th Legislature (2021)

3 SENATE BILL 640

By: Dahm

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6 AS INTRODUCED

7 An Act relating to state employees; prohibiting state
8 agencies from using state funding to employ persons
9 above certain limit; amending 62 O.S. 2011, Section
10 34.42, as amended by Section 372, Chapter 304, O.S.L.
11 2012 (62 O.S. Supp. 2020, Section 34.42), which
12 relates to agency budgets; providing procedure for
13 determining certain full-time-equivalent employee
14 limit; specifying duty of Office of Management and
15 Enterprise Services; defining term; providing for
16 codification; providing an effective date; and
17 declaring an emergency.

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

19 SECTION 1. NEW LAW A new section of law to be codified
20 in the Oklahoma Statutes as Section 34.42.2 of Title 62, unless
21 there is created a duplication in numbering, reads as follows:

22 No state agency shall use any state funding available including
23 but not limited to state appropriations, to employ a number of full-
24 time-equivalent employees in excess of the number of full-time-
equivalent state-funded employees actually employed by such agency
on January 1, 2021, as determined pursuant to the provisions of

1 paragraph 2 of subsection C of Section 34.42 of Title 62 of the
2 Oklahoma Statutes.

3 SECTION 2. AMENDATORY 62 O.S. 2011, Section 34.42, as
4 amended by Section 372, Chapter 304, O.S.L. 2012 (62 O.S. Supp.
5 2020, Section 34.42), is amended to read as follows:

6 Section 34.42. A. On or before the first day of June in each
7 year, or as soon thereafter as possible, all agencies shall file
8 agency budgets with the Director of the Office of Management and
9 Enterprise Services. Copies of all agency budgets shall also be
10 made available electronically to the staff of the Joint Legislative
11 Committee on Budget and Program Oversight.

12 B. The required instructions, content and format of agency
13 budgets shall be developed by the staff of the Budget Division of
14 the Office of Management and Enterprise Services.

15 C. 1. The agency budget shall include a description of all
16 funds available to the agency for expenditure and set out allotments
17 requested by the agency by quarter and the entire fiscal year.

18 2. The agency budget shall be accompanied by an organizational
19 chart of the agency, a statement of agency mission and program
20 objectives. For the budget submitted on or before June 1, 2021, or
21 as soon thereafter as possible, the agency budget shall include the
22 number of full-time-equivalent employees actually employed by the
23 agency on January 1, 2021, and an indication for each employee as to
24 whether the employee is funded with state or federal funding or from

1 another source. The term "state funding" shall include funding from
2 fees or other revenue sources authorized by state law and shall
3 include, but not be limited to, state appropriations. The Office of
4 Management and Enterprise Services shall verify such number for each
5 agency. Such verified number shall be the limit on the number of
6 full-time-equivalent employees subject to the provisions of Section
7 1 of this act, and for fiscal year 2023 and thereafter, may be only
8 changed by law enacted by the Legislature.

9 3. The agency budget shall delineate agency spending by such
10 categories and with at least as much detail as is specified in the
11 legislative appropriation and as prescribed by the Director of the
12 Office of Management and Enterprise Services.

13 4. Agency budgets shall be signed by the executive officer of
14 each agency.

15 D. A "request officer" shall be designated by each state agency
16 for the purpose of making program and allotment requests.

17 E. Executive officers of agencies shall cooperate with the
18 Office of Management and Enterprise Services staff and Joint
19 Committee staff in developing program budgeting categories.

20 F. All funds available or expected to be made available to any
21 agency, including nonfiscal appropriations, shall not be available
22 for expenditure until the request officer of the agency has complied
23 with the applicable provisions of the Oklahoma State Finance Act and
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1 has received approval of such request for funds from the Director of
2 the Office of Management and Enterprise Services.

3 G. The provisions of this section shall not apply to CompSource
4 Oklahoma if CompSource Oklahoma is operating pursuant to a pilot
5 program authorized by Sections 3316 and 3317 of Title 74 of the
6 Oklahoma Statutes.

7 SECTION 3. This act shall become effective July 1, 2021.

8 SECTION 4. It being immediately necessary for the preservation
9 of the public peace, health or safety, an emergency is hereby
10 declared to exist, by reason whereof this act shall take effect and
11 be in full force from and after its passage and approval.

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