

STATE OF OKLAHOMA

1st Session of the 43rd Legislature (1991)

COMMITTEE SUBSTITUTE  
FOR ENGROSSED  
SENATE BILL NO. 134

BY: TAYLOR and HANEY of the  
SENATE

and

HAMILTON (James) and  
STEIDLEY of the HOUSE

COMMITTEE SUBSTITUTE

AN ACT RELATING TO THE OKLAHOMA DEPARTMENT OF

COMMERCE; MAKING AN APPROPRIATION THERETO; STATING  
PURPOSES; SPECIFYING CERTAIN CATEGORIES AND  
AMOUNTS; REQUIRING CERTAIN EXPENDITURES TO  
ACCOMPLISH CERTAIN CONTRACTUAL RESPONSIBILITIES;  
REQUIRING CERTAIN REPORTS; PROVIDING FOR CONTENTS;  
REQUIRING COOPERATION BY CERTAIN AGENCIES;  
REQUIRING AUDITS; EXEMPTING CERTAIN CONTRACTS FROM  
THE CENTRAL PURCHASING ACT; REQUIRING CERTAIN FUNDS  
TO BE AVAILABLE TO CERTAIN COMMUNITY ACTION  
AGENCIES; AUTHORIZING MATCHING SHARE; PROVIDING FOR  
MULTI-COUNTY REGIONAL PLANNING FUNCTIONS AND  
RESPONSIBILITIES; SPECIFYING CERTAIN ALLOCATIONS;  
PROVIDING FOR ELIGIBILITY REQUIREMENTS; PROHIBITING  
CERTAIN ACTIONS; PROVIDING FOR COMPOSITION OF  
VOTING MEMBERSHIP OF CERTAIN BOARDS; PROVIDING FOR  
DUTIES AND COMPENSATION OF EMPLOYEES; LIMITING  
COMPENSATION OF THE EXECUTIVE DIRECTOR; SPECIFYING  
CERTAIN BUDGETARY LIMITATIONS; REQUIRING CERTAIN  
FINANCIAL REPORTS; AUTHORIZING USE AND EXPENDITURE

OF CERTAIN FUNDS; SPECIFYING PURPOSE; PROVIDING FOR RECEIPT OF GRANTS; PROVIDING FOR DEPOSITS AND EXPENDITURES; PROVIDING PURPOSES; REQUIRING CERTAIN REPORTS; PROVIDING FOR DISALLOWANCE OF CERTAIN EXPENDITURES; REQUIRING ANNUAL AUDITS; AUTHORIZING CERTAIN CONTRACTS; PROVIDING CERTAIN CONDITIONS; PROVIDING FOR FORMS AND REPORTS; PROVIDING FOR REVIEWS; EXEMPTING CERTAIN CONTRACTS FROM THE CENTRAL PURCHASING ACT; PROVIDING FOR CONTRACTS FOR MINORITY-OWNED BUSINESS; SPECIFYING CERTAIN REQUIREMENTS AND CONDITIONS; PROVIDING FOR DEVELOPMENT OF CERTAIN CRITERIA; REQUIRING REPORTS, REVIEW AND AUDITS; AUTHORIZING DISALLOWANCE OF CERTAIN EXPENDITURES; PROVIDING FOR RULES; PROVIDING FOR UTILIZATION OF CERTAIN FUNDS; PROVIDING A LAPSE DATE; PROVIDING AN EFFECTIVE DATE; AND DECLARING AN EMERGENCY.

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

SECTION 1. There is hereby appropriated to the Department of Commerce from any monies not otherwise appropriated from the General Revenue Fund of the State Treasury for the fiscal year ending June 30, 1992, the following amount or so much thereof as may be required for the following purposes:

General Operations	\$9,969,586.00
ORIGINS	250,000.00
Community Action Agencies:	777,855.00
Action, Inc.	
Big Five Community Services, Inc.	
Community Action Agency of Oklahoma	

City and Oklahoma/Canadian  
Counties, Inc.

Community Development Support  
Association

Cookson Hills Community Action  
Foundation

Deep Fork Community Action  
Foundation

Delta Community Action Foundation

Great Plains Improvement Foundation

INCA Community Services, Inc.

KiBois Community Action Foundation

Little Dixie Community Action  
Agency

Muskogee County Community Services  
Program

Northeast Oklahoma Community Action  
Agency

Opportunities, Inc.

Rural Enterprises Community Action  
Program

Southwest Oklahoma Community Action  
Group

Tulsa Community Action Agency

United Community Action Program

Wa-Ro-Ma Tri-County Community  
Action Foundation, Inc.

Washington/Nowata Counties  
Community Action Foundation, Inc.

Washita Valley Community Action  
Council

Inventors Assistance Program Revolving

Fund	235,950.00
Minority Business Development Program Revolving	
Fund	250,000.00
Oklahoma State University for the	
Statewide Intensive Financial	
Management Assistance Program	125,000.00
Central Industrial Application Center	30,000.00
Substate Planning Districts:	474,004.00
Association of Central Oklahoma	
Governments	
Association of South Central	
Oklahoma Governments	
Central Oklahoma Economic	
Development District	
Eastern Oklahoma Economic	
Development District	
Grand Gateway Economic Development	
Association	
Indian Nation Council of	
Governments	
Kiamichi Economic Development	
District of Oklahoma	
Northern Oklahoma Development	
Association	
Oklahoma Economic Development	
Association	
Southern Oklahoma Development	
Association	
Southwestern Oklahoma Development	
Authority	
Oklahoma Small Business	
Development Center (Minority	

Business Program)	25,437.00
Little Dixie Community Action	
Agency for the Statewide Youth	
Restitution Program	35,000.00
Southeastern Oklahoma State	
University for the Statewide	
Small Business Development	
Centers Program	<u>560,031.00</u>
TOTAL	\$12,732,863.00

SECTION 2. The funds appropriated in Section 1 of this act for General Operations shall be expended in the following categories and amounts:

Personal Services	\$6,207,318.00
Other Operating Expenses	<u>3,762,268.00</u>
TOTAL	\$9,969,586.00

SECTION 3. The Oklahoma Department of Commerce shall expend so much thereof as herein appropriated as may be necessary to accomplish contractual responsibilities with Rural Enterprises, Inc. for the Central Industrial Applications Center (CIAC), thus enabling CIAC to be a National Aeronautics and Space Administration (NASA) designated regional industrial applications center. The contractor shall make quarterly financial reports to the Oklahoma Department of Commerce indicating the purposes for which these funds have been spent. The contractor shall cooperate with the Oklahoma Department of Commerce to improve industrial technology, foster expansion of existing industry, assist in attracting highly technical industries to the state and disseminate all NASA information to industry. The contractor shall submit an annual audit as required by the Oklahoma Department of Commerce. The allocation herein when memorialized by contract shall be exempt from the Central Purchasing Act.

SECTION 4. The Oklahoma Department of Commerce shall make funds available to all qualifying Community Action Agencies designated by

Section 1 of this act as determined by the Department to support the development of local communities. The Department shall set accounting and procedural guidelines for allocating said funds. The Department may require the agencies which receive said funds to provide a thirty percent (30%) matching share in cash or in an in-kind contribution, or both such cash and in-kind contribution. The allocation memorialized by contract shall be exempt from the Central Purchasing Act.

SECTION 5. The Oklahoma Department of Commerce shall expend so much thereof as herein appropriated for Substate Planning Districts as may be necessary to perform the substate multicounty regional planning functions and responsibilities imposed upon the Department by law. The Department may require the agencies to which the Department grants said appropriated funds to provide a thirty percent (30%) matching share in cash or in an in-kind contribution, or both such cash and in-kind contribution.

Existing substate planning districts presently meeting requirements of the Oklahoma Department of Commerce pursuant to the provisions of this section shall be allocated the following amounts:

DISTRICT NUMBERS	AMOUNT
1 - GGEDA	\$ 42,234.00
2 - EODD	42,565.00
3 - KEDDO	41,949.00
4 - SODA	42,234.00
5 - COEDD	42,329.00
6 - INCOG	46,168.00
7 - NODA	42,329.00
8 - ACOG	48,538.00
9 - ASCOG	43,229.00
10 - SWODA	41,570.00
11 - OEDA	<u>40,859.00</u>
TOTAL	\$474,004.00

The Oklahoma Department of Commerce shall establish eligibility requirements that substate multicounty planning districts must meet in order to receive grants from appropriations to the Oklahoma Department of Commerce.

At least two-thirds (2/3) of the voting membership of the board of each substate planning district shall be composed of the elected officials of conservation districts, incorporated towns, cities, or counties within the planning jurisdiction, or the designees of said officials.

No substate planning district receiving these funds shall solicit contracts to provide technical and professional services for a fee when these services are provided through private professional consulting firms and are available within the substate planning districts.

SECTION 6. The duties and compensation of employees, not otherwise prescribed by law, necessary to perform the duties imposed upon the Oklahoma Department of Commerce by law shall be set by the Executive Director. The salary of the Executive Director shall not exceed Sixty-nine Thousand Six Hundred Fifty Dollars (\$69,650.00) per annum, payable monthly for the fiscal year ending June 30, 1992. The Oklahoma Department of Commerce for the fiscal year ending June 30, 1992, shall be subject to the following budgetary limitations on full-time-equivalent employees and expenditures excluding expenditures for capital and special projects, except as may be authorized pursuant to the provisions of Section 3603 of Title 74 of the Oklahoma Statutes:

<u>Budgetary Limitation</u>	<u>Amount</u>
Full-time-equivalent Employees	200.0
Payroll, Salaries or Wages, Including Tax-sheltered Deferment Contracts and Longevity Payments	
Authorized by State Statutes	\$6,700,705.00
Professional and Personal Services Contracts	\$1,562,700.00

Lease-Purchase Agreements	\$86,823.00
Purchase of Equipment	\$497,496.00
Expenditure of Federal Funds	\$42,920,200.00
Total Expenditures for Operations	\$55,653,063.00

SECTION 7. The Oklahoma Department of Commerce shall submit quarterly reports to the Director of State Finance and the Legislative Service Bureau describing the activities and expenditures of the Oklahoma Department of Commerce during the preceding three-month period. The quarterly reports shall be submitted by the fifteenth of the month following the end of the fiscal year quarter. Said reports shall include the following budget entities and activities:

- Administration
- Media/Marketing and Advertising
- Information and Research
- Capital Resources
- Community Affairs and Development
- Business Development
- International Trade

SECTION 8. All funds appropriated by this act may be used and expended in conjunction or cooperation with any federal agency or instrumentality pursuant to such terms and conditions as may be necessary to obtain grants or federal aid assistance in accordance with state law. The Oklahoma Department of Commerce is hereby authorized to collect, receive, and use any and all grants or reimbursements made available to it through any agency or instrumentality of the federal government. Such funds shall be deposited in the State Treasury and disbursed in accordance with the agreements between the Oklahoma Department of Commerce and applicable federal agencies or instrumentalities.

SECTION 9. The Oklahoma Department of Commerce shall expend so much as herein appropriated as may be necessary to accomplish

contractual responsibilities for statewide dissemination of intensive financial management technical assistance by Oklahoma State University's extension service thus enabling businessmen and students of business to benefit from direct professional assistance provided by professors, associates and staff of the University and to improve and complement technical assistance provided by the Department. Contractor shall submit quarterly reports of activities and expenditures to the Oklahoma Department of Commerce. The Department may disallow any expenditures for activities not within the scope of contractual responsibilities pursuant to an approved work plan. Contractor shall submit an annual audit as required by the Department of Commerce which may be paid from allocated, appropriated funds.

SECTION 10. The Oklahoma Department of Commerce may expend so much as herein appropriated as may be necessary to accomplish contractual responsibilities with the Oklahoma Business Development Center, Inc., for the purpose of increasing participation of minority-owned businesses in the economic growth of the state by providing, in conjunction with the Department of Commerce, technical assistance to upgrade and expand the marketing and administrative skills of Oklahoma's minority businesses. The contractor shall submit an annual budget work program which must be approved by the Department. The contractor shall submit quarterly reports of activities and expenditures. The Department may disallow expenditures and withhold funds accordingly, if expenditure reports reflect noncompliance with the approved work budget program. The contractor shall submit an annual audit as required by the Department of Commerce which may be paid from allocated, appropriated funds. The allocation memorialized pursuant to this appropriation shall be exempt from the Central Purchasing Act.

SECTION 11. The Oklahoma Department of Commerce may expend so much as herein appropriated as may be necessary to accomplish

contractual responsibilities with Southeastern Oklahoma State University for its statewide Small Business Development Centers Network, to be used in conjunction with receipted federal funds for the network. The network shall serve as a resource and advisor to the Department in its efforts to provide business counseling, more fully developed managerial skills, technology transfer, business-related educational materials and related services. The contractor shall submit an annual work budget program and quarterly expenditure reports. The contractor shall submit an annual audit as required by the Department of Commerce which may be paid from allocated, appropriated funds.

SECTION 12. The Oklahoma Department of Commerce may expend so much as herein appropriated as may be necessary to accomplish contractual responsibilities with Little Dixie Community Action Agency, Contractor, for the purpose of coordinating and operating a statewide juvenile restitution program and in order to provide state supplement to federal funds received to operate the program. The contractor shall submit an annual budget work program which must receive prior approval of the Department. The contractor shall submit monthly expenditures reports. The Department may disallow expenditures and withhold funds accordingly, if expenditure reports reflect noncompliance with the approved work budget program. The Contractor must provide an annual audit, as directed by Commerce, which may be paid from allocated, appropriated funds. The allocation memorialized pursuant to this appropriation shall be exempt from the Central Purchasing Act.

SECTION 13. The Oklahoma Department of Commerce shall expend so much as herein appropriated as may be necessary to accomplish contractual responsibilities for job creation and enhancement and business creation and expansion of Oklahoma minority owned businesses. The Department may contract with organizations which support minority businesses for these purposes only after:

1. An applicant organization has submitted an approved business plan;

2. An applicant organization has demonstrated through education and experience capabilities of offering management tools and technical assistance to minority owned businesses;

3. An applicant organization has demonstrated that it can provide financial capacity and responsibility to manage a program to aid minority-owned businesses in the manner set out herein;

4. A panel of peer reviewers have received applications and recommended such applications for contracting;

5. The Department has developed, adopted and published additional criteria, upon receipt of advice and comment from qualified peer reviewers.

Any contract entered into pursuant to this section shall require quarterly reports of activities and expenditures upon forms prescribed by the Department. Said quarterly reports shall be reviewed by Oklahoma Futures. The Department or Oklahoma Futures may disallow expenditures and withhold funds accordingly, if reports reflect failure to comply with approved applications. All contractors shall submit annual audits as required by the Department of Commerce which may be paid from allocated, appropriated funds. The Department may utilize an amount not to exceed fifteen percent (15%) of appropriated funds for administration and initial design of this minority owned business program.

The Department shall promulgate rules setting out educational, experiential and other qualifications for peer reviewers.

The appropriation for the Minority Business Development program shall be exempt from the requirements of the Central Purchasing Act.

SECTION 14. The appropriation made by this act shall be subject to fiscal year limitations and may be encumbered through June 30, 1992. Any unexpended funds remaining after November 15, 1992, shall

lapse and be transferred to the credit of the proper fund for the then current fiscal year.

SECTION 15. This act shall become effective July 1, 1991.

SECTION 16. It being immediately necessary for the preservation of the public peace, health and safety, an emergency is hereby declared to exist, by reason whereof this act shall take effect and be in full force from and after its passage and approval.

43-1-9299 JB