

ENGROSSED SENATE
BILL NO. 134

BY: TAYLOR and HANEY of the
SENATE

and

HAMILTON (James) and
STEIDLEY of the HOUSE

[DEPARTMENT OF COMMERCE - APPROPRIATIONS -
OPERATIVE DATE -

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	\$9,649,347.00
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ORIGINS	241,970.00
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Community Action Agencies:	752,869.00
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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 228,371.00
 Minority Business Development Program Revolving
 Fund 241,970.00
 Oklahoma State University for the
 Statewide Intensive Financial

Management Assistance Program	120,985.00
Central Industrial Application Center	29,036.00
Substate Planning Districts:	458,778.00
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)	24,620.00
Little Dixie Community Action Agency for the Statewide Youth Restitution Program	33,876.00
Southeastern Oklahoma State	

University for the Statewide

Small Business Development

Centers Program 542,041.00

TOTAL \$12,323,863.00

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

Personal Services \$6,007,809.00

Other Operating Expenses 6,316,054.00

TOTAL \$12,323,863.00

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. Contractor shall make quarterly financial reports to the Oklahoma Department of Commerce indicating the purposes for which these funds have been spent. 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. 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 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 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	\$ 40,877.00
2 - EODD	41,198.00
3 - KEDDO	40,601.00
4 - SODA	40,877.00
5 - COEDD	40,969.00
6 - INCOG	44,685.00
7 - NODA	40,969.00
8 - ACOG	46,979.00
9 - ASCOG	41,840.00
10 - SWODA	40,236.00
11 - OEDA	<u>39,547.00</u>
TOTAL	\$458,778.00

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	190.0
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	\$55,244,063.00

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 operative 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.

Passed the Senate the 25th day of February, 1991.

President of the Senate

Passed the House of Representatives the ____ day of _____, 1991.

Speaker of the House of Representatives