

STATE OF OKLAHOMA

1st Session of the 43rd Legislature (1991)

SENATE BILL NO. 134

BY: TAYLOR and HANEY of the  
SENATE

and

HAMILTON (James) and  
STEIDLEY of the HOUSE

AS INTRODUCED

AN ACT RELATING TO THE OKLAHOMA DEPARTMENT OF  
COMMERCE AND TO TRADE, COMMERCE AND INVESTMENTS;  
AMENDING SECTION 10, CHAPTER 207, O.S.L. 1986, AS  
LAST AMENDED BY SECTION 34, CHAPTER 266, O.S.L.  
1990 (74 O.S. SUPP. 1990, SECTION 5003.5), WHICH  
RELATES TO THE DEPARTMENT OF COMMERCE, ITS  
RELATIONSHIP WITH OKLAHOMA FUTURES AND TO THE  
DIRECTOR OF THE DEPARTMENT OF COMMERCE; PROVIDING  
THAT THE SALARY OF THE DIRECTOR OF THE DEPARTMENT  
OF COMMERCE BE SET BY THE GOVERNOR; MAKING AN  
APPROPRIATION THERETO; STATING THE PURPOSES;  
REQUIRING CERTAIN FINANCIAL REPORTS; PROVIDING FOR  
THE TRANSFER OF CERTAIN FUNDS; PROVIDING FOR DUTIES  
AND COMPENSATION OF EMPLOYEES; LIMITING THE SALARY  
OF THE EXECUTIVE DIRECTOR; PROVIDING BUDGETARY  
LIMITATIONS; REQUIRING CERTAIN REPORTS; PROVIDING  
FOR CONTENTS; MAKING CERTAIN FUNDS AVAILABLE TO  
OBTAIN OR MATCH FEDERAL FUNDS; PROVIDING FOR POWERS  
AND DUTIES OF THE OKLAHOMA DEPARTMENT OF COMMERCE;  
PROVIDING 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 Oklahoma 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 sum of Thirteen Million One Hundred Forty-three Thousand Five Hundred Sixty-one Dollars (\$13,143,561.00) or so much thereof as may be required for the following purposes:

|                  |                 |
|------------------|-----------------|
| TOTAL OPERATIONS | \$13,143,561.00 |
|------------------|-----------------|

SECTION 2. Of the amount appropriated by Section 1 of this act the sum of Thirty Thousand Dollars (\$30,000.00) or so much thereof as may be necessary to accomplish contractual responsibilities with the Central Industrial Applications Center (CIAC), thus enabling CIAC to be a National Aeronautics and Space Administration (NASA) designated regional industrial applications center. CIAC shall make quarterly financial reports to the Oklahoma Department of Commerce indicating the purposes for which these funds have been spent. CIAC 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.

SECTION 3. Of the amount appropriated by Section 1 of this act the sum of Two Hundred Thirty-five Thousand Nine Hundred Fifty Dollars (\$235,950.00) shall be transferred to the Inventors Assistance Program Revolving Fund for the purpose of funding the expenses of the Inventors Assistance Program.

SECTION 4. Of the amount appropriated by Section 1 of this act the sum of Two Hundred Fifty Thousand Dollars (\$250,000.00) shall be transferred to the Minority Business Development Program Revolving

Fund for the purpose of funding the expenses of the Minority Business Development Program.

SECTION 5. Of the amount appropriated by Section 1 of this act the sum of One Hundred Thousand Dollars (\$100,000.00) shall be transferred to the Oklahoma Capital Investment Board Revolving Fund for the purpose of funding the expenses of the Oklahoma Capital Investment Board.

SECTION 6. Of the amount appropriated by Section 1 of this act the sum of One Hundred Sixty Thousand Dollars (\$160,000.00) shall be transferred to the World Trade/Export Insurance Program Revolving Fund for the purpose of funding the expenses of the World Trade/Export Insurance Program.

SECTION 7. 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 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  | 189.0           |
| Payroll, Salaries or Wages, Including Tax-sheltered<br>Deferment Contracts and Longevity Payments |                 |
| Authorized by State Statutes  | \$6,599,622.00  |
| Professional and Personal Services Contracts  | \$1,090,450.00  |
| Lease-Purchase Agreements   | \$86,823.00     |
| Purchase of Equipment   | \$451,854.00    |
| Expenditure of Federal Funds  | \$36,022,922.00 |
| Total Expenditures for Operations   | \$50,716,983.00 |
| Passenger Vehicles, as defined by the Office  |                 |

SECTION 8. 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 9. AMENDATORY Section 10, Chapter 207, O.S.L. 1986, as last amended by Section 34, Chapter 266, O.S.L. 1990 (74 O.S. Supp. 1990, Section 5003.5), is amended to read as follows:

Section 5003.5 A. In order to fulfill its mission to support firms, farms and local communities which create new and better jobs for Oklahomans, the Oklahoma Department of Commerce shall be the administrative agency to its policy development board, Oklahoma Futures. Oklahoma Futures shall in no way interfere with the day-to-day management of the Department of Commerce but, shall provide long-term, annual oversight to ensure the Department fulfills the legislative purpose for which it is created.

B. The Director of the Department of Commerce shall hold office at the pleasure of the Governor and shall continue to serve until a successor is duly appointed and qualified. The salary of the Director shall be set by ~~law~~ the Governor.

C. The Director shall be qualified for such position by character, personality, ability, education, training and successful administrative experience in the public or private sector. When it becomes necessary for Oklahoma Futures to submit a list of nominees to the Governor for the Governor's consideration to fill the position of Director of the Department of Commerce, Oklahoma Futures shall establish criteria for selecting the nominees taking into consideration national standards of excellence for similar positions. The national search for nominees by Oklahoma Futures shall be conducted pursuant to the criteria so established.

D. The Director shall employ such persons as are necessary to implement the powers and duties of the Department. Because many of the powers and duties of the Department involve working closely with the private sector, certain employee positions of the Department must be governed, classified and compensated in a manner that compares equally to similar positions in the private sector. Therefore, in the annual business plan, the Director shall list, describe and justify all such positions and their compensation and shall designate and place them in unclassified status, exempt from the provisions of the Oklahoma Personnel Act. All other employees and positions shall be classified and subject to the provisions of the Merit System of Personnel Administration as provided in the Oklahoma Personnel Act. Provided, nothing in this section shall be construed to limit the authority of the Legislature to specify the status of positions otherwise by law. Neither shall the Director have the authority to circumvent, disregard or otherwise disobey specific provisions of law regarding positions in the Department of Commerce.

E. The Director shall serve on the board of:

1. The Oklahoma Industrial Finance Authority;
2. The Oklahoma Center for the Advancement of Science and Technology;

3. The Oklahoma Development Finance Authority; and

4. The Executive Bond Oversight Commission.

F. The Director, or a designee appointed by the Director, shall serve on the board of the Oklahoma Ordnance Works Authority.

G. The Director may serve as administrator of any interlocal agreement or compact to pursue economic development and to assign any employees of the Department or employee personnel to carry out duties or obligations pursuant to any interlocal agreement or compact for economic development.

H. The Director, at his discretion, may approve payment for affiliations or memberships of the Department or, if necessary, associate memberships for individual employees in international, national, or state economic development councils, professional organizations, or governmental associations.

SECTION 10. 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 11. 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 12. This act shall become effective July 1, 1991.

SECTION 13. 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.

43-1-4013

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