

STATE OF OKLAHOMA

1st Session of the 43rd Legislature (1991)

SENATE BILL NO. 144

BY: TAYLOR and HANEY of the
SENATE

and

HAMILTON (James) and
STEIDLEY of the HOUSE

AS INTRODUCED

AN ACT RELATING TO VARIOUS STATE AGENCIES; MAKING
SUPPLEMENTAL APPROPRIATIONS THERETO;
REAPPROPRIATING CERTAIN FUNDS; STATING PURPOSES;
AMENDING SECTION 58, CHAPTER 258, O.S.L. 1990,
SECTION 4, CHAPTER 23, O.S.L. 1990, AS AMENDED BY
SECTION 13, CHAPTER 258, O.S.L. 1990, AND SECTION
2, CHAPTER 55, O.S.L. 1990, AS AMENDED BY SECTION
135, CHAPTER 263, O.S.L. 1990, WHICH RELATE TO
BUDGETARY LIMITATIONS; MODIFYING CERTAIN BUDGETARY
LIMITATIONS; 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;
AMENDING 74 O.S. 1981, SECTION 565, AS RENUMBERED
BY SECTION 14, CHAPTER 367, O.S.L. 1989 (67 O.S.
SUPP. 1990, SECTION 306), WHICH RELATES TO
UNNECESSARY RECORDS AND ARCHIVES, CONSULTATION WITH
STATE LIBRARIAN; APPLICATION TO COMMISSION AND

DISPOSITION; DELETING LANGUAGE REQUIRING STORAGE OF RECORDS AND ARCHIVES AT THE STATE LIBRARY; AMENDING SECTION 138, CHAPTER 263, O.S.L. 1990, WHICH MAKES AN APPROPRIATION TO THE STATE BOARD OF VOCATIONAL AND TECHNICAL EDUCATION; MODIFYING APPROPRIATION FUNDING; AMENDING SECTIONS 47 AND 49, CHAPTER 264, O.S.L. 1990, WHICH RELATE TO CERTAIN APPROPRIATIONS TO THE OFFICE OF STATE FINANCE; MODIFYING APPROPRIATION AMOUNTS; PROVIDING LAPSE 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 Public Safety from any monies not otherwise appropriated from the General Revenue Fund of the State Treasury for the fiscal year ending June 30, 1990, the sum of Eight Hundred Thirty-two Thousand Dollars (\$832,000.00) or so much thereof as may be necessary to perform the duties imposed upon the Department of Public Safety by law.

SECTION 2. There is hereby appropriated to the Department of Corrections from any monies not otherwise appropriated from the General Revenue Fund of the State Treasury for the fiscal year ending June 30, 1990, the sum of Two Million One Hundred Fifty-three Thousand Five Hundred Seventy-two Dollars (\$2,153,572.00) or so much thereof as may be necessary to perform the duties imposed upon the Department of Corrections by law.

SECTION 3. There is hereby appropriated to the Will Rogers Memorial Commission from any monies not otherwise appropriated from the General Revenue Fund of the State Treasury for the fiscal year

ending June 30, 1990, the sum of Twenty-two Thousand One Hundred Twenty Dollars (\$22,120.00) or so much thereof as may be necessary to perform the duties imposed upon the Will Rogers Memorial Commission by law.

SECTION 4. There is hereby appropriated to the State Board of Vocational and Technical Education from any monies not otherwise appropriated from the General Revenue Fund of the State Treasury for the Fiscal year ending June 30, 1990, the sum of Three Hundred Seventy-two Thousand Eight Hundred Eighty-six Dollars (\$372,886.00) or so much thereof as may be necessary to perform the duties imposed upon the State Board of Vocational and Technical Education and the State Department of Vocational and Technical Education by law. The appropriation made by this section shall be transferred to the State Vocational-Technical Fund created pursuant to Section 14-105 of Title 70 of the Oklahoma Statutes.

SECTION 5. AMENDATORY Section 58, Chapter 258, O.S.L. 1990, is amended to read as follows:

Section 58. The duties and compensation of employees, not otherwise prescribed by law, necessary to perform the duties imposed upon the Department of Public Safety by law shall be set by the Commissioner of Public Safety. The Department of Public Safety for the fiscal year ending June 30, 1991, 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	1,363.0
Payroll, Salaries or Wages, Including Tax-sheltered Deferment Contracts and Longevity Payments	
Authorized by State Statutes	\$37,948,000.00
Professional and Personal Services Contracts	\$230,500.00

Purchase of Equipment	\$3,855,000.00
	<u>\$4,096,869.00</u>
Lease Purchase Agreements	\$457,000.00
Expenditure of Federal Funds	\$3,390,000.00
	<u>\$3,452,045.00</u>
Expenditure of Revolving Funds	\$6,200,000.00
	<u>\$7,458,726.00</u>
Total Expenditures for Operations	\$60,507,822.00
	<u>\$62,660,593.00</u>

SECTION 6. AMENDATORY Section 4, Chapter 23, O.S.L.

1990, as amended by Section 13, Chapter 258, O.S.L. 1990, is amended to read as follows:

Section 4. The duties and compensation of employees, not otherwise prescribed by law, necessary to perform the duties imposed upon the Department of Corrections by law shall be set by the Director. The salary of the Director shall not exceed Seventy Thousand Dollars (\$70,000.00) per annum, payable monthly for the fiscal year ending June 30, 1991. The Department of Corrections for the fiscal year ending June 30, 1991, 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	4,136.0
	<u>4,172.0</u>
Payroll, Salaries or Wages, Including Tax-sheltered Deferment Contracts and Longevity Payments Authorized by State Statutes	\$95,528,253.00
Professional and Personal Services Contracts	\$3,609,340.00
	<u>\$4,609,940.00</u>
Purchase of Equipment	\$4,330,000.00

	<u>\$4,830,000.00</u>
Lease-Purchase	\$600,000.00
Expenditure of Federal Funds	\$1,810,000.00
Expenditure of Industries Revolving Fund	\$14,500,000.00
Expenditure of Department of Corrections Revolving Fund	
\$4,800,000.00	
	\$5,550,000.00
Total Expenditures for Operations	\$174,526,633.00
	<u>\$176,680,205.00</u>

SECTION 7. AMENDATORY Section 2, Chapter 55, O.S.L.

1990, as amended by Section 135, Chapter 263, O.S.L. 1990, is amended to read as follows:.

Section 2. The duties and compensation of employees, not Otherwise prescribed by law, necessary to perform the duties imposed upon the Will Rogers Memorial Commission by law shall be set by the Commission. The Will Rogers Memorial Commission for the fiscal year ending June 30, 1991, 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	16.5
Payroll, Salaries or Wages, Including Tax-sheltered	
Deferment Contracts and Longevity Payments	
Authorized by State Statutes	\$398,209.00
Professional and Personal Services Contracts	0.00
Purchase of Equipment	\$47,000.00
Lease-Purchase	\$0.00
Expenditure of Federal Funds	\$0.00
Total Expenditures for Operations	\$675,235.00
	<u>\$697,355.00</u>

SECTION 8. 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 5003.4), 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 9. AMENDATORY 74 O.S. 1981, Section 565, as renumbered by Section 14, Chapter 367, O.S.L. 1989 (67 O.S. Supp. 1990, Section 306), is amended to read as follows:

Section 306. Every state officer and the heads of all departments, boards, commissions, agencies and institutions of the State of Oklahoma who have in their custody public records and archives deemed by them to be unnecessary for the transaction of the business of their offices shall consult with the State Librarian for the purpose of determining if such records and archives are desired for deposit in the archives division of the Oklahoma State Library. Upon certification by the State Librarian that such records and archives are or are not desired for such purpose, then such custodian shall, in conformity with such determination, apply to the Commission for authorization to destroy or transfer such records and archives to the Oklahoma State Library as hereinafter provided. Upon the filing of such application the Commission shall have authority to authorize or direct the disposition of such records and archives by any one or more of the following methods:

1. By destruction; provided that, the Commission shall not authorize destruction of records and archives less than five (5) years old except upon a showing of good cause by the agency or the Archives and Records Division of the Oklahoma Department of Libraries and a unanimous vote of the members of the Commission, or their designees, present.

2. By transfer to the custody and control of the Oklahoma State Library ~~and there retained~~. The State Librarian may, in his discretion, microfilm such records and archives, especially if so doing would aid in the preservation of their contents.

3. By transfer to the Oklahoma State Library with authorization to the State Librarian to microfilm said records and archives and upon the completion of this process to destroy said records and archives in accordance with the order of the Commission.

Records and archives transferred to the Oklahoma State Library shall never be returned to their former custody except by order of the Commission and written consent of the State Librarian.

SECTION 10. AMENDATORY Section 138, Chapter 263, O.S.L. 1990, is amended to read as follows:

Section 138. There is hereby appropriated to the State Board of Vocational and Technical Education from any monies not otherwise appropriated from the Capital Preservation and Economic Enhancement Fund of the State Treasury for the fiscal year ending June 30, 1991, the sum of ~~Seven Million Six Hundred Seventy-seven Thousand Nine Hundred Dollars (\$7,677,900.00)~~ One Million Eight Hundred Twenty-one Thousand Nine Hundred Eighty-four Dollars (\$1,821,984.00) and from the Capital Preservation and Economic Enhancement Fund of the State Treasury for the fiscal year ending June 30, 1990, the sum of Five Million Eight Hundred Fifty-five Thousand Nine Hundred Sixteen Dollars (\$5,855,916.00) or so much thereof as may be necessary to perform the duties imposed upon the State Board of Vocational and Technical Education and the State Department of Vocational and Technical Education by law and to accomplish the support of vocational and technical school activities as provided for in this act.

SECTION 11. AMENDATORY Section 47, Chapter 264, O.S.L. 1990, is amended to read as follows:

Section 47. There is hereby appropriated to the Office of State Finance from any monies not otherwise appropriated from the General Revenue Fund of the State Treasury for the fiscal year ending June 30, 1991, the amount of ~~Three Hundred Twelve Thousand Five Hundred Eighty-seven Dollars (\$312,587.00)~~ Three Hundred Eighteen Thousand One Hundred Sixty-four Dollars (\$318,164.00) or so much thereof as may be necessary to perform the duties imposed upon the Office of State Finance by law.

SECTION 12. AMENDATORY Section 49, Chapter 264, O.S.L. 1990, is amended to read as follows:

Section 49. There is hereby appropriated to the Office of State Finance from any monies not otherwise appropriated from the General

Revenue Fund of the State Treasury for the fiscal year ending June 30, 1991, the sum of ~~Three Hundred Seventeen Thousand One Hundred Ninety-five Dollars (\$317,195.00)~~ Three Hundred Eleven Thousand Six Hundred Eighteen Dollars (\$311,618.00) or so much thereof as may be necessary to produce the Comprehensive Annual Financial Report. The appropriation made in this section shall be expended exclusively for the purpose so stated and shall not be transferable.

SECTION 13. REAPPROPRIATION The sum of Three Hundred Eleven Thousand Six Hundred Eighteen Dollars (\$311,618.00) originally appropriated by Section 49, Chapter 264, O.S.L. 1990, in the amount of Three Hundred Seventeen Thousand One Hundred Ninety-five Dollars (\$317,195.00) and subsequently reduced to the amount indicated above by Section 12 of this act from the General Revenue Fund of the State Treasury for the fiscal year ending June 30, 1991, to produce the Comprehensive Annual Financial Report is hereby continued and reappropriated in the reduced amount specified above and for the original purpose, as adjusted by transfer, less any amount that has been expended upon the effective date of this act.

SECTION 14. The appropriations and reappropriation 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. 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.