

ENROLLED SENATE
BILL NO. 577

By: Taylor and Haney of the
Senate

and

Hamilton (James) and
Steidley of the House

An Act relating to state government service entities; providing for transfers of certain funds appropriated to the Department of Central Services; stating purposes; continuing and reappropriating certain funds to the Department of Central Services; stating purposes; authorizing expenditures from certain funds for certain purposes; exempting certain expenditures and payments from budgetary limitations; providing for duties and compensation of employees; limiting the salary of the Director; authorizing certain appointments; exempting certain employees from the Merit System of Personnel Administration; providing budgetary limitations; exempting certain employees from budgetary limitations; requiring the Director to submit certain report; specifying the contents of such report; amending Section 28 of Enrolled Senate Bill No. 383 of the 1st Session of the 44th Oklahoma Legislature, which relates to appropriations to the State Election Board; modifying such appropriations; making an appropriation to the State Election Board; stating purpose; providing for duties and compensation of employees; limiting the salary of the Secretary of the State Election Board; amending Section 29 of Enrolled Senate Bill No. 383 of the 1st Session of the 44th Oklahoma Legislature, which relates to appropriations to the State Ethics Commission; modifying such appropriations; providing for duties and compensation of employees; providing budgetary limitations; amending 74 O.S. 1991, Section 4201.1 and 4210, which relate to the Ethics Commission; authorizing the Commission to charge and collect certain fees; limiting the amount of such fees; providing for the deposit of certain monies in the fund; amending Section 31 of Enrolled Senate Bill No. 383 of the 1st Session of the 44th Oklahoma Legislature, which relates to appropriations to the Office of the Governor; modifying such appropriations; specifying certain budgetary limitations for the Office of the Lieutenant Governor; amending Section 36 of Enrolled Senate Bill No. 383 of the 1st Session of the 44th Oklahoma Legislature, which relates to appropriations to the Oklahoma Merit

Protection Commission; modifying such appropriations; making an appropriation to the Merit Protection Commission; stating purpose; redesignating certain funds appropriated to the Merit Protection Commission by Section 36, Chapter 234, O.S.L. 1992; stating legislative intent concerning retired Justices and Judges; providing for duties and compensation of employees; limiting the salary of the Executive Director; providing budgetary limitations; amending Section 37 of Enrolled Senate Bill No. 383 of the 1st Session of the 44th Oklahoma Legislature, which relates to appropriations to the Office of Personnel Management; modifying such appropriations; providing for duties and compensation of employees; limiting the salary of the Director; providing budgetary limitations; exempting certain expenditures from budgetary limitations; amending Section 40 of Enrolled Senate Bill No. 383 of the 1st Session of the 44th Oklahoma Legislature, which relates to appropriations to the Secretary of State; modifying such appropriations; making appropriations to the Secretary of State; stating purposes; authorizing the transfer of certain funds for certain purposes; providing for duties and compensation of employees; providing budgetary limitations; amending Section 92 of Enrolled Senate Bill No. 383 of the 1st Session of the 44th Oklahoma Legislature, which relates to appropriations to the Department of Transportation; modifying appropriation amount; authorizing certain transfers of funds for certain purposes; authorizing certain expenditures for certain purposes; requiring reduction in certain budgetary items; requiring legislative approval for certain budgetary actions; prohibiting furloughs or a reduction-in-force in field operations; prohibiting certain expenditures; providing for duties and compensation of employees; limiting the salary of the Director; providing budgetary limitations; stating purposes; authorizing the expenditure of certain funds for certain purposes; authorizing the Department of Transportation to conduct certain study; authorizing expenditure of certain funds in conjunction with grants or federal aid assistance; authorizing transfer of certain funds; amending 47 O.S. 1991, Sections 230.9 and 1133, as amended by Sections 2 and 3, Chapter 179, O.S.L. 1992 (47 O.S. Supp. 1992, Sections 230.9 and 1133), which relate to motor carriers; modifying apportionment of certain fees; requiring the Department of Transportation to submit certain budget work program; providing lapse dates; making certain appropriations nonfiscal; providing an operative date.

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

SECTION 1. From the appropriation made to the Department of Central Services in Section 38 of Enrolled Senate Bill No. 383 of the 1st Session of the 44th Oklahoma Legislature, the sum of Three Million Nine Hundred Thirty-six Thousand Thirty-seven Dollars (\$3,936,037.00) shall be transferred to the Building and Facility Revolving Fund created in Section 63.1 of Title 74 of the Oklahoma Statutes for the purpose of maintaining state buildings operated by the Department of Central Services.

SECTION 2. From the appropriation made to the Department of Central Services in Section 38 of Enrolled Senate Bill No. 383 of the 1st Session of the 44th Oklahoma Legislature, the sum of One Hundred Nine Thousand Six Hundred Ninety-nine Dollars (\$109,699.00) shall be used for asbestos abatement programs and for the expenses of filing claims for reimbursement from the Manville Property Damage Settlement Trust. The monies designated in this section shall be expended exclusively for the purposes so stated and shall not be transferable.

SECTION 3. The appropriation made to the Department of Central Services in Section 39 of Enrolled Senate Bill No. 383 of the 1st Session of the 44th Oklahoma Legislature shall be used for asbestos abatement programs and for the expenses of filing claims for reimbursement from the Manville Property Damage Settlement Trust. The monies designated in this section shall be expended exclusively for the purposes so stated and shall not be transferable.

SECTION 4. REAPPROPRIATION The amount of Eight Hundred Fifty Thousand Dollars (\$850,000.00) appropriated to the Department of Central Services by Section 13, Chapter 263, O.S.L. 1991, from any monies in the General Revenue Fund of the State Treasury, for the fiscal year ending June 30, 1990, not otherwise appropriated, for the purpose of Environmental Cleanup, is hereby continued and reappropriated in the original amount and for the original purpose, as adjusted by transfer, less the amounts that have been expended on the effective date of this act.

SECTION 5. The Department of Central Services is authorized to expend an amount not to exceed Five Hundred Eighty-four Thousand Seven Hundred Seventy-five Dollars (\$584,775.00) or so much thereof as may be necessary from the Motor Vehicle Liability Revolving Fund created pursuant to Section 85.36 of Title 74 of the Oklahoma Statutes to provide such salaries and administrative expenses as required by the Comprehensive Professional Risk Management Program provided for in Section 85.34 of Title 74 of the Oklahoma Statutes.

SECTION 6. The Department of Central Services is authorized to expend an amount not to exceed Two Hundred Seventy-four Thousand Six Hundred Thirty-seven Dollars (\$274,637.00) or so much thereof as may be necessary from the Risk Management Participation Revolving Fund created pursuant to Section 85.34b of Title 74 of the Oklahoma Statutes to provide such salaries and administrative expenses as required by the Comprehensive Professional Risk Management Program provided for in Section 85.34 of Title 74 of the Oklahoma Statutes.

SECTION 7. The Department of Central Services is authorized to expend an amount not to exceed Forty-two Thousand Six Hundred Sixty-six Dollars (\$42,666.00) or so much thereof as may be necessary from the Oklahoma Motor License Agent Indemnity Fund created pursuant to Section 1143.1 of Title 47 of the Oklahoma Statutes to provide such salaries and administrative expenses as required by the Comprehensive Professional Risk Management Program provided for in Section 85.34 of Title 74 of the Oklahoma Statutes.

SECTION 8. Expenditures from the Property and Casualty Revolving Fund shall not be subject to the budgetary limitations established for the Department of Central Services in Section 9 of this act. Payment of claims from the Property and Casualty Revolving Fund, Motor Vehicle Liability Revolving Fund, Oklahoma Motor License Agent Indemnity Fund, Risk Management Participation Revolving Fund, and Risk Management Elderly and Handicapped Transportation Revolving Fund shall not be subject to the budgetary limitations established for the Department of Central Services in Section 9 of this act.

SECTION 9. The duties and compensation of employees, not otherwise prescribed by law, necessary to perform the duties imposed upon the Department of Central Services by law shall be set by the Director of the Department of Central Services. The salary of the Director shall not exceed Sixty-nine Thousand Three Hundred Twenty Dollars (\$69,320.00) per annum, payable monthly for the fiscal year ending June 30, 1994. The Assistant Director of the Department of Central Services shall be appointed by the Director of the Department of Central Services. The Department of Central Services is authorized to employ two (2) executive secretaries. The two executive secretary positions and the position of Assistant Director of the Department of Central Services shall be unclassified and, except for leave regulations, shall be exempt from the rules, regulations, and procedures of the Merit System of Personnel Administration. The Department of Central Services for the fiscal year ending June 30, 1994, shall be subject to the following budgetary limitations on full-time-equivalent employees and expenditures, excluding expenditures for capital, intra-agency payments 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>
Average Full-time-equivalent Employees	390.0
Payroll, Salaries or Wages, Including Tax-sheltered Deferment Contracts and Longevity Payments Authorized by State Statutes \$9,140,690.00	
Professional and Personal Services Contracts	\$889,846.00
Lease-Purchase Agreements	\$100,000.00
Purchase of Equipment	\$3,137,857.00
Expenditure of Revolving Funds	\$24,487,449.00
Total Expenditures for Operations	\$34,925,967.00

The asbestos abatement program in the Department of Central Services shall not be subject to the full-time-equivalent employee limitation and the budgetary limitations established for the Department of Central Services in this section.

SECTION 10. The Director of the Department of Central Services, by January 1 of each year, shall submit a report to the Speaker of the House of Representatives, the President Pro Tempore of the Senate, the Director of the Office of State Finance, and the Governor describing the activities of the Department of Central Services in the previous fiscal year. Such report shall contain a description of each activity as included in the budget work program,

workload data for each activity, number of full-time-equivalent employees assigned to each activity, the budget or actual expenditures, as appropriate, of each activity, for the current fiscal year and the immediately preceding fiscal year.

ELECTION BOARD

SECTION 11. AMENDATORY Section 28 of Enrolled Senate Bill No. 383 of the 1st Session of the 44th Oklahoma Legislature, is amended to read as follows:

Section 28. There is hereby appropriated to the State Election Board from any monies not otherwise appropriated from the General Revenue Fund of the State Treasury for the fiscal year ending June 30, 1994, the sum of ~~Six Million Six Hundred Thirty-eight Thousand Four Hundred Ninety Dollars (\$6,638,490.00)~~ Five Million Three Hundred Seventy-eight Thousand Four Hundred Ninety Dollars (\$5,378,490.00) or so much thereof as may be necessary to perform the duties imposed upon the State Election Board by law.

SECTION 12. There is hereby appropriated to the State Election Board from any monies not otherwise appropriated from the General Revenue Fund of the State Treasury for the fiscal year ending June 30, 1994, the sum of One Million Two Hundred Sixty Thousand Dollars (\$1,260,000.00) or so much thereof as may be required to pay the necessary expenses of holding elections.

SECTION 13. The duties and compensation of employees, not otherwise prescribed by law, necessary to perform the duties imposed upon the State Election Board by law shall be set by the Secretary of the State Election Board. The salary of the Secretary of the State Election Board shall not exceed Sixty-four Thousand Three Hundred Ninety-one Dollars (\$64,391.00) per annum, payable monthly for the fiscal year ending June 30, 1994.

ETHICS COMMISSION

SECTION 14. AMENDATORY Section 29 of Enrolled Senate Bill No. 383 of the 1st Session of the 44th Oklahoma Legislature, is amended to read as follows:

Section 29. There is hereby appropriated to the State Ethics Commission from any monies not otherwise appropriated from the General Revenue Fund of the State Treasury for the fiscal year ending June 30, 1994, the sum of ~~Three Hundred Thousand Eight Hundred Eleven Dollars (\$300,811.00)~~ Three Hundred Seventeen Thousand Five Hundred Twenty-two Dollars (\$317,522.00) or so much thereof as may be necessary to perform the duties imposed upon the State Ethics Commission by law.

SECTION 15. The duties and compensation of employees, not otherwise prescribed by law, necessary to perform the duties imposed upon the Ethics Commission by law shall be set by the Executive Director of the Ethics Commission. The Ethics Commission for the fiscal year ending June 30, 1994, 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	7.0
Payroll, Salaries or Wages, Including Tax-sheltered Deferment Contracts and Longevity Payments Authorized by State Statutes \$225,500.00	
Professional and Personal Services Contracts	\$17,500.00

Lease-Purchase Payments	\$0.00
Purchase of Equipment	\$6,000.00
Expenditure of Revolving Funds	\$17,265.00
Expenditure of Federal Funds	\$0.00
Total Expenditures for Operations	\$342,787.00

SECTION 16. AMENDATORY 74 O.S. 1991, Section 4201.1, is amended to read as follows:

Section 4201.1 A. The provisions of the Ethics Commission Act, Section 4200 et seq. of Title 74 of the Oklahoma Statutes, shall be administered as follows:

1. The Ethics Commission created in Section 1 of Article XXIX of the Oklahoma Constitution shall administer the Ethics Commission Act with respect to candidates or candidate committees for state or county office, campaigns for state initiatives and referenda and public officials and public employees elected or appointed to serve in state and county government;

2. The municipal clerk shall administer the Ethics Commission Act with respect to candidates or candidate committees for municipal office or committees supporting or opposing candidates for municipal office; and

3. The clerk of the board of education shall administer this act with respect to candidates or candidate committees for school district office or committees supporting or opposing candidates for school district office.

B. The municipal clerk and the clerk of the board of education shall not receive any complaints of violations of this act and shall be limited to the duties prescribed in paragraphs 1, 2, 3, 4 and 5 of subsection A of Section 4206 of this title.

C. Pursuant to the provisions of paragraph 3 of subsection A of Section 4206 of this title, the Ethics Commission shall distribute the forms required by this act, copies of this act, and instructional materials to municipalities and school boards upon request. In return for such materials, the Commission shall charge and collect fees in an amount adequate to recover the costs of printing and distribution, not to exceed twenty-five cents (\$0.25) per page in accordance with the Open Records Act, Section 24A.1 of Title 51 of the Oklahoma Statutes. Such fees shall be deposited in the Ethics Commission Revolving Fund.

SECTION 17. AMENDATORY 74 O.S. 1991, Section 4210, is amended to read as follows:

Section 4210. There is hereby created in the State Treasury a revolving fund for the Ethics Commission to be designated the "Ethics Commission Fund". The fund shall be a continuing fund, not subject to fiscal year limitations and shall consist of all copying fees received by the Commission and fees collected pursuant to Section 4201.1 of this title. All monies accruing to the credit of the fund are hereby appropriated and may be budgeted and expended by the Commission for any expenses incurred in the implementation of this act. Expenditures from the fund shall be made upon warrants issued by the State Treasurer against claims filed as prescribed by law with the Director of State Finance for approval and payment.

GOVERNOR

SECTION 18. AMENDATORY Section 31 of Enrolled Senate Bill No. 383 of the 1st Session of the 44th Oklahoma Legislature, is amended to read as follows:

Section 31. There is hereby appropriated to the Office of the Governor from any monies not otherwise appropriated from the General Revenue Fund of the State Treasury for the fiscal year ending June 30, 1994, the following amount or so much thereof as may be required for the following purposes:

Personal Services, operating expenses and extraordinary protection of the state	\$1,982,424.00
	<u>\$1,978,924.00</u>

For payment of official and necessary expenses during occupancy of the Governor's Mansion and to perform the duties of the Governor's Office pursuant to Section 7 of Title 74 of the Oklahoma Statutes

~~31,500.00~~

\$	
	<u>\$ 35,000.00</u>

TOTAL	\$2,013,924.00
-------	----------------

LIEUTENANT GOVERNOR

SECTION 19. For the Fiscal Year ending June 30, 1994, the personal services budget limit for the Office of the Lieutenant Governor, for the purposes of the provisions of Chapter 367, O.S.L. 1992, shall be Four Hundred Seventeen Thousand Dollars (\$417,000.00).

MERIT PROTECTION COMMISSION

SECTION 20. AMENDATORY Section 36 of Enrolled Senate Bill No. 383 of the 1st Session of the 44th Oklahoma Legislature, is amended to read as follows:

Section 36. There is hereby appropriated to the Oklahoma Merit Protection Commission from any monies not otherwise appropriated from the General Revenue Fund of the State Treasury for the fiscal year ending June 30, 1994, the sum of ~~Five Hundred Thirty-six Thousand Eight Hundred Eleven Dollars (\$536,811.00)~~ Five Hundred Ten Thousand Six Hundred Thirty-four Dollars (\$510,634.00) or so much thereof as may be necessary to perform the duties imposed upon the Oklahoma Merit Protection Commission by law.

SECTION 21. There is hereby appropriated to the Oklahoma Merit Protection Commission from any monies not otherwise appropriated from the General Revenue Fund of the State Treasury for the fiscal year ending June 30, 1994, the sum of Fifteen Thousand Dollars (\$15,000.00) or so much thereof as may be necessary for legal services when the Attorney General disqualifies herself from legal counsel or representation of the Oklahoma Merit Protection Commission due to conflict of interest. These funds shall be expended exclusively for this purpose and shall not be transferable.

SECTION 22. REDESIGNATION The amount of Fifteen Thousand Dollars (\$15,000.00) appropriated by Section 36, Chapter 234, O.S.L. 1992, to the Oklahoma Merit Protection Commission from any monies in the General Revenue Fund of the State Treasury, for the fiscal year ending June 30, 1993, for legal services when the Attorney General disqualifies herself from legal counsel or representation of the Oklahoma Merit Protection Commission due to conflict of interest, is hereby redesignated to be used for the duties imposed upon the Oklahoma Merit Protection Commission by law. If on the date this act is approved any of the amount originally appropriated as adjusted by expenditures, encumbrances and transfers, results in an

unencumbered balance less than the redesignation amount, then that redesignated amount is reduced to the unencumbered balance.

SECTION 23. It is the intent of the Legislature that for the fiscal year ending June 30, 1994, the Merit Protection Commission shall utilize retired Justices or Judges for the services of Administrative Law Judges for hearings and prehearings.

SECTION 24. The duties and compensation of employees, not otherwise prescribed by law, necessary to perform the duties imposed upon the Merit Protection Commission by law shall be set by the Executive Director of the Merit Protection Commission. The salary of the Executive Director of the Merit Protection Commission shall not exceed Forty-nine Thousand Three Hundred Nineteen Dollars (\$49,319.00) per annum, payable monthly for the fiscal year ending June 30, 1994. The Merit Protection Commission for the fiscal year ending June 30, 1994, 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	11.0
Payroll, Salaries or Wages, Including Tax-sheltered Deferment Contracts and Longevity Payments Authorized by State Statutes \$345,702.00	
Professional and Personal Services Contracts	\$90,000.00
Lease-Purchase Payments	\$10,000.00
Purchase of Equipment	\$15,000.00
Expenditure of Revolving Funds	\$12,000.00
Expenditure of Federal Funds	\$0.00
Total Expenditures for Operations	\$578,634.00

OFFICE OF PERSONNEL MANAGEMENT

SECTION 25. AMENDATORY Section 37 of Enrolled Senate Bill No. 383 of the 1st Session of the 44th Oklahoma Legislature, is amended to read as follows:

Section 37. There is hereby appropriated to the Office of Personnel Management from any monies not otherwise appropriated from the General Revenue Fund of the State Treasury for the fiscal year ending June 30, 1994, the sum of ~~Four Million Three Hundred Ten Thousand Six Hundred Ninety-three Dollars (\$4,310,693.00)~~ Four Million Two Hundred Twenty-five Thousand One Hundred Seventy-five Dollars (\$4,225,175.00) or so much thereof as may be necessary to perform the duties imposed upon the Office of Personnel Management by law.

SECTION 26. The duties and compensation of employees, not otherwise prescribed by law, necessary to perform the duties imposed upon the Office of Personnel Management by law shall be set by the Director of the Office of Personnel Management. The salary of the Director of the Office of Personnel Management shall not exceed Fifty-nine Thousand Six Hundred Sixty-one Dollars (\$59,661.00) per annum, payable monthly for the fiscal year ending June 30, 1994. The Office of Personnel Management for the fiscal year ending June

30, 1994, 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	114.5
Payroll, Salaries or Wages, Including Tax-sheltered Deferment Contracts and Longevity Payments Authorized by State Statutes	\$3,382,674.00
Professional and Personal Services Contracts	\$175,000.00
Lease-Purchase Payments	\$21,000.00
Purchase of Equipment	\$150,000.00
Expenditure of Revolving Funds	\$155,000.00
Expenditure of Federal Funds	\$0.00
Total Expenditures for Operations	\$4,770,176.00

Expenditures from the Benefits Council Administration Revolving Fund shall not be subject to the budgetary limitations established for the Office of Personnel Management in this section.

SECRETARY OF STATE

SECTION 27. AMENDATORY Section 40 of Enrolled Senate Bill No. 383 of the 1st Session of the 44th Oklahoma Legislature, is amended to read as follows:

Section 40. There is hereby appropriated to the Secretary of State from any monies not otherwise appropriated from the General Revenue Fund of the State Treasury for the fiscal year ending June 30, 1994, the sum of ~~Six Hundred Thirty-four Thousand Seven Hundred Fifty-three Dollars (\$634,753.00)~~ Three Hundred Seventy-seven Thousand Three Hundred Fifty-three Dollars (\$377,353.00) or so much thereof as may be necessary to perform the duties imposed upon the Secretary of State by law.

SECTION 28. There is hereby appropriated to the Secretary of State from any monies not otherwise appropriated from the General Revenue Fund of the State Treasury for the fiscal year ending June 30, 1994, the sum of One Hundred Twenty-two Thousand Four Hundred Dollars (\$122,400.00) or so much thereof as may be necessary to implement the Office of Volunteerism.

SECTION 29. There is hereby appropriated to the Secretary of State from any monies not otherwise appropriated from the General Revenue Fund of the State Treasury for the fiscal year ending June 30, 1994, the sum of One Hundred Thirty-five Thousand Dollars (\$135,000.00) or so much thereof as may be necessary for the expenses of the Office of Administrative Rules.

SECTION 30. The Secretary of State is authorized to transfer One Hundred Fifty Thousand Dollars (\$150,000.00) from the Central Filing System Revolving Fund to the Secretary of State Revolving Fund for the expenses of the Office of Administrative Rules.

SECTION 31. The duties and compensation of employees, not otherwise prescribed by law, necessary to perform the duties imposed upon the Secretary of State by law shall be set by the Secretary of State. The Secretary of State for the fiscal year ending June 30,

1994, 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	41.0
Payroll, Salaries or Wages, Including Tax-sheltered Deferment Contracts and Longevity Payments Authorized by State Statutes \$1,100,000.00	
Professional and Personal Services Contracts	\$300,000.00
Lease-Purchase Payments	\$2,500.00
Purchase of Equipment	\$300,000.00
Expenditure of Revolving Funds	\$1,350,000.00
Expenditure of Federal Funds	\$0.00
Total Expenditures for Operations	\$2,163,553.00

DEPARTMENT OF TRANSPORTATION

SECTION 32. AMENDATORY Section 92 of Enrolled Senate Bill No. 383 of the 1st Session of the 44th Oklahoma Legislature, is amended to read as follows:

Section 92. There is hereby appropriated to the Department of Transportation from any monies not otherwise appropriated from the State Transportation Fund of the State Treasury for the fiscal year ending June 30, 1994, the sum of ~~One Hundred Seventy-four Million One Hundred Twenty-nine Thousand Fifty-seven Dollars (\$174,129,057.00)~~ One Hundred Seventy-three Million Three Hundred Seven Thousand Fifty-seven Dollars (\$173,307,057.00), or so much thereof as may be necessary to perform the duties imposed upon the Department of Transportation by law. Said appropriation shall be transferred to the State Highway Construction and Maintenance Fund and shall be expended in the same manner and for the same purposes as provided by law for other monies accruing to the credit of the State Highway Construction and Maintenance Fund.

SECTION 33. The Department of Transportation is authorized to expend from any monies available in the State Highway Construction and Maintenance Fund an amount not to exceed Four Million Three Hundred Seventy-seven Thousand Dollars (\$4,377,000.00) or so much thereof as may be necessary for operational expenses of the urban mass transit and railroad planning branches of the Department, and not less than One Hundred Eighty Thousand Dollars (\$180,000.00) for operational expenses of the Waterways Division of the Department.

SECTION 34. The Department of Transportation shall expend from the funds dedicated to construction not less than Two Million Seven Hundred Fifty Thousand Dollars (\$2,750,000.00) for the construction of roads to existing industrial sites and roads for economic development purposes, and not less than Two Million Seven Hundred Fifty Thousand Dollars (\$2,750,000.00) for the construction, maintenance and repair of roads to historical sites and lake access roads.

SECTION 35. For the fiscal year ending June 30, 1994, the Department of Transportation shall reduce the funding budgeted for

central office administration by not less than Eight Hundred Twenty-two Thousand Dollars (\$822,000.00) from the amount budgeted for the fiscal year ending June 30, 1993. The department shall not budget less than Eight Million Three Hundred Seventy-nine Thousand Seven Hundred Eighty-eight Dollars (\$8,379,788.00) for the fiscal year ending June 30, 1994, for field administration division offices without approval from the Oklahoma Legislature. For the fiscal year ending June 30, 1994, the Department of Transportation shall not implement a furlough or a reduction-in-force in field operations.

SECTION 36. The Department of Transportation is authorized to expend from any monies available in the State Highway Construction and Maintenance Fund the sum of Five Hundred Seventy-four Thousand Dollars (\$574,000.00) or so much thereof as may be necessary for usage by the Oklahoma Aeronautics Commission for the repair, construction or extension of airport runways and facilities, and for providing lighting and safety markers at airports. Such funds may be used for matching purposes. Such funds shall not be expended for the construction or repair of hangars, fixed base operator facilities or passenger terminal buildings.

SECTION 37. The duties and compensation of employees, not otherwise prescribed by law, necessary to perform the duties imposed upon the Department of Transportation by law shall be set by the Director of the Department of Transportation. The salary of the Director of the Department of Transportation shall not exceed Seventy-three Thousand One Hundred One Dollars (\$73,101.00) per annum, payable monthly for the fiscal year ending June 30, 1994. The Department of Transportation, for the fiscal year ending June 30, 1994, shall be subject to the following budgetary limitations on full-time-equivalent employees, except hours coded as overtime wages, 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	3,125.0
Payroll, Salaries or Wages, Including Tax-sheltered Deferment Contracts and Longevity Payments Authorized by State Statutes	\$80,181,755.00
Professional and Personal Services Contracts, Excluding Prior Years' Encumbrances and Obligations	\$14,000,000.00
Lease-Purchase Agreements	\$400,000.00
Purchase of Equipment, Excluding Prior Years' Encumbrances and Obligations	\$28,000,000.00
Receipts of Federal Funds, Excluding Prior Years' Encumbrances and Obligations	\$254,000,000.00
Total Expenditures for Operations of the Oklahoma Aeronautics Commission, Excluding Prior Years' Encumbrances and Obligations and Capital Projects	\$3,231,133.00
Total Expenditures for Operations, Excluding Prior Years' Encumbrances and	

Obligations and Capital Projects

\$184,000,000.00

SECTION 38. The Department of Transportation shall expend from any monies available in the State Highway Construction and Maintenance Fund for the fiscal year ending June 30, 1994, the following amount or so much thereof as may be necessary for administration and operating expenses of the Oklahoma Aeronautics Commission required in the enforcement of the Oklahoma Aeronautics Act by law:

Personal Services	\$468,653.56
Other Operating Expenses	<u>40,000.00</u>
TOTAL OPERATIONS	\$508,653.56

Said funds may be used by the Oklahoma Aeronautics Commission to support aviation educational programs in the State of Oklahoma. The Oklahoma Aeronautics Commission shall not utilize more than Seven Thousand Dollars (\$7,000.00) for the renting, leasing or chartering of aircraft necessary to enable the Commission to perform the duties imposed upon it by law.

SECTION 39. The Department of Transportation is hereby authorized to use any funds available to the Department to match funds which are advanced under the provisions of Sections 402, 403 and 419, Public Law 93-288, Disaster Relief Act of 1974, to repair, restore, reconstruct or replace public transportation facilities or to remove debris or wreckage from publicly owned facilities. The Department of Transportation shall coordinate with the Oklahoma Department of Civil Emergency Management for expenditure of funds for this purpose.

SECTION 40. The Department of Transportation is hereby authorized to enter into an agreement with the Oklahoma Turnpike Authority for the purpose of conducting a joint feasibility study regarding any turnpike or part or parts thereof as authorized in paragraph (22) of subsection (e) of Section 1705 of Title 69 of the Oklahoma Statutes. The Department of Transportation shall make an estimate of when such a road or part or parts thereof could be constructed as a public highway.

SECTION 41. All funds available in accordance with law for expenditure by the Department of Transportation 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.

SECTION 42. The Director of the Office of State Finance, on the effective date of this act, shall transfer the sum of Eight Hundred Sixty-five Thousand Two Hundred Sixty-three Dollars (\$865,263.00) from the State Highway Construction and Maintenance Fund as created by Section 1501 of Title 69 of the Oklahoma Statutes to the General Revenue Fund of the state.

SECTION 43. The Director of the Office of State Finance, on the effective date of this act, shall transfer the sum of Four Hundred Thousand Dollars (\$400,000.00) from the Trucking Industry Self-Funded Research and Development (TISRAD) Revolving Fund as created by Section 1164 of Title 47 of the Oklahoma Statutes to the General Revenue Fund of the state.

SECTION 44. The Director of the Office of State Finance, on the effective date of this act, shall transfer an amount equal to the amount of administrative penalties collected during the period of July 1, 1993 to the effective date of this act, pursuant to the

provisions of Section 230.9(h) of Title 47 of the Oklahoma Statutes, from the Trucking Industry Self-Funded Research and Development (TISRAD) Revolving Fund as created by Section 1164 of Title 47 of the Oklahoma Statutes to the General Revenue Fund of the state.

SECTION 45. AMENDATORY 47 O.S. 1991, Section 230.9, as amended by Section 2, Chapter 179, O.S.L. 1992 (47 O.S. Supp. 1992, Section 230.9), is amended to read as follows:

Section 230.9 A. The transportation of any property in commerce, including hazardous materials or the transportation of passengers for compensation or for hire by bus, that is not in compliance with the Oklahoma Motor Carrier Safety and Hazardous Materials Transportation Act or the rules and regulations issued pursuant thereto, is prohibited.

B. Pursuant to the provisions of this section and except as otherwise provided by subsection D of this section, any person who is determined by the Commissioner to have committed:

1. An act which is a violation of a recordkeeping requirement of this title or of any rule or regulation promulgated thereto or the Federal Motor Carrier Safety Act of 1984, such person shall be liable to the State of Oklahoma for an administrative penalty not to exceed One Hundred Dollars (\$100.00) for each offense, provided that the total of all administrative penalties assessed against any violator pursuant to this paragraph for all offenses related to any single violation shall not exceed Five Hundred Dollars (\$500.00);

2. An act or acts other than recordkeeping requirements, which evidences a serious pattern of safety violations, as determined by the Commissioner, such person shall be liable to the State of Oklahoma for an administrative penalty not to exceed Two Hundred Dollars (\$200.00) for each offense, provided the maximum fine for each pattern of safety violations shall not exceed One Thousand Dollars (\$1,000.00). The Commissioner may consider present and prior offenses in determining a serious pattern of safety violations; or

3. An act or acts which evidences to the Commissioner, that a substantial health or safety violation exists or has occurred which could reasonably lead to or has resulted in serious personal injury or death, such person shall be liable to the State of Oklahoma for an administrative penalty not to exceed One Thousand Dollars (\$1,000.00) for each offense.

C. Each day of violation as specified in subsection B of this section shall constitute a separate single violation/offense.

D. Except for recordkeeping violations, no administrative penalty shall be assessed pursuant to the provisions of this section, against an employee of any person subject to the provisions of the Oklahoma Motor Carrier Safety and Hazardous Materials Transportation Act for a violation unless the Commissioner determines that such actions of the employee constituted gross negligence or reckless disregard for safety in which case such employee shall be liable for an administrative penalty not to exceed One Thousand Dollars (\$1,000.00).

E. In determining the amount of any administrative penalty and the reasonable amount of time for abatement of the violation, the Commissioner shall include, but not be limited to, consideration of the nature, circumstances and gravity of the violation, and with respect to the person found to have committed the violation, the degree of culpability, history of prior offenses, effect on ability to continue to do business and such other matters as justice and public safety may require. In each case, the assessment shall be calculated to induce further compliance.

F. The Commissioner or his designated representative shall assess the amount of any administrative penalty, after notice and an opportunity for hearing, by written notice to the violator together with notice of findings in the case. An appeal therefrom may be made to the district court of Oklahoma County pursuant to the provisions of Sections 318 through 323 of Title 75 of the Oklahoma Statutes.

G. An administrative penalty assessed by the Commissioner may be recovered in an action brought by the Attorney General on behalf of the State of Oklahoma or by the Commissioner in the appropriate district court of the State of Oklahoma. Before referral to the Attorney General such administrative penalty may be compromised by the Commissioner.

H. ~~The first Seventy-five Thousand Dollars (\$75,000.00) in All administrative penalties collected pursuant to the provisions of this act shall be deposited to the credit of the Trucking Industry Self-Funded Research and Development (TISRAD) Revolving Fund. Such funds deposited to TISRAD shall be used to provide research and analysis with regard to heavy vehicle accidents in Oklahoma and in particular accidents and violations involving the transportation of hazardous materials. Expenditures from the Trucking Industry Self-Funded Research and Development (TISRAD) Revolving Fund shall be in compliance with competitive bidding required of state agencies, shall be in compliance with prohibitions against sole source contracts, and shall be audited annually by the State Auditor and Inspector. All monies collected in excess of Seventy-five Thousand Dollars (\$75,000.00) each fiscal year shall be deposited in the General Revenue Fund of the State of Oklahoma.~~

SECTION 46. AMENDATORY 47 O.S. 1991, Section 1133, as amended by Section 3, Chapter 179, O.S.L. 1992 (47 O.S. Supp. 1992, Section 1133), is amended to read as follows:

Section 1133. A. The following license fees shall be paid annually to the Oklahoma Tax Commission upon the registration of the following vehicles:

For each commercial vehicle over eight thousand (8,000) pounds as defined in Section 1102 of this title, the license fee shall be based on the combined laden weight of the vehicle or combination of vehicles. The license fees shall be computed and assessed at the following rates:

1. From 8,001 pounds to 15,000 pounds	\$ 95.00
2. From 15,001 pounds to 18,000 pounds	120.00
3. From 18,001 pounds to 21,000 pounds	155.00
4. From 21,001 pounds to 24,000 pounds	190.00
5. From 24,001 pounds to 27,000 pounds	225.00
6. From 27,001 pounds to 30,000 pounds	260.00
7. From 30,001 pounds to 33,000 pounds	295.00
8. From 33,001 pounds to 36,000 pounds	325.00
9. From 36,001 pounds to 39,000 pounds	350.00
10. From 39,001 pounds to 42,000 pounds	375.00
11. From 42,001 pounds to 45,000 pounds	400.00

12.	From 45,001 pounds to 48,000 pounds	425.00
13.	From 48,001 pounds to 51,000 pounds	450.00
14.	From 51,001 pounds to 54,000 pounds	475.00
15.	From 54,001 pounds to 57,000 pounds	648.00
16.	From 57,001 pounds to 60,000 pounds	681.00
17.	From 60,001 pounds to 63,000 pounds	713.00
18.	From 63,001 pounds to 66,000 pounds	746.00
19.	From 66,001 pounds to 69,000 pounds	778.00
20.	From 69,001 pounds to 72,000 pounds	817.00
21.	From 72,001 pounds to 73,280 pounds	857.00
22.	From 73,281 pounds to 74,000 pounds	870.00
23.	From 74,001 pounds to 75,000 pounds	883.00
24.	From 75,001 pounds to 76,000 pounds	896.00
25.	From 76,001 pounds to 77,000 pounds	909.00
26.	From 77,001 pounds to 78,000 pounds	922.00
27.	From 78,001 pounds to 79,000 pounds	935.00
28.	From 79,001 pounds to 80,000 pounds	948.00
29.	From 80,001 pounds to 81,000 pounds	961.00
30.	From 81,001 pounds to 82,000 pounds	974.00
31.	From 82,001 pounds to 83,000 pounds	987.00
32.	From 83,001 pounds to 84,000 pounds	1000.00
33.	From 84,001 pounds to 85,000 pounds	1013.00
34.	From 85,001 pounds to 86,000 pounds	1026.00
35.	From 86,001 pounds to 87,000 pounds	1039.00
36.	From 87,001 pounds to 88,000 pounds	1052.00
37.	From 88,001 pounds to 89,000 pounds	1065.00
38.	From 89,001 pounds to 90,000 pounds	1078.00

B. After the fifth year's registration in this or any other state, the license fee upon any truck registered on a basis of the combined laden weight not in excess of fifteen thousand (15,000) pounds shall be assessed at fifty percent (50%) of the fee computed and assessed for each of the first five (5) years. On the seventh

and all subsequent years of registration in this or any other state, on such truck, such license fees shall be assessed and computed at fifty percent (50%) of the amount due on the sixth year's registration. In no event shall such annual license fee on any truck be less than Ten Dollars (\$10.00) nor shall the annual license fee of any truck-tractor be less than Ninety-five Dollars (\$95.00).

C. In addition to the fees required by subsection A of this section, there shall be paid a registration fee of Forty Dollars (\$40.00) upon the first registration in this state after the effective date of this act and upon the transfer of ownership of any commercial trailer or semitrailer designed to be pulled and usually pulled by a truck or truck-tractor.

Thereafter, a fee of Four Dollars (\$4.00) shall be paid annually for each trailer or semitrailer. The fee of Four Dollars (\$4.00) shall be due and payable on January 1 of each year and shall be the only fee due on any trailer or semitrailer registered under this section.

Upon the payment of the registration fee of Forty Dollars (\$40.00), a nonexpiring registration certificate and identification plate shall be issued for each trailer or semitrailer. The nonexpiring identification plate shall remain displayed on the trailer or semitrailer for which the identification plate is issued until such trailer or semitrailer is sold or removed from service.

A receipt shall be issued upon the payment of the annual fee. The receipt shall show the total fee paid for one or more trailers or semitrailers. The receipt shall be retained by the owner of any trailer or semitrailer for a period of three (3) years and shall be subject to audit by the Oklahoma Tax Commission.

Any trailer or semitrailer licensed pursuant to this section shall not be permitted to be operated on the highways of this state when such trailer or semitrailer is being operated by a resident of this state, or is being operated by a person operating a vehicle or vehicles domiciled in this state and required by law to be licensed in Oklahoma, unless the pulling truck or truck-tractor has been licensed pursuant to this section. In no event shall any truck, truck-tractor, trailer, or semitrailer used in the furtherance of any commercial enterprise be permitted to operate on the highways of this state or register at a smaller license fee than that prescribed in this section except as provided in this section.

D. ~~Notwithstanding~~ For the fiscal year beginning July 1, 1994, and for each fiscal year thereafter, notwithstanding the provisions of Section 1104 of this title, the first Four Hundred Thousand Dollars (\$400,000.00) of all monies collected pursuant to subsections A, B and C of this section shall be paid by the Oklahoma Tax Commission to the State Treasurer of the State of Oklahoma who shall deposit same each fiscal year, or such lesser amount as may accrue each fiscal year, under the provisions of this section to the credit of the Trucking Industry Self-Funded Research and Development (TISRAD) Revolving Fund as created in Section 1164 of this title. Expenditures from the Trucking Industry Self-Funded Research and Development (TISRAD) Revolving Fund shall be in compliance with competitive bidding required of state agencies, shall be in compliance with prohibitions against sole source contracts, and shall be audited annually by the State Auditor and Inspector General Revenue Fund of the State Treasury. All monies collected in excess of Four Hundred Thousand Dollars (\$400,000.00) each fiscal year shall be apportioned as provided in Section 1104 of this title.

E. If any vehicle is used for a purpose other than that for which it has been registered, the owner of the vehicle shall be required to immediately reregister the vehicle at the appropriate

rate. If any vehicle is placed or operated upon any street, road or highway of this state with a laden weight in excess of that for which it is licensed, the license fee for such increased laden weight shall become due, and the owner of the vehicle shall be required to immediately reregister the vehicle at the increased rate. Provided that, in either event there shall be credited upon the increased license fee for such reregistration for any portion of the year or period remaining after the change in use or increase in laden weight shall have occurred a proportionate part of the license fees previously paid. If this reregistration is made voluntarily by the owner, the ratable proportion of the credit allowed shall be determined as of the date the reregistration is voluntarily made. If the reregistration is not voluntarily made but occurs as a result of the discovery by any enforcement officer of an improper operation of the vehicle, that shall be considered prima facie evidence that it has been improperly registered for the entire portion of the year covered by the improper registration. Provided further that the ratable credit shall be allowed only on the first reregistration of any vehicle during any calendar year. If, during the calendar year, subsequent changes of license plate are desired, the ratable credit shall not be allowed but the owner of the vehicle shall be required to pay the license fee due for that portion of the calendar year remaining without benefit of any additional credits. No motor vehicle owner shall have in his possession at any time more than one license plate for any vehicle owned by him. No reregistration shall be made until the current license plate previously issued has been surrendered.

Any person who has paid a fee under the terms and provisions of this subsection may at any time within one (1) year after the payment of such fee file with the Commission a claim under oath for refund stating the grounds therefor; provided the Commission shall allow refunds only where the amount of tax paid has been erroneously computed or determined through clerical errors or miscalculations. No refund shall be allowed by the Commission of a tax paid by the person where such payment is made through a mistake as to the legal misinterpretation or construction of the provisions of this section. Any refunds made by the Commission pursuant to this subsection shall be made out of any monies collected pursuant to this subsection and which have not been apportioned.

F. The annual license fee required by this section is intended to cover only the motor vehicle for which it is issued. The Commission upon application, when a licensed truck-tractor has been destroyed by fire or accident, shall credit the unused portion of the annual license fee of said vehicle toward the license fee of a replacement vehicle of equal registered weight. The amount of credit shall not exceed the license fee due on the replacement vehicle. The Commission shall not be required to make a refund. If the replacement vehicle is to be registered at a greater weight, the applicant shall pay an additional sum equivalent to the difference between the unused portion of the annual license fee for the original motor vehicle and the license fee due for the replacement motor vehicle.

G. The license fees provided for in this section shall be paid each year whether or not the vehicle is operated on the public highway.

H. Notwithstanding the provision of any other statute in respect to the time for payment of license fees on motor vehicles, if the total amount of the annual license fees due from any resident owner, either individual, partnership, or Oklahoma corporation, upon the registration, on or before January 15 of any year, of commercial

trucks, truck-tractors, trailers or semitrailers exceeds the sum of One Thousand Dollars (\$1,000.00), said license fees may be paid in equal semiannual installments. The first installment shall be paid at the time of the application for registration of said vehicles and not later than January 15 of each year, and the second installment shall be paid on or before the first day of July of said year.

This subsection shall not operate to reduce the amount of the license fees due. If any installment is not paid on or before the date due, all unpaid installments of license fees for such year on each vehicle shall be deemed delinquent and immediately due and payable, and there shall be added a penalty of twenty-five cents (\$.25) per day to the balance of the license fee due on each vehicle for each day the balance remains unpaid up to thirty (30) days, after which the penalty due on each vehicle shall be Twenty-five Dollars (\$25.00). The penalty for vehicles registered by weight in excess of eight thousand (8,000) pounds shall be an amount equal to the license fee. On and after the 30th day each such vehicle involved shall be considered as improperly licensed and as not currently registered, and all of the provisions of the Oklahoma Vehicle License and Registration Act relating to enforcement, including the provisions for the seizure and sale of vehicles not registered and not displaying current license plates, shall apply to said vehicles.

All fees and taxes levied by this act shall become and remain a first lien upon the vehicle upon which said fees or taxes are due until paid. Said lien shall have priority to all other liens. Provided further, that no title to any vehicle may be transferred until the unpaid balance on the vehicle has been paid in full. Provided that any unpaid balance of said license fees shall remain and become a lien against any and all property of the owner, both real and personal, for so long as any license tag fee balance shall remain unpaid. Provided further, that any unpaid balance under these provisions shall be immediately due and payable by the owner if any vehicle is sold, wrecked, or otherwise retired from service.

Any person electing to pay license fees on a semiannual installment basis, as herein authorized, shall be required to purchase a new license tag for the last half and shall pay the sum of Four Dollars (\$4.00) for each tag to cover the costs of said license tags; said license tags for each half shall be plainly marked in designating the half for which they were issued. A validation sticker may be used in lieu of a metal tag where appropriate. Such license tag fee shall be, in addition to the license fees or any other fees, collected on each application as provided by statute and shall be apportioned according to the provisions of Section 1104 of this title.

I. Any person pulling or towing any vehicle intended to be resold, into or through this state, shall pay a fee of Three Dollars (\$3.00) for the vehicle towing and Three Dollars (\$3.00) for the one being towed. It shall be unlawful to operate any series of such units on the public highways of this state at a distance closer than five hundred (500) feet from each other. All fees and taxes levied by the terms and provisions of this section shall become and remain a first lien upon the vehicle upon which said fees or taxes are due until paid. Said lien shall be prior, superior, and paramount to all other liens of whatsoever kind or character.

J. In addition to any other penalties prescribed by law, the following penalty shall be imposed upon any owner or operator of a commercial vehicle registered under the provisions of this section when the laden weight or combined laden weight of such vehicle is found to be in excess of that for which registered. The penalty

shall be imposed each and every time a vehicle is found to be in violation of the registered laden weight or combined laden weight.

The penalty shall be Twenty Dollars (\$20.00) when such vehicle exceeds the laden weight or combined laden weight by 2,001 pounds; thereafter, an additional Twenty Dollars (\$20.00) shall be imposed for each additional one thousand pounds or fraction thereof of weight in excess of the registered laden weight or combined laden weight.

SECTION 47. Pursuant to the provisions of Section 41.7 of Title 62 of the Oklahoma Statutes, the Department of Transportation shall file its budget work program with the Director of State Finance and the Legislative Service Bureau for the fiscal year ending June 30, 1994, to include the following operating budget entities and activities: Administration, Maintenance, Engineering, Purchase of Equipment, Data Services, Highway Safety and Aeronautics.

SECTION 48. The appropriations made by Sections 14, 20, 21, 25, 27, 28 and 29 of this act shall be subject to fiscal year limitations and may be encumbered through June 30, 1994. Any unexpended funds remaining after November 15, 1994, shall lapse and be transferred to the credit of the proper fund for the then current fiscal year.

SECTION 49. The appropriations made by Sections 11, 12, 18 and 32 of this act and the reappropriation made by Section 4 of this act shall not be subject to fiscal year limitations and shall be available for encumbrance and expenditure purposes for a period of thirty (30) months from the date this act is approved.

SECTION 50. This act shall become operative September 1, 1993.
Passed the Senate the 20th day of May, 1993.

President of the Senate

Passed the House of Representatives the 20th day of May, 1993.

Speaker of the House of Representatives