

ENROLLED HOUSE
BILL NO. 1831

By: Hamilton (James) and
Steidley of the House

and

Taylor and Haney of the
Senate

An Act relating to state regulatory agencies; amending Section 62 of Enrolled Senate Bill No. 383 of the 1st Session of the 44th Oklahoma Legislature, which relates to appropriation to the State Banking Department; modifying appropriation; providing for duties and compensation of employees of the State Banking Department; providing budgetary limitations; creating the Bank Examination Revolving Fund; stating purpose; providing for expenditures and deposits; providing schedules and procedures relating to such deposits; requiring the Bank Commissioner to submit certain report; amending Section 63 of Enrolled Senate Bill No. 383 of the 1st Session of the 44th Oklahoma Legislature, which relates to appropriation to the Oklahoma Department of Commerce; modifying such appropriation; modifying expenditures from such appropriation; providing for expenditure for certain contract and responsibilities; specifying purposes; requiring certain reports and audits; requiring certain cooperation by contractor; exempting certain contracts from the Central Purchasing Act; providing for availability of certain funds to certain agencies; providing guidelines; authorizing matching contributions; exempting certain contracts from the Oklahoma Central Purchasing Act; requiring certain distribution for Headstart Program; authorizing creation of certain program; requiring determination of formulas based on certain information; providing for certain expenditures; requiring approval by the State Data Processing and Telecommunication Advisory Committee; providing for performance of substate multicounty regional planning functions and responsibilities; requiring certain allocations; providing for eligibility and specifying purposes; providing for voting membership of certain board; providing for duties and compensation of employees of Oklahoma Department of Commerce; limiting salary of the Executive Director; specifying certain uses and expenditures of funds; providing budgetary limitations; requiring certain filings of budget work program; authorizing receipt and disbursal of certain grants and reimbursements; providing funds for certain contractual responsibilities; requiring certain conditions and qualifications; requiring

reports, filings and audits; specifying purposes; authorizing disallowances for noncompliance; providing for expenditures for certain contractual responsibilities; specifying certain conditions; exempting certain contracts from Oklahoma Central Purchasing Act; designating the Oklahoma Department of Commerce as lead state agency for certain purposes; authorizing the establishment and administration of certain programs; providing for certain powers and duties related to such programs; requiring certain expenditures; authorizing certain contracts; setting certain conditions; authorizing the Department to set and collect certain fees; providing for the deposit; requiring the transfer of certain funds to the Oklahoma Department of Commerce Revolving Fund; reappropriating and redesignating certain funds for certain purposes; amending Section 65 of Enrolled Senate Bill No. 383 of the 1st Session of the 44th Oklahoma Legislature, which relates to appropriation to the Commission on Consumer Credit; modifying such appropriation; providing for the expenditure of such appropriation; providing for duties and compensation of employees; limiting the salary of the Director; providing budgetary limitations; amending 14A O.S. 1991, Section 3-506, which relates to examination of licensees, access to records, investigation and injunction relating to consumer credit; increasing certain license fees; authorizing the Administrator to assess and charge a certain fee for certain purposes; limiting such fee; clarifying language; reappropriating and redesignating certain appropriation; stating purpose; amending Section 68 of Enrolled Senate Bill No. 383 of the 1st Session of the 44th Oklahoma Legislature, which relates to appropriation to the Oklahoma Horse Racing Commission; modifying such appropriation; providing for expenditures of such appropriation; providing for duties and compensation of employees; limiting the salary of the Director; providing budgetary limitations; amending 3A O.S. 1991, Section 208.3, as amended by Section 2, Chapter 26, O.S.L. 1992 (3A O.S. Supp. 1992, Section 208.3), which relates to the Oklahoma Breeding Development Fund Special Account; adding purpose for which such fund may be expended; specifying limitations and requirements relating to such purpose; requiring reimbursement in certain cases; modifying certain powers and duties of the Commission; specifying content of certain rules; authorizing and limiting certain registration fees and late fees; creating the Oklahoma Breeding Development Administration Revolving Fund; specifying such fund; stating purpose; providing for expenditures and deposits; requiring certain audit; requiring the transfer of certain monies to the Oklahoma Breeding Development Fund Special Account; amending Section 23, Chapter 337, O.S.L. 1992, which relates to budgetary limitations of the Oklahoma Horse Racing

Commission; modifying certain expenditure limitations; reappropriating and redesignating certain appropriated funds; amending Section 69 of Enrolled Senate Bill No. 383 of the 1st Session of the 44th Oklahoma Legislature, which relates to appropriation to the State Insurance Department; modifying such appropriation; providing for expenditures of such appropriation; providing for duties and compensation of employees; providing budgetary limitations; amending 36 O.S. 1991, Section 311.1, which relates to failing of an insurer to timely file certain statements; eliminating certain fines; authorizing certain late filing fees; modifying certain violation; providing for the deposit of certain fees and fines; amending 36 O.S. 1991, Section 321, as amended by Section 1, Chapter 65, O.S.L. 1992 (36 O.S. Supp. 1992, Section 321), which relates to fees and licenses; adding certain fees for certain purposes; amending 36 O.S. 1991, Section 1425, which relates to fees and licenses; clarifying certain language; adding certain fees for certain purposes; amending 36 O.S. 1991, Section 1425.1, which relates to an agent's fees and continuing education; increasing certain annual fee; reappropriating and redesignating certain appropriated funds; amending Section 70 of Enrolled Senate Bill No. 383 of the 1st Session of the 44th Oklahoma Legislature, which relates to appropriation to the Department of Labor; modifying such appropriation; providing for the expenditure of such funds; providing for duties and compensation of employees; providing budgetary limitations; making certain positions contingent on federal funds; requiring certain reports and specifying content; requiring cooperation between certain agencies; amending 40 O.S. 1991, Section 53, which relates to certain employment agency fees; increasing certain fees; amending 40 O.S. 1991, Section 463, which relates to certain amusement park fees; eliminating certain fees; adding certain fees for certain purposes; reappropriating and redesignating certain appropriated funds; amending Section 74 of Enrolled Senate Bill No. 383 of the 1st Session of the 44th Oklahoma Legislature, which relates to appropriation to the Liquefied Petroleum Gas Board; modifying such appropriation; providing for expenditures from such appropriation; providing for duties and compensation of employees; limiting the salary of the Administrator; providing budgetary limitations; amending 52 O.S. 1991, Section 420.5, which relates to fees; increasing certain fee; reappropriating and redesignating certain appropriated funds; amending Section 76 of Enrolled Senate Bill No. 383 of the 1st Session of the 44th Oklahoma Legislature, which relates to appropriation to the Oklahoma Securities Commission; modifying such appropriation; providing for expenditures from such appropriation; providing budgetary limitations; reappropriating and

redesignating certain appropriated funds; repealing Section 73 of Enrolled Senate Bill No. 383 of the 1st Session of the 44th Oklahoma Legislature, which relates to an appropriation to the Department of Labor, 74 O.S. 1991, Sections 5009.1, 5009.2, 5009.3, 5009.4, 5009.5 and 5009.6, which relate to the Economic Development Innovation Act, and 74 O.S. 1991, Section 5020, which relates to the capitol straight line; making certain appropriations subject to fiscal year limitations; providing lapse date; providing for codification; and providing an effective date.

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

BANKING DEPARTMENT

SECTION 1. AMENDATORY Section 62 of Enrolled Senate Bill No. 383 of the 1st Session of the 44th Oklahoma Legislature, is amended to read as follows:

Section 62. There is hereby appropriated to the State Banking Department 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 ~~Two Million Two Hundred Eighty-three Thousand Two Hundred Sixty-five Dollars (\$2,283,265.00)~~ Two Million Two Hundred Twenty-two Thousand Seven Hundred Fifty Dollars (\$2,222,750.00) or so much thereof as may be necessary to perform the duties imposed upon the State Banking Department by law.

SECTION 2. The duties and compensation of employees, not otherwise prescribed by law, necessary to perform the duties imposed upon the State Banking Department by law shall be set by the Bank Commissioner. The State Banking Department 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	52.0
Payroll, Salaries or Wages, Including Tax-sheltered Deferment Contracts and Longevity Payments Authorized by State Statutes	\$1,665,000.00
Professional and Personal Services Contracts	\$2,500.00
Lease-Purchase Agreements	\$0.00
Purchase of Equipment	\$40,000.00
Expenditure of Revolving Funds	\$560,000.00
Expenditure of Federal Funds	\$0.00
Total Expenditures for Operations	\$2,886,450.00

SECTION 3. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 211A of Title 6, unless there is created a duplication in numbering, reads as follows:

A. There is hereby created in the State Treasury the "Bank Examination Revolving Fund" for the State Banking Department. The Bank Examination Revolving Fund shall be a continuing fund, not subject to fiscal year limitations. All monies accruing to the credit of said fund pursuant to this section are hereby appropriated and may be budgeted and expended by the State Banking Department for

the general operating expenses of the State Banking Department. Expenditures from said 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.

B. The Bank Examination Revolving Fund shall consist of monies received from the assessment on each One Thousand Dollars (\$1,000.00) of resources provided for in Section 211 of Title 6 of the Oklahoma Statutes as follows:

1. For the fiscal year ending June 30, 1993, when the amount collected from said assessment and deposited in the General Revenue Fund exceeds the amount as certified by the State Board of Equalization pursuant to Section 23 of Article X of the Constitution of the State of Oklahoma, the remainder of the monies collected from said assessment shall be deposited in the Bank Examination Revolving Fund. When collections from said assessments to the Bank Examination Revolving Fund equals Five Hundred Thousand Dollars (\$500,000.00), collections from such assessment shall be transferred to the General Revenue Fund of the state; and

2. For the fiscal year ending June 30, 1994, and for all subsequent years, when the amount collected from said assessment and deposited in the General Revenue Fund exceeds the amount as certified by the State Board of Equalization pursuant to Section 23 of Article X of the Constitution of the State of Oklahoma, the excess monies collected from said assessment shall be deposited in the Bank Examination Revolving Fund. When collections from said assessments to the Bank Examination Revolving Fund equals Five Hundred Thousand Dollars (\$500,000.00), collections from such assessment shall be transferred to the General Revenue Fund of the state.

C. The Bank Commissioner shall submit an annual report on the performance and utilization of said fund to the Governor, the President Pro Tempore of the Senate and the Speaker of the House of Representatives. Said report shall include but not be limited to the number of banks converted from federal to state charter and all pertinent statistics associated with such conversions.

OKLAHOMA DEPARTMENT OF COMMERCE

SECTION 4. AMENDATORY Section 63 of Enrolled Senate Bill No. 383 of the 1st Session of the 44th Oklahoma Legislature, is amended to read as follows:

Section 63. 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, 1994, the sum of ~~Thirteen Million Twenty-five Thousand Six Hundred Sixty-seven Dollars (\$13,025,667.00)~~ Thirteen Million Four Hundred Seventy-three Thousand Four Hundred Fifty-seven Dollars (\$13,473,457.00) or so much thereof as may be necessary to perform the duties imposed upon the Oklahoma Department of Commerce by law.

SECTION 5. The funds appropriated by Section 63 of Enrolled Senate Bill No. 383 of the 1st Session of the 44th Oklahoma Legislature, as amended by Section 4 of this act, shall be expended in the following categories and amounts:

General Operations	\$9,964,201.00
ORIGINS	225,000.00
Community Action Agencies:	1,587,769.00

Action, Inc.

Big Five Community Services, Inc.

Community Action Agency of Oklahoma City and Oklahoma/Canadian Counties, Inc.	
Community Development Support Association	
Cookson Hills Community Action Foundation	
Deep Fork Community Action Foundation	
Delta Community Action Foundation	
Great Plains Improvement Foundation	
INCA Community Services, Inc.	
KiBois Community Action Foundation	
Little Dixie Community Action Agency	
Muskogee County Community Services Program	
Northeast Oklahoma Community Action Agency	
Opportunities, Inc.	
Rural Enterprises Community Action Program	
Southwest Oklahoma Community Action Group	
Tulsa Community Action Agency	
United Community Action Program	
Wa-Ro-Ma Tri-County Community Action Foundation, Inc.	
Washington/Nowata Counties Community Action Foundation, Inc.	
Washita Valley Community Action Council	
Inventors Assistance Program Revolving Fund	212,355.00
Minority Business Development Program Revolving Fund	225,000.00
Rural Enterprise Inc.	27,000.00
Substate Planning Districts:	426,604.00

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	
Little Dixie Community Action Agency for the Statewide Youth Restitution Program	31,500.00
Community Development Centers Program	135,000.00
Southeastern Oklahoma State University for the Statewide Small Business Development Centers Program	<u>639,028.00</u>
TOTAL	\$13,473,457.00

SECTION 6. The Oklahoma Department of Commerce shall expend so much thereof as herein appropriated to accomplish contractual responsibilities with Rural Enterprises, Inc. for the purpose of providing financial and technical assistance for economic development to area businesses. 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 transfer, assist expansion of existing industry and to disseminate all pertinent information. Contractor shall submit an annual audit as required by the Oklahoma Department of Commerce. Any contracts authorized under this appropriation shall be exempt from the Central Purchasing Act.

SECTION 7. 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 8. A. Of the One Million Five Hundred Eighty-seven Thousand Seven Hundred Sixty-nine Dollars (\$1,587,769.00) appropriated to the Community Action Agencies in Section 5 of this act, Eight Hundred Nine Thousand Nine Hundred Fourteen Dollars (\$809,914.00) shall be distributed by formula to the Headstart Programs operated by Community Action Agencies less an amount to those Community Action Agencies who do not administer the Headstart Program. This amount shall be based on the regular formula. The distribution of the remaining Seven Hundred Seventy Thousand Eight Hundred Fifty-five Dollars (\$777,855.00) shall be based on the regular formula. The Oklahoma Department of Commerce shall determine the Headstart Program and the regular formulas by referencing historical data such as poverty population, elderly poor, geographic service area and criteria used by the U.S. Department of Health and Human Services in the distribution of federal funds appropriated for the Headstart Program.

B. From within the funds appropriated in Section 5 of this act, the Oklahoma Department of Commerce may establish a Headstart Coordination Program to coordinate the Headstart activities operated by community action agencies. The Department may establish a contract with the Oklahoma Association of Community Action Agencies. The contractor shall submit an annual report as required by the rules and regulations of the Oklahoma Department of Commerce. The contract shall be exempt from the Central Purchasing Act.

SECTION 9. From the funds appropriated in Section 5 of this act designated for General Operations, the Department of Commerce shall expend the sum of One Hundred Thousand Dollars (\$100,000.00) for a telemedicine program. Provided, no funds shall be expended for the purpose of this section without the approval of the State Data Processing and Telecommunication Advisory Committee.

SECTION 10. 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 - Grand Gateway Economic Development Association (Craig, Delaware, Mayes, Nowata, Ottawa, Rogers and Washington Counties)	\$ 38,011.00
2 - Eastern Oklahoma Development District (Adair, Cherokee, McIntosh, Muskogee, Okmulgee, Sequoyah and Wagoner Counties)	38,309.00

3 - Kiamichi Economic Development District of Oklahoma (Choctaw, Haskell, Latimer, LeFlore, McCurtain, Pittsburg and Pushmataha Counties)	37,754.00
4 - Southern Oklahoma Development Association (Atoka, Bryan, Carter, Coal, Garvin, Johnston, Love, Marshall, Murray and Pontotoc Counties)	38,011.00
5 - Central Oklahoma Economic Development District (Hughes, Lincoln, Okfuskee, Pawnee, Payne, Pottawatomie and Seminole Counties)	38,096.00
6 - Indian Nations Council of Governments (Creek, Osage and Tulsa Counties)	41,551.00
7 - Northern Oklahoma Development Association (Alfalfa, Blaine, Garfield, Grant, Kay, Kingfisher, Major and Noble Counties)	38,096.00
8 - Association of Central Oklahoma Governments (Canadian, Cleveland, Logan and Oklahoma Counties)	43,684.00
9 - Association of South Central Oklahoma Governments (Caddo, Comanche, Cotton, Grady, Jefferson, McClain, Stephens and Tillman Counties)	38,906.00
10 - South Western Oklahoma Development Authority (Beckham, Custer, Greer, Harmon, Jackson, Kiowa, Roger Mills and Washita Counties)	37,413.00
11 - Oklahoma Economic Development Association (Beaver, Cimarron, Dewey, Ellis, Harper, Texas, Woods and Woodward Counties)	<u>36,773.00</u>
TOTAL	\$426,604.00

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. The primary purpose of the substate multicounty planning districts shall include but not be limited to the enhancement of planning and technical assistance to local governments in the areas of community development, infrastructure and environmental needs.

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.

SECTION 11. 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 Ninety-three Thousand Nine Hundred Seventy-five Dollars (\$93,975.00) per annum, payable monthly for the fiscal year ending June 30, 1994. The Oklahoma Department of Commerce 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	190.0
Payroll, Salaries or Wages, Including Tax-sheltered Deferment Contracts and Longevity Payments Authorized by State Statutes	\$7,176,845.00
Professional and Personal Services Contracts	\$1,716,700.00
Lease-Purchase Agreements	\$0.00
Purchase of Equipment	\$497,496.00
Expenditure of Revolving Funds	\$1,734,027.00
Expenditure of Federal Funds	\$56,760,403.00
Total Expenditures for Operations	\$71,967,887.00

SECTION 12. Pursuant to the provisions of Section 41.7 of Title 62 of the Oklahoma Statutes, the Oklahoma Department of Commerce 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 budget entities and activities:

Executive Division

Administrative Services Division

Education Services and New Initiatives Division

Corporate Site Locations Division

Business Development Division

Community Affairs and Development Division

International Trade and Investment Division

Office of Communications/Media Division

Research and Planning Division

Tulsa Office Division

Data Processing

SECTION 13. All funds appropriated by Section 4 of 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 14. 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 15. 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 the Oklahoma Department of Commerce, which may be paid from allocated, appropriated funds. Any contracts authorized under this appropriation shall be exempt from the Central Purchasing Act.

SECTION 16. The Oklahoma Department of Commerce shall serve as the lead state agency in establishing a community development strategy and plan for the state. The Department shall have the authority to establish and administer community development programs such as the certified communities program; the Department has the authority to administer such programs directly or by contract with qualified community development entities.

In establishing such programs, the Department is empowered to determine needs, priorities or funding limits within the limits for such programs imposed by the Legislature. The Department may promulgate rules and regulations in accordance with the Administrative Procedures Act in its discretion if necessary to clarify such programs.

The Department shall establish and develop or cause to be developed individual program budgets; work plans; and, audits of each community development program established and administered.

SECTION 17. The Oklahoma Department of Commerce shall expend so much as herein appropriated as may be necessary to accomplish contractual responsibilities for the creation of the community

development centers program with emphasis on the aging and elderly. The Department may contract with communities or organizations only after:

1. An applicant has submitted an approved application;
2. An applicant has demonstrated through experience and managerial expertise capabilities of constructing or causing construction or renovation of facilities and management of community development facilities;
3. An applicant has demonstrated that it can provide financial management capacity and responsibility to manage a program for community development centers for the aging or elderly;
4. An applicant has demonstrated experience in establishing and managing programs to enhance the quality of life of the aging and elderly;
5. The Department of Commerce has developed, adopted and published additional criteria, ongoing programmatic guidance and definitions through rules;
6. A competitive bidding process has been conducted by the Department.

The Department may solicit donations, apply for federal grants or require matching funds to enhance the budget for the community development centers program. Funds expended for the program from the Community Development Centers Program Fund shall be exempt from the requirements of the Central Purchasing Act, Section 85.1 et seq. of Title 74 of the Oklahoma Statutes.

SECTION 18. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 5012.1 of Title 74, unless there is created a duplication in numbering, reads as follows:

The Oklahoma Department of Commerce may collect reasonable fees based on actual direct and indirect costs for programmatic services extended to users by the Department in accomplishing its mission. The Department shall set amounts of fees for programs it administers including but not limited to the Export Services Program, Quality Jobs Program or others in its General Rules of Practice and Procedure written in accordance with the Administrative Procedures Act. Fees collected pursuant to this section shall be deposited to the credit of the Oklahoma Department of Commerce Revolving Fund.

SECTION 19. The Oklahoma Employment Security Commission shall transfer an amount not to exceed Two Hundred Twenty-five Thousand Dollars (\$225,000.00) from the Oklahoma Employment Security Commission Revolving Fund to the Oklahoma Department of Commerce Revolving Fund created in Section 5012 of Title 74 of the Oklahoma Statutes for the purposes set forth therein.

SECTION 20. REAPPROPRIATION AND REDESIGNATION The amount of Thirteen Million Seven Hundred Twelve Thousand Nine Hundred Sixty-three Dollars (\$13,712,963.00) appropriated by Section 69, Chapter 234, O.S.L. 1992, to the Oklahoma Department of Commerce is hereby reappropriated and redesignated for general operations, less expenditures and encumbrances as adjusted by transfer on the effective date of this act.

COMMISSION ON CONSUMER CREDIT

SECTION 21. AMENDATORY Section 65 of Enrolled Senate Bill No. 383 of the 1st Session of the 44th Oklahoma Legislature, is amended to read as follows:

Section 65. There is hereby appropriated to the Commission on Consumer Credit 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 Sixty-seven Thousand Four Hundred Ninety Dollars (\$667,490.00)~~ Six Hundred Sixty-five Thousand Six Hundred Forty-three Dollars (\$665,643.00) or so much

thereof as may be necessary to perform the duties imposed upon the Commission on Consumer Credit by law.

SECTION 22. The funds appropriated by Section 65 of Enrolled Senate Bill No. 383 of the 1st Session of the 44th Oklahoma Legislature, as amended by Section 21 of this act, shall be expended in the following categories and amounts:

Personal Services	\$535,000.00
Other Operating Expenses	<u>130,643.00</u>
TOTAL	\$665,643.00

SECTION 23. The duties and compensation of employees, not otherwise prescribed by law, necessary to perform the duties imposed upon the Commission on Consumer Credit by law shall be set by the Director. The salary of the Director shall not exceed Fifty Thousand Three Hundred Sixteen Dollars (\$50,316.00) per annum, payable monthly for the fiscal year ending June 30, 1994. The Commission on Consumer Credit, 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	19.0
Payroll, Salaries or Wages, Including Tax-sheltered Deferment Contracts and Longevity Payments Authorized by State Statutes \$482,000.00	
Professional and Personal Services Contracts	\$30,000.00
Purchase of Equipment	\$20,000.00
Lease-Purchase Agreements	\$0.00
Expenditure of Federal Funds	\$0.00
Expenditure of Revolving Funds	\$31,000.00
Total Expenditures for Operations	\$796,643.00

SECTION 24. AMENDATORY 14A O.S. 1991, Section 3-506, is amended to read as follows:

Section 3-506. (1) At such times as the Administrator shall deem necessary, the Administrator or his duly authorized representative shall make an examination of the place or places of business of each licensee and shall inquire into and examine the loans, transactions, books, accounts, papers, correspondence, and records of such licensee insofar as they pertain to the business regulated by this act. In the course of such examination, the Administrator or his duly authorized representative shall have free access to the office, place of business, files, safes and vaults of such licensee, and shall have the right to make copies of such books, accounts, papers, correspondence and records. The Administrator or his duly authorized representative may, during the course of such examination, administer oaths and examine any person under oath upon any subject pertinent to any matter about which the Administrator is authorized or required by this act to consider, investigate, or secure information. Any licensee who shall fail or refuse to let the Administrator or his duly authorized representative examine or make copies of such books, or other relevant documents shall thereby be deemed in violation of this act and such failure or refusal shall constitute grounds for the suspension or revocation of such license. The information obtained in the course of such examination shall be confidential. Each licensee shall pay to the Administrator an amount assessed by the Administrator to cover the direct and indirect cost of such examination and a proportionate share of general administrative expense, and ~~the total cost so assessed and charged a licensee in~~

any one calendar year shall not exceed Three Hundred Dollars (\$300.00); provided, however, that for any examination which lasts in excess of eight (8) hours, the Administrator shall charge an additional fee of Fifty Dollars (\$50.00) per hour for each examiner required to complete such an examination; provided, further, that the Administrator may waive the examination fee for any examination which takes one (1) hour or less. No licensee shall be assessed and charged an examination fee in excess of Six Hundred Dollars (\$600.00) for each licensed office in any one (1) calendar year.

(2) For the purpose of discovering violations of this act or of securing information required hereunder, the Administrator or his duly authorized representative may investigate the books, accounts, papers, correspondence and records of any licensee or other person whom the Administrator has reasonable cause to believe is violating any provision of this act whether or not such person shall claim to be within the authority or scope of this part. For the purpose of this part any person who advertises for, solicits or holds himself out as willing to make loans on which the loan finance charge exceeds ten percent (10%) per year as determined according to the provisions on loan finance charges for consumer loans (Section 3-201), shall be presumed to be engaged in the business of making supervised loans.

(3) Each licensee shall keep or make available in this state such books and records relating to loans made under this act as are necessary to enable the Administrator to determine whether the licensee is complying with this act. Such books and records shall be consistent with accepted accounting practices.

(4) Each licensee shall preserve or make available such books and records in this state relating to each of its loans for four (4) years from the date of the loan, or two (2) years from the date of the final entry made thereon, whichever is later. Each licensee's system of records shall be accepted if it discloses such information as may be reasonably required under this act. All obligations signed by borrowers shall be kept at an office in this state designated by the licensee, except when transferred under an agreement which gives the Administrator access thereto.

(5) Each licensee shall, annually on or before the first day of May or other date thereafter fixed by the Administrator, file a report with the Administrator setting forth such relevant information as the Administrator may ~~reasonable~~ reasonably require concerning the business and operations during the preceding calendar year for each licensed place of business conducted by such licensee with the state. Such report shall be made under oath and shall be in the form prescribed by the Administrator, who shall make and publish annually a consolidated analysis and recapitulation of such reports, but the individual reports shall be held confidential.

(6) The Administrator may make regulations necessary for the enforcement of this act and consistent with all of its provisions. Each such regulation shall refer to the part, section or subsection to which it applies. Before making a regulation the Administrator shall give every licensee at least thirty (30) days' written notice of a public hearing, stating the time and place thereof and the terms or substance of the proposed regulation. At the hearing, any licensee or other person may be heard and introduce evidence, data, or arguments or place the same on file. The Administrator shall adopt and promulgate every regulation in written form stating the date of adoption and the date of promulgation. Each regulation shall be entered in a permanent book which shall be a public record and be kept in the Administrator's office. A copy of every regulation shall be mailed to each licensee and no regulation shall

become effective until the expiration of at least twenty (20) days after such mailing.

(7) On application of any person and payment of the costs therefor, the Administrator shall furnish under his seal and signed by him or his assistants, a certificate of good standing or a certified copy of any license, regulation or order.

(8) Any transcript of any hearing held by the Administrator under this act shall be a public record and open to inspection at all reasonable times.

(9) Upon failure without lawful excuse to obey a subpoena or to give testimony and upon reasonable notice to all persons affected thereby, the Administrator may apply to a court for an order compelling compliance, as provided by the general act of this state governing administrative procedures (Title 75, Oklahoma Statutes, Chapters 7 and 8).

SECTION 25. REAPPROPRIATION AND REDESIGNATION The amount of Seven Hundred Forty-one Thousand Six Hundred Fifty-six Dollars (\$741,656.00) appropriated by Section 71, Chapter 234, O.S.L. 1992, to the Commission on Consumer Credit is hereby reappropriated and redesignated for general operations, less expenditures and encumbrances as adjusted by transfer on the effective date of this act.

OKLAHOMA HORSE RACING COMMISSION

SECTION 26. AMENDATORY Section 68 of Enrolled Senate Bill No. 383 of the 1st Session of the 44th Oklahoma Legislature, is amended to read as follows:

Section 68. There is hereby appropriated to the Oklahoma Horse Racing 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 ~~Two Million One Hundred Thirty-seven Thousand Eight Hundred Thirty-four Dollars (\$2,137,834.00)~~ One Million Nine Hundred Seventy-four Thousand Seven Hundred Forty Dollars (\$1,974,740.00) or so much thereof as may be necessary to perform the duties imposed upon the Oklahoma Horse Racing Commission by law.

SECTION 27. The funds appropriated by Section 68 of Enrolled Senate Bill No. 383 of the 1st Session of the 44th Oklahoma Legislature, as amended by Section 26 of this act, shall be expended in the following categories and amounts:

Personal Services	\$1,515,216.00
Other Operating Expenses	<u>459,524.00</u>
TOTAL	\$1,974,740.00

SECTION 28. The duties and compensation of employees, not otherwise prescribed by law, necessary to perform the duties imposed upon the Oklahoma Horse Racing Commission by law shall be set by the Director. The salary of the Director shall not exceed Sixty-one Thousand Fifty-nine Dollars (\$61,059.00) per annum, payable monthly for the fiscal year ending June 30, 1994. The Oklahoma Horse Racing 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 from the Oklahoma Breeding Development Revolving Fund, 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	48.0

Payroll, Salaries or Wages, Including Tax-sheltered Deferment
Contracts and Longevity Payments Authorized by State Statutes
\$1,630,956.00

Professional and Personal Services Contracts	\$98,900.00
Purchase of Equipment	\$60,100.00
Lease-Purchase Agreements	\$0.00
Expenditure of Revolving Funds	\$400,000.00
Expenditure of Federal Funds	\$0.00
Total Expenditures for Operations	\$2,374,740.00

SECTION 29. AMENDATORY 3A O.S. 1991, Section 208.3, as amended by Section 2, Chapter 26, O.S.L. 1992 (3A O.S. Supp. 1992, Section 208.3), is amended to read as follows:

Section 208.3 A. There is hereby created in the State Treasury an agency special account for the Oklahoma Horse Racing Commission, to be designated the "Oklahoma Breeding Development Fund Special Account". The fund shall be a continuing fund, not subject to fiscal year limitations, and shall consist of all monies received by the Commission for deposit in the fund pursuant to Section 205.6 of this title and from revenue received as breakage and from unclaimed pari-mutuel tickets. All monies accruing to the credit of said fund are hereby appropriated and may be budgeted and expended by the Commission for the purposes specified in subsection B of this section. Expenditures from said fund shall be made upon vouchers prescribed by the State Treasurer and issued by the Commission against the Oklahoma Breeding Development Fund Special Account. Any person entitled to monies from the Oklahoma Breeding Development Fund Special Account as a purse supplement, stake, reward, or award, prior to receiving said monies, shall sign an affidavit stating that the horse involved complies with the requirements for the purse supplement, stake, reward, or award.

B. No monies shall be expended by the Commission from the Oklahoma Breeding Development Fund Special Account except for any of the following purposes:

1. To provide purse supplements to owners of Oklahoma-bred horses;
2. To provide stakes and rewards to be paid to the owners of the winning Oklahoma-bred horses in certain horse races;
3. To provide stallion awards to the owner of the Oklahoma stallion which is the sire of an Oklahoma-bred horse if such a horse wins any race conducted at a race meeting. Such award shall not be paid to the owner of an Oklahoma stallion that served outside this state at any time during the calendar year in which the winning Oklahoma-bred horse was conceived;
4. To provide breeders awards to the owner of the Oklahoma-registered mare which is the dam of an Oklahoma-bred horse if such a horse wins any race conducted at a race meeting; ~~and~~
5. To provide monies for equine research through state institutions accredited for the same; and
6. To provide for the administration of the Oklahoma Breeding Development Program. The cost of administration of this subsection shall not exceed five percent (5%) of the prior year's receipts. All expenses reimbursed as administrative pursuant to this subsection shall be itemized and audited pursuant to subsection E of

this section. Any monies transferred from the Oklahoma Breeding Development Fund Special Account to the Oklahoma Breeding Development Revolving Fund for administrative reimbursement found to be unsubstantiated, excessive or ineligible for reimbursement by said audit shall be returned to the Oklahoma Breeding Development Fund Special Account within thirty (30) days of the conclusion of the audit.

C. By rule and regulation the Commission shall:

1. Define the term Oklahoma-bred horse;

2. Qualify stallions for participation in Oklahoma-bred stallion awards. Such stallion must not stand for service at any place outside Oklahoma during the calendar year in which the foal is conceived;

3. Provide for the registration of Oklahoma-domiciled mares and stallions and Oklahoma-bred horses. No such horse shall compete in the races limited to Oklahoma-bred horses unless registered with the Commission. The Commission may prescribe such forms as are necessary to determine the eligibility of such horses; provided, breeding stallions shall be eligible for registration in the Oklahoma-bred breeding program until July 1 of the breeding year. No person shall knowingly prepare or cause preparation of an application for registration of such foals which contains false information; ~~and~~

4. Establish a schedule of fees for the registration of Oklahoma-domiciled mares and stallions and Oklahoma-bred horses sufficient to provide for all expenses incurred in the administration of the Oklahoma Breeding Development Fund Special Account; ~~and~~

5. Allow a mare registered as Oklahoma-bred racing stock which has not been registered as an Oklahoma broodmare prior to foaling to be registered as an Oklahoma broodmare upon payment of the registration fee and a late fee not to exceed Two Hundred Dollars (\$200.00), which action shall entitle the foals of the mare to be registered as Oklahoma-bred horses provided all other qualifications of the Commission are met.

D. The Commission may contract with and designate an official registering agency to implement the registration of horses and the payment of awards from the Oklahoma Breeding Development Fund Special Account. The official registering agency shall operate under the supervision of the Commission and be subject to the rules and regulations of the Commission. The official registering agency shall receive no compensation except fees received for registration of horses.

E. The State Auditor and Inspector shall audit the Oklahoma Breeding Development Fund Special Account on an annual basis. The expense of the audit shall be paid from said Special Account.

SECTION 30. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 208.3a of Title 3A, unless there is created a duplication in numbering, reads as follows:

A. There is hereby created in the State Treasury a revolving fund for the Oklahoma Horse Racing Commission, to be designated the "Oklahoma Breeding Development Administration Revolving Fund". The fund shall be a continuing fund, not subject to fiscal year limitations, and shall consist of all monies received by the Commission from transfers made pursuant to paragraph 6 of subsection B of Section 208.3 of Title 3A of the Oklahoma Statutes. All monies accruing to the credit of said fund are hereby appropriated and may be budgeted and expended by the Commission for the purpose of administering the Oklahoma Breeding Development Program. Expenditures from said 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.

B. Monies received by and expenditures from said fund shall be subject to an annual audit pursuant to paragraph 6 of subsection B and subsection E of Section 208.3 of Title 3A of the Oklahoma Statutes.

At the close of the fiscal year ending June 30, 1994, and at the close of each fiscal year thereafter any unencumbered, unobligated and unexpended monies in the Oklahoma Breeding Development Administration Revolving Fund shall be transferred to the Oklahoma Breeding Development Fund Special Account.

SECTION 31. AMENDATORY Section 23, Chapter 337, O.S.L. 1992, is amended to read as follows:

Section 23. The duties and compensation of employees, not otherwise prescribed by law, necessary to perform the duties imposed upon the Oklahoma Horse Racing Commission by law shall be set by the Director. The salary of the Director shall not exceed Fifty-nine Thousand Five Hundred Seventy Dollars (\$59,570.00) per annum, payable monthly for the fiscal year ending June 30, 1993. The Oklahoma Horse Racing Commission, for the fiscal year ending June 30, 1993, shall be subject to the following budgetary limitations on full-time-equivalent employees and expenditures excluding expenditures from the Oklahoma Breeding Development Revolving Fund, 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	56.0
Payroll, Salaries or Wages, Including Tax-sheltered Deferment Contracts and Longevity Payments Authorized by State Statutes	\$1,862,501.00
Professional and Personal Services Contracts	\$63,250.00
	<u>\$138,250.00</u>
Purchase of Equipment	\$60,100.00
Lease-Purchase Agreements	\$0.00
Expenditure of Revolving Funds	\$282,500.00
Expenditure of Federal Funds	\$0.00
Total Expenditures for Operations	\$2,657,871.00

SECTION 32. REAPPROPRIATION AND REDESIGNATION The amount of Two Million Six Hundred Fifteen Thousand Three Hundred Seventy-one Dollars (\$2,615,371.00) appropriated by Section 74, Chapter 234, O.S.L. 1992, as amended by Section 21, Chapter 337, O.S.L. 1992, to the Oklahoma Horse Racing Commission is hereby reappropriated and redesignated for general operations, less expenditures and encumbrances as adjusted by transfer on the effective date of this act.

STATE INSURANCE DEPARTMENT

SECTION 33. AMENDATORY Section 69 of Enrolled Senate Bill No. 383 of the 1st Session of the 44th Oklahoma Legislature, is amended to read as follows:

Section 69. There is hereby appropriated to the State Insurance Department 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 ~~Two Million Four Hundred Thirty-five Thousand Eight Hundred Fifty-five Dollars (\$2,435,855.00)~~ Two Million Four Hundred Seven Thousand Twenty-four Dollars (\$2,407,024.00) or so much thereof as may be necessary to perform the duties imposed upon the State Insurance Department by law.

SECTION 34. The funds appropriated by Section 69 of Enrolled Senate Bill No. 383 of the 1st Session of the 44th Oklahoma

Legislature, as amended by Section 33 of this act, shall be expended in the following categories and amounts:

Personal Services	\$1,626,228.00
Other Operating Expenses	<u>780,796.00</u>
TOTAL	\$2,407,024.00

SECTION 35. The duties and compensation of employees, not otherwise prescribed by law, necessary to perform the duties imposed upon the State Insurance Department by law shall be set by the Insurance Commissioner. The State Insurance Department 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>
Average Full-time-equivalent Employees	115.0
Payroll, Salaries or Wages, Including Tax-sheltered Deferment Contracts and Longevity Payments Authorized by State Statutes	\$3,286,730.00
Professional and Personal Services Contracts	\$100,000.00
Purchase of Equipment	\$140,115.00
Lease-Purchase Agreements	\$0.00
Lease of Office Space	\$312,368.00
Expenditure of Federal Funds	\$176,017.00
Expenditure of Revolving Funds	\$2,913,114.00
Total Expenditures for Operations	\$5,746,155.00

SECTION 36. AMENDATORY 36 O.S. 1991, Section 311.1, is amended to read as follows:

Section 311.1 A. Any insurer who files with the Insurance Commissioner any statement required by this Code knowing such statement to be fraudulent and materially false, upon conviction, shall be guilty of a felony, for which the punishment shall be a fine of not to exceed Five Thousand Dollars (\$5,000.00). Any officer, actuary, or employee of such insurer who causes such statement to be filed, knowing the fraudulent and materially false nature thereof, upon conviction, shall be guilty of a felony, for which the punishment for each occurrence shall be a fine of not to exceed Five Thousand Dollars (\$5,000.00), or commitment to the custody of the Department of Corrections for not less than one (1) year and not more than five (5) years or both said fine and commitment, and shall not be permitted to act as an actuary, officer, or director of any insurer licensed to do business in this state.

B. Any insurer who fails without reasonable cause to timely file any statement required by this Code shall be subject, after notice and hearing, to censure, suspension or revocation of certificate ~~or fine of not less than One Hundred Dollars (\$100.00) nor more than One Thousand Dollars (\$1,000.00) for each violation or both censure, suspension or revocation, and fine.~~ Willful. Annual statements filed after the last day of February shall be accompanied by a late filing fee in the amount of Two Hundred Fifty Dollars (\$250.00). Repeated willful violations, after notice and hearing, may subject the insurer to both censure, suspension, or revocation of certificate and fine of not less than One Hundred Dollars (\$100.00) nor more than Five Thousand Dollars (\$5,000.00) for each occurrence in addition to the late filing fee. Any late filing fees and fines collected pursuant to this subsection shall be deposited to the Insurance Commissioner Revolving Fund.

C. Fines imposed pursuant to the provisions of subsection B of this section may be enforced in the same manner in which civil judgments may be enforced.

D. Prosecution or administrative action for any violation of the provisions of this section shall be commenced within four (4) years after the violation is discovered.

SECTION 37. AMENDATORY 36 O.S. 1991, Section 321, as amended by Section 1, Chapter 65, O.S.L. 1992 (36 O.S. Supp. 1992, Section 321), is amended to read as follows:

Section 321. A. The Insurance Commissioner shall collect in advance the following fees and licenses:

1. For filing charter documents:

Original charter documents, articles of incorporation, bylaws, or record of organization of alien or foreign insurers, or certified copies thereof \$50.00

2. Certificate of Authority:

(a) Issuance:

Fraternal benefit societies, alien or foreign \$150.00

Hospital service and medical indemnity corporations, alien or foreign \$150.00

All other alien or foreign insurers\$150.00

(b) Renewal:

Fraternal benefit societies, alien or foreign \$150.00

Hospital service and medical indemnity corporations, alien or foreign \$150.00

All other alien or foreign insurers\$150.00

3. For filing appointment of Insurance Commissioner as agent for service of process \$10.00

4. Miscellaneous:

(a) Copies of records, per page\$0.40

(b) Amended charter documents, articles of incorporation or bylaws of domestic, alien or foreign insurers ~~—\$20.00~~\$50.00

(c) Certificate of Commissioner, under seal \$5.00

(d) For filing Merger and Acquisition Forms \$500.00

(e) For filing Variable Product Forms \$200.00

(f) For filing a Life, Accident and Health Policy\$50.00

(g) For filing an advertisement or rider application to a Life, Accident and Health Policy \$25.00

(h) Pending Company Review \$1,000.00

(i) Pending Company Admission Packet \$50.00

B. All fees and licenses not above dedicated, nor dedicated by Section 628 of this title, collected by the Insurance Commissioner as provided by this Code, shall be paid into the State Treasury weekly. The State Treasury is authorized and directed to deduct from said amount so paid a sum equal to one-tenth (1/10) of such payment and place the same to the credit of the General Revenue Fund of the state. The remainder of said amount so paid is hereby allocated and appropriated to the State Insurance Commissioner Revolving Fund and shall by the State Treasurer be placed to the credit of the State Insurance Commissioner Revolving Fund.

C. There shall be assessed an annual fee of Two Hundred Fifty Dollars (\$250.00) payable by each insurer, fraternal benefit society, hospital service and medical indemnity corporation, charitable and benevolent corporation, or United States surplus lines insurance companies licensed to do business in this state, to pay for the filing, processing, and reviewing of annual financial statements by personnel of the Office of the State Insurance Commissioner.

SECTION 38. AMENDATORY 36 O.S. 1991, Section 1425, is amended to read as follows:

Section 1425. The Commissioner shall not issue, continue, or permit to continue any license of an insurance agent, surplus lines insurance broker, or limited insurance representative except in compliance with the following:

A. Application shall be made to the Commissioner by the applicant on a form prescribed by the Commissioner.

B. 1. The application for an insurance agent, managing general agent, or limited insurance representative license shall be accompanied by a written appointment. The appointment shall be made by an officer of the insurer designating the applicant as an insurance agent, managing general agent, or limited insurance representative for such lines of insurance as the applicant will be authorized to write for said insurer. All appointments for any licensee shall be submitted on behalf of the appointing insurer on a form prescribed by the Commissioner and shall remain in force until the renewal date. The renewal dates may be staggered throughout the year for appointments of agents, managing general agents, and limited insurance representatives by notifying the various companies in writing of the expiration and renewal date being assigned to agents and limited insurance representatives of said companies by the Commissioner and by making appropriate adjustment in said annual appointment fee.

2. For the renewal licensure of an applicant, the applicant shall submit either a letter from the appointing insurer verifying acceptance of responsibility for the actions of the applicant in the scope of that person's employment, or submit an errors and omissions policy acceptable to the Commissioner, or, if errors and ~~omissions~~ omissions coverage is provided by the insurer for agents by utilizing a blanket errors and omissions policy for coverage, a copy of the policy providing the errors and omissions coverage shall be on file with the Commissioner of insurance. The insurer providing coverage shall submit a list of all agents covered by such policy when renewal applications are to be submitted. Provided, however, in the case of title insurance, scope of employment shall be limited to the issuance of commitments and policies and other duties only as specifically expressed in the agency contract.

C. Every applicant for licensing as an insurance agent, managing general agent, or limited insurance representative pursuant to the provisions of the Insurance Agents Licensing Act, except a partnership or corporation, shall be eighteen (18) years of age or older.

D. An applicant shall not be a full-time employee of the government of the United States or of the executive or administrative branches of the government of this state or any county or municipality in this state. The provisions of this subsection shall not apply to applicants for life or accident and health insurance agents' licenses or limited representatives. For the purpose of this subsection, a teacher shall not be considered a full-time employee of the executive or administrative branches of the government of the state or of any county or municipality in the state.

E. All applications shall be accompanied by the applicable fees. An appointment shall terminate upon failure to pay the prescribed annual renewal fee.

The Insurance Commissioner shall collect in advance the following fees and licenses:

1. For filing appointment of Insurance Commissioner as agent for service of process \$10.00
2. Miscellaneous:
 - a. Certificate of Commissioner, under seal \$3.00
 - b. Agent's study manual:
 - Life, Accident & Health not to exceed \$30.00
 - Property and Casualty not to exceed \$30.00
 - c.—for filing Agency Articles of Incorporation \$20.00
3. Examination for license:
 - a. For each examination covering laws and one line of insurance \$30.00
 - b. For each examination covering laws and two or more lines of insurance \$40.00
4. Licenses:
 - a. Agent's license, each year, regardless of number of companies represented \$30.00
 - b. Agent's license for sale or solicitation of separate accounts or agreements, as provided for in Section 6061 of this title \$30.00

- c. Limited insurance representative license, each year.. \$20.00
 - d. Temporary license as agent \$20.00
 - e. Managing general agent's license, each year \$30.00
 - f. Surplus lines broker's license, each year \$50.00
 - g. Insurance vending machine, each machine, each year \$50.00
 - h. Insurance consultant's license, resident or nonresident, each year..... \$50.00
5. Filing notice of appointment of agent, managing general agent, or limited insurance representative by insurer, each license of each agent or representative, each year \$20.00
 6. Renewal fee for all licenses shall be the same as the initial license fee.
 7. The fee for a duplicate license shall be one-half (1/2) the fee of an original license.
 8. Late application for the renewal of a license shall require a fee of double the original license fee.

F. The fees and monies received by the Insurance Commissioner pursuant to the provisions of paragraphs 1 and 2 of subsection E of this section shall be deposited with the State Treasurer, who shall place the same to the credit of the State Insurance Commissioner Revolving Fund for the purpose of fulfilling and accomplishing the conditions and purposes of this act.

The fees and monies received by the Insurance Commissioner pursuant to the provisions of paragraphs 3 through 8 of subsection E of this section shall be paid into the State Treasury to the credit of the General Revenue Fund of the state.

G. There is hereby created in the State Treasury the State Insurance Commissioner Revolving Fund which shall be a continuing fund not subject to fiscal year limitations. The revolving fund shall consist of fees and monies received by the Insurance Commissioner as required by law to be deposited in said fund and any other funds not dedicated in the Oklahoma Insurance Code. The revolving fund shall be used to fund the general operations of the Insurance Commissioner's Office for the purpose of fulfilling and accomplishing the conditions and purposes of this act. All expenditures from said revolving fund shall be on claims approved by the Insurance Commissioner and filed with the Director of State Finance for payment.

H. At the close of the fiscal year ending June 30, 1988, and at the close of each fiscal year thereafter any unencumbered and unexpended monies in the State Insurance Commissioner Revolving Fund in excess of Five Hundred Thousand Dollars (\$500,000.00) shall be transferred to the General Revenue Fund of the state.

I. All fees, fines, monies, and license fees authorized by the provisions of this section and not dedicated by the provisions of subsection F of this section to the State Insurance Commissioner Revolving Fund shall be paid into the State Treasury to the credit of the General Revenue Fund of this state.

J. Prior to issuance of a license as an insurance consultant or surplus lines insurance broker, the applicant shall file with the Commissioner and thereafter, for as long as the license remains in effect, shall keep in force a bond in an amount of not less than Five Thousand Dollars (\$5,000.00) and not more than Forty Thousand Dollars (\$40,000.00) with an authorized corporate surety approved by the Commissioner. The exact amount of the bond shall be determined pursuant to the rules and regulations of the Commissioner and shall be based upon the actual or reasonably estimated premium for policies issued in connection with the services of the licensee. The surety shall notify the Commissioner of any changes in the bond of any licensee. The aggregate liability of the surety for any and all claims on a bond required by the provisions of this subsection shall in no event exceed the amount of the bond. No such bond shall be terminated unless at least thirty (30) days' prior written notice of the termination is given by the surety to the licensee and the Commissioner. Upon termination of the license for which the bond was in effect, the licensee shall notify the surety within ten (10) working days.

All surety protection required by the provisions of this section is to inure to the benefit of any party aggrieved by the acts of a consultant or broker arising pursuant to his conduct as a licensed insurance consultant or surplus lines insurance broker.

K. The Commissioner shall issue an insurance agent's license, managing general agent's license, insurance consultant's license, or a limited insurance representative's license to any duly qualified resident or nonresident of this state, whether an individual, partnership, or corporation, as follows:

1. An applicant may qualify as a resident if he resides in this state. Any license issued pursuant to any such application claiming residency in this state for licensing in this state shall constitute an election of residency in this state and shall be void if the licensee, while holding a resident license in this state, also holds or makes application for a license in or thereafter claims to be a resident of any other state or other jurisdiction or ceases to be a resident of this state. However, if the applicant is a resident of a community or trade area, the border of which is contiguous with the state line of this state, the applicant may qualify as a resident in such other state and may hold a license from each state;

2. a. An applicant may qualify for a license pursuant to the provisions of the Insurance Agents Licensing Act as a nonresident only if he holds a resident agent's license in any state of the United States, a province of Canada, or any other foreign country, in which he claims residency and with which the Commissioner has executed a reciprocal licensing agreement. The applicant shall provide to the Commissioner an original certification of licensure status from the resident state of the applicant. A license issued to a nonresident of this state shall grant the same rights and privileges afforded a resident licensee, except as otherwise provided for by law. A corporation or partnership otherwise qualified to hold a license as a nonresident agent shall be licensed pursuant to the provisions of this section:

- (1) if the principal purpose of the corporation or partnership is the transacting of insurance business,
 - (2) if said corporation or partnership is not a subsidiary or affiliate of a corporation or partnership not so qualified, and
 - (3) if such corporation or partnership does not own stock in or is not a partner in any corporation or partnership licensed as a resident pursuant to Section 1424 of this title.
- b. The Commissioner shall not issue a license to any nonresident applicant until said applicant files with the Commissioner his designation of the Commissioner as the person upon whom may be served all lawful process in any action, suit, or proceeding instituted by or on behalf of any interested person arising out of the insurance business of the applicant in this state. This designation shall constitute an agreement that said service of process is of the same legal force and validity as personal service of process in this state upon the nonresident licensee. Service of process upon any such licensee in any such action or proceeding in any court of competent jurisdiction of this state may be made by serving the Commissioner with three copies thereof and by paying to the Commissioner a fee of Ten Dollars (\$10.00). The Commissioner shall forward a copy of the process by mail with return receipt requested to the licensee at his last-known address of record or principal place of business, and the Commissioner shall keep a record of all process so served upon him.
- c. Service of process upon any such licensee in any action or proceeding instituted by the Commissioner pursuant to the provisions of this Code shall be made by the Commissioner by mailing the process by mail with return receipt requested to the licensee at his last-known address of record or principal place of business.
- Service of process upon any nonresident licensee is sufficient, provided notice of the service and a copy of the process are sent within ten (10) days thereafter to the licensee at his last-known address of record or principal place of business by mail with return receipt requested.
- If the Commissioner revokes or suspends any nonresident's license through a formal proceeding pursuant to the provisions of this Code, the Commissioner shall promptly notify the appropriate Commissioner of the licensee's state of residence of the action and of the particulars thereof.
- d. A nonresident of this state may be licensed without taking a written examination if the Commissioner of the state of residence of the applicant certifies by facsimile signature and seal that the applicant has passed a similar written examination, or has been a continuous holder, prior to the time said written examination was required, of a license similar to the license for which application is being made in this state.

e. When, by the laws or regulations of any other state or jurisdiction, any limitation of rights and privileges, conditions precedent, or any other requirements are imposed upon residents of this state who are nonresident applicants or licensees of the other state or jurisdiction in addition to or in excess of those imposed on nonresidents pursuant to the provisions of the Insurance Agents Licensing Act, the same requirements shall be imposed upon such residents of the other state or jurisdiction;

3. An applicant for a surplus lines insurance broker's license shall be licensed in this state as a resident insurance agent qualified as to the line or lines of insurance to be written;

4. An applicant for any license required by the provisions of the Insurance Agents Licensing Act shall be deemed by the Commissioner to be competent, trustworthy, financially responsible, and of good personal and business reputation;

5. a. It shall be unlawful for any person whose license to act as an insurance agent, limited insurance representative, managing general agent, insurance consultant, or surplus lines insurance broker has been suspended, revoked, surrendered, or refused to do or perform any of the acts of an insurance agent, limited insurance representative, managing general agent, insurance consultant, or surplus lines insurance broker. Any person convicted of violating the provisions of this section shall be guilty of a felony and shall be punished by the imposition of a fine of not more than One Thousand Dollars (\$1,000.00) or shall be committed to the custody of the Department of Corrections for not less than one (1) year nor more than five (5) years, or be punished by both said fine and commitment to custody.

b. It shall be unlawful for any insurance agent, limited insurance representative, managing general agent, insurance consultant, or surplus lines insurance broker to assist, aid, or conspire with a person whose license as an insurance agent, limited insurance representative, managing general agent, insurance consultant, or surplus lines insurance broker has been suspended, revoked, surrendered, or refused to engage in any acts as an insurance agent, limited insurance representative, managing general agent, insurance consultant, or surplus lines insurance broker. Any person convicted of violating the provisions of this section shall be guilty of a felony and shall be punished by the imposition of a fine of not more than One Thousand Dollars (\$1,000.00) or shall be committed to the custody of the Department of Corrections for not less than one (1) year nor more than five (5) years, or be punished by both said fine and commitment to custody;

6. It shall be unlawful for any person to do or perform any of the acts of an insurance agent, limited insurance representative, managing general agent, surplus lines insurance broker, or insurance consultant without being duly licensed, or for any partnership or corporation, or any person acting on behalf of a partnership or corporation, to violate any of the provisions of subsection B of Section 1424 of this title. Any person convicted of violating the provisions of this section shall be guilty of a misdemeanor and

shall be punished by the imposition of a fine of not more than Five Hundred Dollars (\$500.00) or imprisonment in the county jail for not less than six (6) months nor more than one (1) year, or be punished by both said fine and imprisonment;

7. a. After completion and filing of the application with the Commissioner, except as provided in Section 1426 of this title, the Commissioner shall subject each applicant for license as an insurance agent, surplus lines insurance broker, insurance consultant, or limited insurance representative to a written examination as to his competence to act as a licensee, which each applicant shall personally take and pass to the satisfaction of the Commissioner.
 - b. If the applicant is a partnership or corporation, the examination shall be taken by each individual who is to act for the corporation or partnership as an agent, surplus lines insurance broker, limited insurance representative, or insurance consultant.
 - c. Each examination for a license shall be approved for use by the Commissioner and shall reasonably test the knowledge of the applicant as to the lines of insurance, policies, and transactions to be handled pursuant to the license applied for, the duties and responsibilities of the licensee, and the pertinent insurance laws of this state.
 - d. Examination for licensing shall be at such reasonable times and places as are designated by the Commissioner.
 - e. The Commissioner shall give, conduct, and grade all examinations in a fair and impartial manner and without discrimination among individuals examined.
 - f. The applicant shall pass the examination with a grade determined by the Commissioner to indicate satisfactory knowledge and understanding of the line or lines of insurance for which the applicant seeks qualification. Within ten (10) days after the examination, the Commissioner shall inform the applicant and the appointing insurer, when applicable, as to whether or not the applicant has passed. Formal evidence of said licensing shall be issued by the Commissioner to the licensee within a reasonable time.
 - g. An applicant who has failed to pass the first examination for the license applied for may take a second examination within thirty (30) days following the first examination. Examination fees for subsequent examinations shall not be waived.
 - h. An applicant who has failed to pass the first two examinations for the license applied for shall not be permitted to take a subsequent examination until the expiration of six (6) months after the last previous examination. A current application, company appointments, and applicable fees shall be submitted with each request to take a subsequent examination;
8. a. If the Commissioner finds that the applicant has not fully met the requirements for licensing, he shall refuse to issue the license and promptly notify the applicant and the appointing insurer, when applicable, in writing, of the denial, stating the grounds therefor.

b. If for any reason a license is not issued by the Commissioner, all fees accompanying the application for the license as insurance agent, surplus lines insurance broker, insurance consultant, and limited insurance representative shall be deemed earned and shall not be refundable;

9. Every licensed agent shall notify the Commissioner of any change in his address as shown on the license as issued within ten (10) days after the change; and

10. Every licensed agent shall provide a place of business which is accessible to the public. The provisions of this section shall not prohibit the business of insurance in the residence of a licensed agent.

L. If an agent or agents choose to use a facsimile signature stamp in his or their business, then such stamp shall be proof that the agent or agents have authorized the signing of any documents relating to the business of insurance.

M. It shall be unlawful for any insurer to discriminate among or between the agents it has appointed. Any person or company convicted of violating the provisions of this section shall be guilty of a misdemeanor and shall be punished by the imposition of a fine of not more than Five Hundred Dollars (\$500.00) or imprisonment in the county jail for not less than six (6) months nor more than one (1) year, or be punished by both said fine and imprisonment.

SECTION 39. AMENDATORY 36 O.S. 1991, Section 1425.1, is amended to read as follows:

Section 1425.1 A. Each insurance agent shall, annually, complete not less than six (6) clock hours of continuing insurance education which shall cover subjects in the lines for which the agent is licensed. Such education may include a written or oral examination.

B. The Insurance Commissioner shall approve courses and providers of continuing education.

Each insurance company shall be allowed to provide continuing education to insurance agents as required by this section; provided that such continuing education meets the general standards for education otherwise established by the Insurance Commission.

C. Each provider of continuing education shall, after approval by the Commissioner, submit an annual fee of ~~One Hundred Dollars (\$100.00)~~ Two Hundred Dollars (\$200.00) payable to the Insurance Commissioner which shall be deposited in the State Insurance Commissioner Revolving Fund, created in subsection G of Section 1425 of this title, for the purposes of fulfilling and accomplishing the conditions and purposes of this act. Provided, public funded educational institutions shall be exempt from this subsection.

D. Failure of an insurance agent to comply with the requirements of this act may, after notice and hearing, result in censure, suspension, nonrenewal of license or a fine of up to Five Hundred Dollars (\$500.00) or by both such penalty and fine. Said fine may be enforced in the same manner in which civil judgments may be enforced. Any fines collected under this act shall be deposited in the State Insurance Commissioner Revolving Fund.

E. Limited insurance representatives as set out in subparagraph b of paragraph 2 of subsection A of Section 1424 of this title shall be exempt from the provisions of this act.

F. The Commissioner shall adopt and promulgate such rules and regulations as are necessary for effective administration of this act.

SECTION 40. REAPPROPRIATION AND REDESIGNATION The amount of Two Million Seven Hundred Fifty-six Thousand Five Hundred Six

Dollars (\$2,756,506.00) appropriated by Section 75, Chapter 234, O.S.L. 1992, as amended by Section 24, Chapter 337, O.S.L. 1992, to the State Insurance Department is hereby reappropriated and redesignated for general operations, less expenditures and encumbrances as adjusted by transfer on the effective date of this act.

DEPARTMENT OF LABOR

SECTION 41. AMENDATORY Section 70 of Enrolled Senate Bill No. 383 of the 1st Session of the 44th Oklahoma Legislature, is amended to read as follows:

Section 70. There is hereby appropriated to the Oklahoma Department of Labor 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 Twenty-three Thousand Four Hundred Fifty-three Dollars (\$1,023,453.00)~~ One Million One Hundred Thirteen Thousand Eight Hundred Sixty-two Dollars (\$1,113,862.00) or so much thereof as may be necessary to perform the duties imposed upon the Oklahoma Department of Labor by law.

SECTION 42. Of the funds appropriated to the Department of Labor by Section 70 of Enrolled Senate Bill No. 383 of the 1st Session of the 44th Oklahoma Legislature, as amended by Section 41 of this act, the sum of Two Hundred Twenty-four Thousand Five Hundred Dollars (\$224,500.00) shall be expended to support six (6) full-time-equivalent employees of the Prevailing Wage Unit.

SECTION 43. The duties and compensation of employees, not otherwise prescribed by law, necessary to perform the duties imposed upon the Department of Labor by law shall be set by the Commissioner of Labor. The Department of Labor 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	132.0
Payroll, Salaries or Wages, Including Tax-sheltered Deferment Contracts and Longevity Payments Authorized by State Statutes	\$3,596,059.00
Professional and Personal Services Contracts	\$115,000.00
Lease-Purchase Agreements	\$0.00
Purchase of Equipment	\$250,000.00
Expenditure of Revolving Funds	\$1,305,500.00
Expenditure of Federal Funds	\$1,098,673.00
Total Expenditures for Operations	\$5,670,342.00

SECTION 44. Of the one hundred thirty-two (132) full-time-equivalent employee positions authorized in Section 43 of this act, twenty (20) full-time-equivalent employee positions shall be contingent upon the procurement of federal funds and shall be terminated when federal support of those positions is discontinued.

SECTION 45. A. By February 1 of each year, the State Department of Labor shall submit an annual report to the Speaker of the House of Representatives and the President Pro Tempore of the Senate detailing the amount per agency of all state, federal and local funds received, directly or indirectly, for asbestos abatement, the projects completed per agency, number of agency employees used in the programs, and projected needs for the next succeeding fiscal year.

B. The Department of Central Services, the Department of Corrections, Department of Human Services and the Oklahoma State Regents for Higher Education and any other appropriate state agency

involved in asbestos abatement shall cooperate with the State Department of Labor to provide the information required pursuant to the provisions of this section.

SECTION 46. AMENDATORY 40 O.S. 1991, Section 53, is amended to read as follows:

Section 53. (a) No person shall open, operate or maintain an employment agency in the State of Oklahoma without first procuring a license from the Administrator. Any person who shall open or conduct any such agency without first having procured a license shall be guilty of a misdemeanor and, upon conviction, shall be punished as provided in Section 57 of this title. Application for the first license to be issued to any employment agency following the effective date of this act shall be accompanied by a fee of ~~One Hundred Dollars (\$100.00)~~ Two Hundred Fifty Dollars (\$250.00); renewal applications for a license to be issued to any employment agency shall be accompanied by a fee of ~~One Hundred Dollars (\$100.00)~~ Two Hundred Fifty Dollars (\$250.00). The license fee shall not be returnable, and shall be placed in the General Revenue Fund of the State Treasury.

(b) Every applicant for a license shall have been a resident of the State of Oklahoma for at least one (1) year immediately preceding the filing of such application, and shall have had at least one (1) year of experience as a placement counsellor in a licensed employment agency either within or without the state. In the case of corporation applicants, at least one of the incorporators and one of the principal officers thereof, together with the person who is to be responsible for the general management of the office shall meet the above requirements as to Oklahoma residence and experience.

(c) Every applicant for a license shall file with the Administrator a written application stating the name and address of the applicant; the street and number of the building in which the employment agency is to be conducted; the name of the person who is to be responsible for the general management of the office; the names and addresses of all those financially interested therein; the name under which the business is to be conducted; whether or not the applicant is pecuniarily interested in any other business or businesses, and if so the nature of same and where carried on. Said applicant shall also state on the application whether or not he is engaged at the time of making application or at any previous time has been engaged or financially interested in an employment agency business in Oklahoma or any other state; and, if so, the name and address of such employment agency or agencies and the dates he was so engaged or interested. If applicant is now or has previously been employed in any employment agency he shall state the name and address of such agency, the name of the person conducting such agency, the dates employed, and in what capacity. All applications shall be sworn to, under oath, and shall remain confidential in the files of the Administrator.

(d) All applicants shall clearly state if they have operated or been employed by an employment agency in Oklahoma or any other state within the past fifteen (15) years and, if so, under what authority; and if ever cited for cause, give the final disposition of said breach of law or regulations charged governing such employment agency or employment. If applicant should be found guilty of perjury as to any material fact, after issuance of a license by the State of Oklahoma, after exhaustion of applicant's right of appeal, the Administrator shall rescind such license immediately thereafter, and no license shall subsequently be issued to such applicant.

(e) The applicant shall give as reference the names and addresses of at least three (3) persons of reputed business or professional integrity. If applicant is a corporation, the application shall state the names and addresses of the officers and directors of said corporation and shall be signed and sworn to by the president and secretary, with seal affixed. If applicant is a copartnership, the application shall state the names and addresses of all partners therein and shall be signed and sworn to by all of them. The Administrator or Director shall be qualified to take sworn statements of applicants, under oath.

(f) Upon the filing of an application for the first license after the effective date of this act, as herein provided, the Administrator shall cause an investigation to be made of the applicant and all those financially interested therein, such investigation to be made by appropriate state agencies and other sources of information, and shall finally rule thereon within thirty (30) days after the application is filed. Unless the application shall be rejected by the Administrator on the grounds that the applicant or associated party or parties have been convicted of a felony, or for other good and sufficient reason within the meaning and purpose of this act, the same shall be granted. If the application is rejected, the Administrator shall state in the written order the specific reasons for such rejection. That there are already an adequate number of licensed employment agencies shall not be grounds for rejecting a license application. An appeal from an order of the Administrator rejecting an application for any reason other than conviction of a felony may be taken to the superior or district court of the county of applicant's residence, in accordance with the general statute of the state governing appeals from decisions of administrative agencies in individual proceedings.

(g) A detailed report of such investigation and the action taken thereon by the Administrator shall be made in writing and become a part of the official records in the Administrator's office.

(h) Every initial application for a license shall be accompanied by a bond in the sum of Five Thousand Dollars (\$5,000.00), issued by a duly licensed surety company authorized to do business in Oklahoma, to be approved by the Administrator and filed of record in his office, which bond shall be conditioned upon the applicant's complying with all the provisions of this act. Upon completion of one (1) year of operation, the amount of the bond shall be reduced to Three Thousand Dollars (\$3,000.00) and shall remain fixed at that amount until the completion of two (2) years of operation, at which time, the amount of the bond shall be reduced to One Thousand Dollars (\$1,000.00). The bond shall remain at One Thousand Dollars (\$1,000.00) so long as the agency remains under the management of the originally licensed operator. If at any time, in the opinion of the Administrator, any of the sureties shall become irresponsible the person holding the license shall, upon written notice and demand from the Administrator, furnish a new bond, subject to the provisions of this section. Failure to furnish a new bond within fifteen (15) days after receipt of such notice and demand shall, in the discretion of the Administrator, constitute just cause for revocation of such license, and each license when revoked shall be obtained by the Administrator for cancellation.

(i) There shall appear on the license the name of the licensee, the location of the office where the employment agency is to be conducted, the name of the person who is to be charged with the general management and the precise name under which the employment agency is to be carried on. In the event of a change in location

the Administrator shall be notified of same within ten (10) days and the license shall be endorsed to show the correct address. Each license shall be numbered and dated and posted in a conspicuous place in the office of the employment agency.

(j) In the event the services of the person charged with the general management of the employment agency are terminated within the license year, the licensee shall so advise the Administrator and the name of the person taking over the management shall be substituted on the license for that of the former manager so that at all times the person charged with general management of the employment agency shall be known to the Administrator and shall appear on the license.

(k) Every license shall remain in force for twelve (12) months next after its issuance, unless sooner surrendered, suspended or revoked.

(l) The Administrator shall notify all license holders of the expiration date of their licenses at least ten (10) days prior thereto, and application for renewal shall be accompanied by the required license fee and bond.

(m) In the event the Administrator shall find that an employment agency has violated any of the provisions of this act, or that any other good and sufficient reason therefor has arisen within the meaning and purpose of this act, he may suspend or revoke said license or refuse to grant a new license upon the termination thereof; but in any case no action shall be taken until a written notice has been served on said employment agency specifying the charges against said agency, and a fair public hearing, in which the procedure prescribed for individual proceedings by the general administrative procedure acts of the state shall apply wherever not in conflict with the specific procedures herein prescribed, has been given same within thirty (30) days after such written notice has been posted by registered mail to the licensee. If, after such hearing, the Administrator shall find cause to suspend, revoke or refuse to issue a license, the employment agency shall be given written notice of the Administrator's decision and the basis therefor, which decision shall become final at the end of thirty (30) days from the date of such notice, unless during the said thirty-day period the licensee shall take an appeal to the superior or district court of the county in which the license was issued from the Administrator's order, with opportunity for stay as provided in the general statutes of the state governing appeals from administrative orders in individual proceedings. All appeals from the Administrator's decisions and orders shall be taken in the manner prescribed by law.

(n) Every complaint against an employment agency shall be made in writing to the Administrator and shall be thoroughly investigated. A complete record of the investigation and disposition of the complaint shall be made and become a permanent record in the Administrator's office. Whenever, for any cause, a license is revoked, the Administrator shall not within two (2) years from the date of such revocation issue another license to the person whose license has been revoked.

(o) No license granted under the terms of this act shall be transferable, but an employment agency may, with the approval of the Administrator, at any time incorporate or admit a partner or partners to the business, or make changes in the corporate name, or sell the business; but no employment agency shall permit any person not mentioned in the application for license to become connected with such agency, either as a partner or as an officer of a corporation, unless the Administrator's written consent thereto

shall first have been obtained. Such consent may be withheld only for any reason for which an original application for license might have been rejected if the person or persons in question had been mentioned therein. Nothing in this act shall be construed to prevent any executor, administrator or heir of a deceased licensee from carrying on the employment agency's business for the remainder of the period for which licensed, or pending its sale to a qualified purchaser.

(p) No sale of a franchise for an agency operation in Oklahoma shall be legal, or enforceable in the courts of this state, unless and until the qualifications of such franchise purchaser shall first have been submitted to the Administrator as a prospective licensee under the provisions of this act, and approved by the Administrator.

SECTION 47. AMENDATORY 40 O.S. 1991, Section 463, is amended to read as follows:

Section 463. A. ~~The inspection fee shall be Fifty Dollars (\$50.00) per hour of actual inspection time. The certificate of inspection fee shall be Ten Dollars (\$10.00).~~ No fees shall be charged to public agencies. The fees provided for in this subsection shall not apply to amusement parks owned and operated by nonprofit corporations.

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| 1. <u>The annual ride registration fee shall be:</u> | <u>\$25.00</u> |
| 2. <u>The inspection fee shall be:</u> | |
| a. <u>Kiddie Rides</u> | <u>\$25.00</u> |
| b. <u>Major Rides</u> | <u>\$50.00</u> |
| c. <u>Other Rides per hour</u> | <u>\$100.00</u> |

B. The Commissioner of Labor shall not issue an original certificate of inspection for an amusement ride until he receives certification in writing that such amusement rides meet the requirements established by the Commissioner of Labor for amusement rides. The Commissioner of Labor shall designate by rule and regulation pursuant to Section 460 of this title the qualifications of the inspectors making the inspections required by this section.

C. Any permanent amusement park ride owner or operator shall file a copy of a certificate of insurance with the Commissioner of Labor on or before February 1 of each year. Such certificate of insurance shall be in such form as to reflect the safety inspection requirements for obtaining such insurance and the date of the last inspection. The amount of the premium and the amount of coverage shall not be required to be disclosed in the certificate.

The Commissioner may accept such certificate and insurance inspection as evidence sufficient to issue a certificate of inspection for the permanent amusement park ride.

D. The Governing Board of the State Fair of Oklahoma, the Tulsa State Fair, and the Muskogee State Fair shall file a copy of a certificate of insurance with the Commissioner of Labor before the rides are put into operation at each location for the use of the public. Such certificate shall be in such form as to reflect the safety inspection requirements for obtaining such insurance and the date of the inspection.

The Commissioner may accept such insurance inspection as evidence sufficient to issue a certificate of inspection for the rides.

SECTION 48. REAPPROPRIATION AND REDESIGNATION The amount of One Million Seven Hundred Sixty Thousand Eight Hundred Eighty-five Dollars (\$1,760,885.00) appropriated by Section 76, Chapter 234, O.S.L. 1992 to the Oklahoma Department of Labor is hereby reappropriated and redesignated for general operations, less expenditures and encumbrances as adjusted by transfer on the effective date of this act.

LIQUEFIED PETROLEUM GAS BOARD

SECTION 49. AMENDATORY Section 74 of Enrolled Senate Bill No. 383 of the 1st Session of the 44th Oklahoma Legislature, is amended to read as follows:

Section 74. There is hereby appropriated to the Liquefied Petroleum Gas 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 ~~Three Hundred Seventy-seven Thousand Eight Hundred Fifty-two Dollars (\$377,852.00)~~ Three Hundred Eighty-Seven Thousand Six Hundred Eighty-eight Dollars (\$387,688.00) or so much thereof as may be necessary to perform the duties imposed upon the Liquefied Petroleum Gas Board by law.

SECTION 50. The funds appropriated by Section 74 of Enrolled Senate Bill No. 383 of the 1st Session of the 44th Oklahoma Legislature, as amended by Section 49 of this act, shall be expended in the following categories and amounts:

Personal Services	\$295,429.00
Other Operating Expenses	<u>92,259.00</u>
TOTAL	\$387,688.00

SECTION 51. The duties and compensation of employees, not otherwise prescribed by law, necessary to perform the duties imposed upon the Oklahoma Liquefied Petroleum Gas Board by law shall be set by the Administrator. The salary of the Administrator shall not exceed Thirty-eight Thousand Nine Hundred Nineteen Dollars (\$38,919.00) per annum, payable monthly for the fiscal year ending June 30, 1994. The Oklahoma Liquefied Petroleum Gas Board, 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	10.0
Payroll, Salaries or Wages, Including Tax-sheltered Deferment Contracts and Longevity Payments Authorized by State Statutes	\$254,518.00
Professional and Personal Services Contracts	\$600.00
Purchase of Equipment	\$2,200.00
Lease-Purchase Agreements	\$0.00
Expenditure of Federal Funds	\$0.00
Total Expenditures for Operations	\$487,688.00

SECTION 52. AMENDATORY 52 O.S. 1991, Section 420.5, is amended to read as follows:

Section 420.5 (a) There are hereby levied the following fees, to be paid to the Administrator, upon the sale, purchase, rental and/or use in this state of liquefied petroleum gas containers and/or cylinders.

(1) On all I. C. C. cylinders, house trailer containers or cylinders, and vehicle fuel containers, a fee of ~~Two Dollars (\$2.00)~~ Three Dollars (\$3.00) each.

(2) On all other containers, a fee of Seven Dollars and fifty cents (\$7.50) each.

(b) After the effective date of this act, each manufacturer of LP-Gas containers in Oklahoma; each vendor of containers manufactured without the state; and each person, firm or corporation placing any LPG container or cylinder in use in this state on which the applicable fee has not been paid, shall, within ten (10) days following the month in which such sale, rental, purchase or the placing of such container or cylinder in use in this state occurs, furnish to the Administrator a report on a form prescribed by the

Administrator, reporting all such sales, rentals, purchases and/or any such containers or cylinders placed in use in this state during the preceding month, and shall accompany such report with a remittance in the amount of the applicable fees levied under this section; provided, however, that as to vendors of containers manufactured without this state, the said fee or fees shall apply and become due upon delivery to such vendors, or for their account, within the state, of containers or cylinders purchased without the state; and provided, further, that in no event shall the fees herein levied be paid or become payable on any container or cylinder sold, rented, purchased or placed in use in this state prior to the effective date of this act, or more than once on any such container or cylinder, or upon any such container or cylinder resold, rerented, repurchased or reused in this state. The Administrator is authorized to refund fees upon containers sold without the state upon which such fees have previously been paid, or any such fees which have erroneously been paid, upon written application supported by affidavit setting forth the basis for such refund. The Administrator is authorized to adopt a system of identification of containers on which the fees herein levied have been paid.

(c) No person, firm or corporation shall use or install in this state any container or cylinder upon which the applicable fee levied above applies and has not been paid. In case of failure to pay within the specified time, there shall be assessed a penalty of twenty-five percent (25%), which shall be added to the applicable fee.

SECTION 53. REAPPROPRIATION AND REDESIGNATION The amount of Four Hundred Nineteen Thousand Eight Hundred Thirty-six Dollars (\$419,836.00) appropriated by Section 79, Chapter 234, O.S.L. 1992 to the Liquefied Petroleum Gas Board is hereby reappropriated and redesignated for general operations, less expenditures and encumbrances as adjusted by transfer on the effective date of this act.

OKLAHOMA SECURITIES COMMISSION

SECTION 54. AMENDATORY Section 76 of Enrolled Senate Bill No. 383 of the 1st Session of the 44th Oklahoma Legislature, is amended to read as follows:

Section 76. There is hereby appropriated to the Oklahoma Securities 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 ~~Seven Hundred Twenty-eight Thousand Four Hundred Eleven Dollars (\$728,411.00)~~ Six Hundred Ninety-eight Thousand One Hundred Twenty-eight Dollars (\$698,128.00) or so much thereof as may be necessary to perform the duties imposed upon the Oklahoma Securities Commission by law.

SECTION 55. The funds appropriated by Section 76 of Enrolled Senate Bill No. 383 of the 1st Session of the 44th Oklahoma Legislature, as amended by Section 54 of this act, shall be expended in the following categories and amounts:

Personal Services	\$614,353.00
Other Operating Expenses	<u>83,775.00</u>
TOTAL	\$698,128.00

SECTION 56. The duties and compensation of employees, not otherwise prescribed by law, necessary to perform the duties imposed upon the Oklahoma Securities Commission by law shall be set by the Administrator. The Oklahoma Securities 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	39.0
Payroll, Salaries or Wages, Including Tax-sheltered Deferment Contracts and Longevity Payments Authorized by State Statutes	\$1,400,000.00
Professional and Personal Services Contracts	\$50,000.00
Purchase of Equipment	\$215,000.00
Lease-Purchase Agreements	\$15,000.00
Expenditure of Federal Funds	\$0.00
Expenditure of Revolving Funds	\$1,300,000.00
Total Expenditures for Operations	\$2,140,000.00

SECTION 57. REAPPROPRIATION AND REDESIGNATION The amount of Eight Hundred Fifty-nine Thousand Three Hundred Forty-five Dollars (\$859,345.00) appropriated by Section 82, Chapter 234, O.S.L. 1992, as amended by Section 33, Chapter 337, O.S.L. 1992, to the Oklahoma Securities Commission is hereby reappropriated and redesignated for general operations, less expenditures and encumbrances as adjusted by transfer on the effective date of this act.

SECTION 58. REPEALER Section 73 of Enrolled Senate Bill No. 383 of the 1st Session of the 44th Oklahoma Legislature, 74 O.S. 1991, Sections 5009.1 through 5009.6 and 74 O.S. 1991, Section 5020, are hereby repealed.

SECTION 59. The appropriations made by 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 60. This act shall become effective September 1, 1993.

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

Speaker of the House of
Representatives

Passed the Senate the 21st day of May, 1993.

President of the Senate