

ENROLLED SENATE  
BILL NO. 575

By: Taylor and Haney of the  
Senate

and

Hamilton (James) and  
Steidley of the House

An Act relating to state natural resource agencies; amending Section 61 of Enrolled Senate Bill No. 383 of the 1st Session of the 44th Oklahoma Legislature, 2 O.S. 1991, Sections 2-26, 3-23 and 5-28, which relate to appropriation to the Department of Agriculture, the Department of Agriculture Emergency Insect Control Special Fund, the sale and distribution of nursery stock and commercial egg handling; modifying appropriation; modifying purpose of certain fund; increasing certain fees; making appropriation to the Department of Agriculture; stating purposes; specifying certain expenditures and categories; requiring certain work plan and reports; authorizing and limiting certain grants; specifying requirements; stating legislative intent; providing for duties and compensation of employees; limiting the salary of the Commissioner; providing budgetary limitations; providing for certain contracted responsibilities; specifying purposes; authorizing disallowance of certain expenditures; requiring certain audit; authorizing certain expenditure of appropriation regardless of prior purpose; making appropriation to the Conservation Commission; specifying purposes; requiring certain matching; providing for duties and compensation of employees; limiting salary of the Executive Director; providing budgetary limitations; making certain positions contingent upon procurement and continuation of federal funds; making certain positions unclassified; authorizing certain contracts; specifying guidelines for distribution of certain monies; designating the Conservation Commission to manage certain program; authorizing certain expenditure of appropriation regardless of prior purpose; amending Section 66 of Enrolled Senate Bill No. 383 of the 1st Session of the 44th Oklahoma Legislature, which relates to appropriation to the Corporation Commission; modifying appropriation; making appropriation to the Corporation Commission; stating purposes; limiting certain administrative costs; requiring certain report; providing certain salary limits; directing certain transfer to certain fund; providing for duties and compensation of

employees; providing budgetary limitations; specifying number of employees for certain purposes; making continuation of certain positions contingent upon federal funding; authorizing certain expenditure of appropriation regardless of prior purpose; authorizing the Corporation Commission to establish certain fees; establishing limitations; requiring deposit of certain fees in certain fund; authorizing the Corporation Commission to assess a fee on public utilities; stating purpose; specifying how fee may be assessed; providing for manner of recovery; setting time for payment; establishing Public Utility Regulation Revolving Fund; stating purposes; prescribing manner in which payments be made; authorizing Legislature to establish certain budgetary limits; setting maximum amount of assessment; stating definitions; setting budgetary limits for the Public Utility Division; stating legislative intent; amending Section 67 of Enrolled Senate Bill No. 383 of the 1st Session of the 44th Oklahoma Legislature, which relates to making appropriation to the Department of Environmental Quality; making appropriation to the Department of Environmental Quality; stating purposes; providing for duties and compensation of employees; providing budgetary limitations; requiring certain review and recommendations by Environmental Management Oversight Task Force; specifying certain positions may be unclassified; requiring certain report; authorizing certain consulting contract; providing for the review of certain positions; authorizing certain unclassified positions; directing the Office of Personnel Management to perform certain tasks; requiring report; amending Section 75 of Enrolled Senate Bill No. 383 of the 1st Session of the 44th Oklahoma Legislature and 45 O.S. 1991, Section 724, as amended by Section 1, Chapter 113, O.S.L. 1992 (45 O.S. Supp. 1992, Section 724), which relate to appropriation to the Department of Mines and mining permits; modifying appropriation; increasing certain fee; stating purposes; providing for duties and compensation of employees; limiting salary of Executive Director; providing budgetary limitations; authorizing certain expenditure of appropriation regardless of prior purpose; stating purpose of certain appropriation to Oklahoma Water Resources Board; limiting certain use of certain funds; providing for duties and compensation of employees; limiting salary of the Executive Director; providing budgetary limitations; making certain positions contingent upon receipt of federal funds; authorizing certain expenditure of appropriation regardless of prior purpose; providing lapse date; and providing an operative date.

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

SECTION 1. AMENDATORY Section 61 of Enrolled Senate Bill No. 383 of the 1st Session of the 44th Oklahoma Legislature, is amended to read as follows:

Section 61. There is hereby appropriated to the State Department of Agriculture 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 ~~Fourteen Million Sixty-three Thousand Nine Hundred Thirty-five Dollars (\$14,063,935.00)~~ Thirteen Million Seven Hundred Seventy-five Thousand Seven Hundred Fifty-one Dollars (\$13,775,751.00) or so much thereof as may be necessary to perform the duties imposed upon the State Department of Agriculture by law.

SECTION 2. There is hereby appropriated to the Department of Agriculture from any monies not otherwise appropriated from the Special Cash Fund of the State Treasury, the sum of Five Hundred Thousand Dollars (\$500,000.00) or so much thereof as may be necessary to perform the duties imposed upon the Department of Agriculture by law.

SECTION 3. Of the funds appropriated in Sections 1 and 2 of this act, the following amounts shall be expended in the following categories:

Administration Division	\$1,685,832.00
Statistical Reporting Division	\$70,910.00
Animal Industry Division	\$3,508,383.00
Plant Industry and Consumer Services Division	\$653,328.00
Forestry Division	\$4,305,460.00
Agriculture Laboratory Division	\$1,121,481.00
Predatory Animal Control Division	\$504,730.00
Market Development Division	\$647,456.00
Rural Development Service	\$48,882.00
Brucellosis Depopulation and Expenses	\$142,575.00
Oklahoma State University for the Statewide Intensive Financial Management Assistance Program	\$117,562.00
Poultry Research and Disease Control Research Programs and Employment of a State Poultry Veterinarian and an Area Poultry Specialist	\$237,625.00
Tick Research	\$20,970.00
Wheat Root Rot/Nematode Complex Research	\$20,645.00
Peanut Pod Rot and Field	

Demonstration Research	\$35,001.00
Total Research Programs	\$76,617.00
TOTAL	\$13,120,841.00

SECTION 4. The funds appropriated by Sections 1 and 2 of this act shall be expended in the following categories and amounts:

Personal Services	\$11,848,873.00
Other Operating Expenses	<u>2,426,878.00</u>
TOTAL	\$14,275,751.00

SECTION 5. From the funds appropriated in Sections 1 and 2 of this act, the sum of Four Hundred Ninety-four Thousand Dollars (\$494,000.00) or so much thereof as may be required shall be expended for Rural Fire Fighter Coordinators.

SECTION 6. From the funds appropriated in Sections 1 and 2 of this act, the sum of One Hundred Sixty-three Thousand Three Hundred Eighty-six Dollars (\$163,386.00) or so much thereof as may be required for the purposes of the AGLink/Agriculture Mediation Program. The State Board of Agriculture shall require a budget work plan and monthly reports on the expenditures and workload of the AGLink/Agriculture Mediation Program.

SECTION 7. From the funds appropriated in Sections 1 and 2 of this act, the sum of Two Hundred Thousand Dollars (\$200,000.00) shall be expended to provide operational grants to rural fire departments.

The grants funded by this section shall be limited to One Thousand Five Hundred Dollars (\$1,500.00) per municipality.

SECTION 8. From the funds appropriated in Sections 1 and 2 of this act, the sum of Two Hundred Thousand Dollars (\$200,000.00) shall be expended to provide the state share for grants to rural fire protection coordination districts pursuant to the Rural Fire Protection Program Fund Act.

These funds shall only be expended for the purposes specified by Section 901.56 of Title 19 of the Oklahoma Statutes.

SECTION 9. From the funds appropriated in Sections 1 and 2 of this act, the sum of Fifty Thousand Dollars (\$50,000.00) shall be expended for the purposes of the statewide dry fire hydrant program in conjunction with substate planning districts with no districts to receive more than Five Thousand Dollars (\$5,000.00) in state resources. State resources must be matched on a one-to-one basis with nonstate resources.

SECTION 10. From the funds appropriated in Sections 1 and 2 of this act, the sum of Forty-seven Thousand Five Hundred Twenty-five Dollars (\$47,525.00) shall be expended for the purpose of purchasing equipment for the Oklahoma State University Animal Diagnostic Laboratory.

SECTION 11. It is the intent of the Legislature that from any monies appropriated in Sections 1 and 2 of this act, at least the sum of One Hundred Eighty-seven Thousand Two Hundred Dollars (\$187,200.00) be used for salaries, benefits and other personnel costs of the eight (8) McGee Creek Fire Protection full-time employees.

SECTION 12. The duties and compensation of employees, not otherwise prescribed by law, necessary to perform the duties imposed upon the State Department of Agriculture by law shall be set by the Commissioner. The salary of the Commissioner shall not exceed

Sixty-three Thousand Dollars (\$63,000.00) per annum, payable monthly for the fiscal year ending June 30, 1994. The State Department of Agriculture, 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 Number of Full-time-equivalent Employees, Excluding Part-time Employees in the Forestry, Plant, and Animal Industry Divisions and Fruit and Vegetable Graders	532.0
Payroll, Salaries or Wages, Including Tax-sheltered Deferment Contracts and Longevity Payments Authorized by State Statutes	\$13,461,760.00
Professional and Personal Services Contracts	\$1,315,228.00
Purchase of Equipment	\$1,722,128.00
Lease-Purchase Agreements	\$100,000.00
Receipt of Federal Funds	\$6,367,000.00
Total Expenditures for Operations	\$25,478,413.00

SECTION 13. The State Department of Agriculture shall expend so much as may be necessary to accomplish contractual responsibilities for statewide dissemination of intensive financial management technical assistance by Oklahoma State University's extension service thus enabling businessmen and students of business to benefit from direct professional assistance provided by professors, associates and staff of the University and to improve and complement technical assistance provided by the Department. Contractors shall submit quarterly reports of activities and expenditures to the Department of Agriculture. The Department may disallow any expenditures for activities not within the scope of contractual responsibilities pursuant to an approved work plan. Contractors shall submit an annual audit as required by the Department of Agriculture which may be paid from allocated, appropriated funds.

SECTION 14. Funds appropriated to the Department of Agriculture in Sections 66 and 67, Chapter 234, O.S.L. 1992 may be budgeted and expended for the fiscal year ending June 30, 1994, and may be budgeted and expended for the general operating expenses of the Department of Agriculture regardless of the purpose for which the funds were budgeted by the agency for the fiscal year ending June 30, 1993.

SECTION 15. AMENDATORY 2 O.S. 1991, Section 2-26, is amended to read as follows:

Section 2-26. There is hereby created in the State Treasury a special fund for the Department of Agriculture, to be called the Department of Agriculture Emergency Insect Control Special Fund. This fund shall consist of monies transferred to it from funds appropriated to the Department of Agriculture for this purpose. The fund shall be a continuing fund, not subject to fiscal year limitations, and shall be under the control and management of the administrative authority of the Department of Agriculture.

Expenditures from said fund shall be pursuant to the laws of this state and ~~regulations~~ rules promulgated by the Board of Agriculture, and without legislative appropriation, and shall be for the purpose of emergency grasshopper and range caterpillar control within the state or for the general operations of the Department of Agriculture, and may be used for matching purposes for those programs in which the United States Department of Agriculture participates. All expenditures will be approved by the State Board of Agriculture. Warrants for expenditures from said fund shall be based on claims, signed by an authorized employee of the Department of Agriculture, and approved for payment by the Director of State Finance.

SECTION 16. AMENDATORY 2 O.S. 1991, Section 3-23, is amended to read as follows:

Section 3-23. (a) Any dealer within the purview of this subarticle who engages in the sale or distribution of nursery stock shall first secure a dealer's license certificate from the Board authorizing the transaction of such business. Such certificate shall be required of every dealer selling or distributing nursery stock whether such dealer be a resident of the state or nonresident, and same shall be issued under the following conditions: The dealer shall furnish to the Board, upon request, a list of all sources from which he secures stock.

(b) If the Board finds, upon investigation, that the statements made in such application are true, the dealer shall be so notified and shall thereupon pay a license fee in accordance with the facts as hereinafter specified, and upon payment of such fee the Board shall immediately issue to the dealer a dealer's license certificate, which shall expire on the 31st day of October following the date of its issuance. Such dealer's license shall specify the premises or place to which the same applies. All persons coming under the terms of this subarticle shall apply for and be issued a separate license for each place of business within the state, and such license shall apply only to the place and address for which the same is issued.

(c) For a dealer's license certificate, the dealer shall pay ~~Twenty-five Dollars (\$25.00)~~ Thirty-eight Dollars (\$38.00) plus One Dollar (\$1.00) per thousand square feet of greenhouse area inspected and One Dollar (\$1.00) per acre of nursery stock inspected.

(d) The Board, after receiving application for license, shall, unless the stock, premises and facilities of the dealer have already been inspected, cause the applicant's premises to be inspected.

SECTION 17. AMENDATORY 2 O.S. 1991, Section 5-28, is amended to read as follows:

Section 5-28. (a) No person shall be issued a license to handle eggs commercially unless such person has properly filed with the Board an application on a form provided by the Board, and paid such annual license fees as are required by this section. Such license shall not be transferable.

(1) A state egg retailer's license shall be ~~Five Dollars (\$5.00)~~ Ten Dollars (\$10.00).

(2) State egg dealer's license fees for dealers shall be determined on the basis of cases of eggs sold in the shell in any one (1) month as follows:

- a. 1 to 500 cases -----\$5.00
- b. 501 to 2,000 cases -----\$12.50
- c. 2,001 to 5,000 cases -----\$25.00
- d. More than 5,000 cases -----\$50.00

(3) An egg packer's license shall be issued without charge provided such packer pays an inspection fee, as required in this section, on a minimum of six thousand (6,000) dozen eggs annually.

(4) Each license issued pursuant to this section except packers shall expire annually on the last day of the anniversary month in which the license was first issued. The Board shall have the authority to adjust the initial anniversary date to provide for efficient administration. A packer's license shall be issued for a period of five (5) years.

(5) Each location shall require a separate license.

(6) Packers residing within the state who package eggs intended solely for distribution sale or resale outside the state shall obtain a license as required pursuant to this section except the packer shall be exempt from all fee and reporting requirements. A packer shall be subject to all inspections, recordkeeping and audits as are required pursuant to this section.

(7) If a license expires and is not renewed within thirty (30) days of its expiration, the applicant for renewal shall pay a penalty. Such penalty shall be an amount equal and in addition to the license applied for.

(b) Packers shall pay to the Board an inspection fee on all eggs that are graded, packed or repacked which are intended for sale or subsequent resale to consumers in this state at the rate of ~~two mill (\$0.002)~~ four mill (\$0.004) per dozen.

(1) Inspection fee stamps will be provided by the Board for those packers desiring to use them. Cost to the packer for these stamps will be the cost to the Board for printing, mailing and handling plus the per dozen fee rate as specified in this section.

(2) Inspection fee stamps, if used, shall also serve as a label indicating grade, size of egg and the container size.

(3) Packers whose monthly production is six thousand (6,000) dozen or more, in lieu of using inspection fee stamps, may file an application with the Board, on a form prescribed by the Board, for a permit to report and pay the fees monthly.

(4) All inspection fees shall be paid either by use of fee stamps or permitted monthly report.

(c) Packers and dealers shall keep such records concerning eggs graded, packed, distributed or sold as the Board shall deem necessary to properly administer the provisions of Sections 5-21 through 5-30 of this title. Such records shall be maintained for a period of three (3) years. Any applicant for a license required pursuant to this section authorizes the Board or its duly authorized representative permission and access to such records as are required herein. The Board shall at least one time a year and whenever it deems necessary audit the records of packers who report and pay fees monthly. The packer shall be assessed a fee commensurate with the actual cost to the Board of conducting the required annual audit. The costs of any additional audits deemed necessary by the Board throughout the year shall be borne by the Board.

(d) (1) Packers permitted to pay required inspection fees on a monthly basis shall prepare a sworn and notarized report of all fees due and payable on the last day of each month. The report shall be filed and the fee paid not later than the fifteenth day of the month following the due date.

(2) Reports shall contain the quantity of eggs packed and intended for sale or resale in the state, the names of the dealers for whom the eggs were packed or to whom the eggs were sold or delivered, and such other information as the Board may require to administer the provisions of Sections 5-21 through 5-30 of this title.

(3) Reports provided to the Board pursuant to this section shall not be considered as public information and may be used only for administration of the provisions of Sections 5-21 through 5-30 of this title. Statistical information may be taken from such reports by the Board if the Board does not identify specific packers either by name or implication.

(4) If a report is not filed and the fees paid within thirty (30) days of the due date, the packer shall pay a penalty of two percent (2%) of the fees due for each additional day the fees are late. If the report is not filed and the fees paid within sixty (60) days of the due date, the amount of the penalty shall be an amount equal and in addition to the amount of the fees due.

OKLAHOMA CONSERVATION COMMISSION

SECTION 18. There is hereby appropriated to the Oklahoma Conservation Commission from any monies not otherwise appropriated from the General Revenue Fund of the State Treasury for the fiscal year ending June 30, 1994, the sum of Three Hundred Nine Thousand Five Hundred Ninety-two Dollars (\$309,592.00) or so much thereof as may be necessary to perform the duties imposed upon the Oklahoma Conservation Commission by law.

SECTION 19. The funds appropriated to the Oklahoma Conservation Commission by Section 18 of this act and Section 64 of Enrolled Senate Bill No. 383 of the 1st Session of the 44th Oklahoma Legislature shall be expended in the following amounts and for the following purposes:

Administration	\$316,000.00
Watershed Planning and Development	280,000.00
District Employees Benefits	791,000.00
Field Service	<u>3,632,135.00</u>
TOTAL	\$5,019,135.00

SECTION 20. Of the amount in Section 19 of this act for Field Service, the amount of One Hundred Thousand Dollars (\$100,000.00) shall be used for purposes of supporting a roadside erosion program in conjunction with the county commissioners, with no county to receive more than Five Thousand Dollars (\$5,000.00) in state resources. State resources must be matched on a one-to-one basis with nonstate resources by the counties.

SECTION 21. Of the amount in Section 19 of this act for Field Service, the amount of Sixty-five Thousand Dollars (\$65,000.00) shall be used for purposes of supporting a Water Quality Cost Share Program.

SECTION 22. Of the funds appropriated in Section 64 of Enrolled Senate Bill No. 383 of the 1st Session of the 44th Oklahoma Legislature, the sum of Thirty-six Thousand Dollars (\$36,000.00) or so much thereof as may be necessary shall be expended for the Complaint Database Management System.

SECTION 23. The duties and compensation of employees, not otherwise prescribed by law, necessary to perform the duties imposed upon the Oklahoma Conservation Commission by law shall be set by the Commission. The salary of the Executive Director shall not exceed Fifty-one Thousand Five Hundred Sixty-six Dollars (\$51,566.00) per annum, payable monthly for the fiscal year ending June 30, 1994. The Oklahoma Conservation 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	18.0
Payroll, Salaries or Wages, Including Tax-sheltered Deferment Contracts and Longevity Payments Authorized by State Statutes	\$615,000.00
Professional and Personal Services Contracts	\$325,000.00
Lease-Purchase Agreements	\$100,000.00
Purchase of Equipment	\$175,000.00
Expenditure of Revolving Funds	\$203,000.00
Expenditure of Federal Funds	\$4,750,000.00
Total Expenditures for Operations	\$9,972,135.00

SECTION 24. Of the eighteen (18) full-time-equivalent employee positions authorized in Section 23 of this act, six (6) full-time-equivalent employee positions shall be filled contingent upon the procurement of federal funds for the Abandoned Mine Lands Program. Said six (6) full-time-equivalent employee positions supported by these federal funds shall be terminated when federal support is discontinued. Said six (6) full-time-equivalent employees shall be unclassified and, except for leave regulations, shall be exempt from the rules of the Merit System of Personnel Administration.

SECTION 25. Notwithstanding the purpose and limitations specified by Sections 1501-704, 1501-705 and 1501-706 of Title 82 of the Oklahoma Statutes, the Oklahoma Conservation Commission is hereby authorized to expend an amount not to exceed Two Hundred Thousand Dollars (\$200,000.00) from the Small Watersheds Flood Control Fund for flood control, safety and agency operations during the fiscal year ending June 30, 1994.

Of the amount authorized for expenditure in this section the Executive Director of the Oklahoma Conservation Commission is hereby authorized to expend an amount not to exceed One Hundred Thousand Dollars (\$100,000.00) for critical needs as the Executive Director shall deem necessary for maintenance, operations and equipment. The Executive Director is authorized to purchase equipment and to enter into contracts with municipalities to carry out the provisions of this section.

SECTION 26. Any monies appropriated to the Conservation Commission for purposes of funding the offices of local conservation districts for employee salaries or contracting for employment services shall be allotted to the local conservation districts by the Commission in such a manner so as to provide for an average of two and three-tenths (2.3) employees per district. In determining the actual number of employees per district, the Commission shall be guided by the type and amount of activities and responsibilities managed by a local district.

SECTION 27. The Oklahoma Conservation Commission is hereby designated as the state agency authorized to receive, administer,

manage and expend monies allocated to the State of Oklahoma from the federal Environmental Protection Agency for the nonpoint source pollution program in the Grand River Basin.

SECTION 28. Funds appropriated to the Oklahoma Conservation Commission in Section 70, Chapter 234 and Section 15, Chapter 315, O.S.L. 1992 may be budgeted and expended for the fiscal year ending 30, 1994, and may be budgeted and expended for the general operating expenses of the Oklahoma Conservation Commission regardless of the purpose for which the funds were budgeted by the agency for the fiscal year ending June 30, 1993.

CORPORATION COMMISSION

SECTION 29. AMENDATORY Section 66 of Enrolled Senate Bill No. 383 of the 1st Session of the 44th Oklahoma Legislature, is amended to read as follows:

Section 66. There is hereby appropriated to the Corporation Commission from any monies not otherwise appropriated from the General Revenue Fund of the State Treasury for the fiscal year ending June 30, 1994, the sum of ~~Five Million Three Hundred Thirty-one Thousand Five Hundred Twenty-one Dollars (\$5,331,521.00)~~ One Million Four Hundred Thirty-five Thousand One Hundred Forty-five Dollars (\$1,435,145.00) or so much thereof as may be necessary to perform the duties imposed upon the Corporation Commission by law.

SECTION 30. There is hereby appropriated to the Corporation Commission from any monies not otherwise appropriated from the Special Cash Fund of the State Treasury the sum of Two Million Dollars (\$2,000,000.00) or so much thereof as may be necessary to perform the duties imposed upon the Corporation Commission by law.

SECTION 31. The funds appropriated by Sections 29 and 30 of this act shall be expended in the following categories and amounts:

Personal Services	\$3,263,388.00
Other Operating Expenses	<u>171,757.00</u>
TOTAL	\$3,435,145.00

SECTION 32. A. Reimbursement from the Petroleum Storage Tank Release Environmental Cleanup Indemnity Fund for costs incurred by the Corporation Commission for the administration of the Indemnity Fund shall not exceed Seven Hundred Thousand Dollars (\$700,000.00) for the fiscal year ending June 30, 1994.

B. The Commission shall make written reports on a quarterly basis to the Speaker of the House of Representatives and the President Pro Tempore of the Senate detailing expenditures on agency or fund personnel and equipment and investigation expenses concerning and incurred as a result of administering such Indemnity Fund.

SECTION 33. The authorized number and maximum annual salary, payable monthly, for the unclassified employee positions utilized in the operation of the Corporation Commission shall be as set forth below. The amounts listed do not constitute an appropriation but are listed to establish salary maximums only for the fiscal year ending June 30, 1994.

TITLE	NUMBER AUTHORIZED	MAXIMUM SALARY
Senior Rate Analyst	1	\$43,585.00
Director, Data Processing	1	\$53,850.00
Administrative Aide	3	\$39,020.00

SECTION 34. From any monies appropriated by Section 29 and 30 of this act to the Corporation Commission, One Hundred Thousand Dollars (\$100,000.00) inclusive of salaries shall be expended for a pollution response team to respond to and investigate reports of pollution.

SECTION 35. One Hundred Twenty Thousand Dollars (\$120,000.00) shall be spent from monies available in the Corporation Commission Revolving Fund to implement the provisions of Section 40.1 of Title 17 of the Oklahoma Statutes.

SECTION 36. In addition to any other monies dedicated to well plugging, the Corporation Commission is hereby authorized to expend from any monies available in the Conservation Fund of the State Treasury and the Corporation Commission Revolving Fund an amount not to exceed Five Hundred Thousand Dollars (\$500,000.00), to plug or repair any oil, gas, injection or disposal well which is causing surface or subsurface pollution, pursuant to the provisions of Section 318 of Title 52 of the Oklahoma Statutes.

SECTION 37. Of the funds appropriated in Sections 29 and 30 of this act, the Corporation Commission shall transfer the sum of Forty-three Thousand Dollars (\$43,000.00) to the Corporation Commission Plugging Fund created pursuant to Section 180.10 of Title 17 of the Oklahoma Statutes.

SECTION 38. The duties and compensation of employees, not otherwise prescribed by law, necessary to perform the duties imposed upon the Corporation Commission by law shall be set by the Commissioners. The Corporation 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 direct expenditures for well plugging as authorized in Section 310 of Title 52 of the Oklahoma Statutes, pit closure as authorized in Section 140 of Title 52 of the Oklahoma Statutes, and remediation of sites as authorized in Section 353 of Title 17 of the Oklahoma Statutes, and 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	458.0
Payroll, Salaries or Wages, Including Tax-sheltered Deferment Contracts and Longevity Payments Authorized by State Statutes \$13,206,699.00	
Professional and Personal Services Contracts \$3,690,600.00	
Purchase of Equipment \$591,000.00	
Lease-Purchase Agreements \$450,000.00	
Expenditure of Revolving Funds \$16,289,096.00	
Expenditure of Federal Funds \$2,181,780.00	

Total Expenditures for Operations  
\$21,906,021.00

SECTION 39. Of the four hundred fifty-eight (458.0) full-time-equivalent employees authorized in Section 38 of this act, seven (7.0) shall be utilized to perform Underground Storage Tank duties as authorized in the Oklahoma Underground Storage Tank Regulation Act and the Oklahoma Petroleum Underground Release Indemnity Program. The continuation of these full-time-equivalent employees is contingent upon sufficient funding under the Underground Storage Tank Regulation Act, and the Oklahoma Petroleum Underground Release Indemnity Program, to support them.

SECTION 40. Of the four hundred fifty-eight (458.0) full-time-equivalent employees authorized in Section 38 of this act, fourteen (14.0) shall perform duties in accordance with the Underground Injection Control Program, five (5.0) shall perform duties in accordance with the Underground Storage Tank Program and two (2.0) shall perform duties in accordance with the Leaking Underground Storage Tank Program. The continuation of these full-time-equivalent employees is contingent upon sufficient federal funding to support them.

SECTION 41. Funds appropriated to the Oklahoma Corporation Commission in Sections 23 and 25, Chapter 315 and Sections 72 and 73, Chapter 234, O.S.L. 1992 may be budgeted and expended for the fiscal year ending June 30, 1994, and may be budgeted and expended for the general operating expenses of the Oklahoma Corporation Commission regardless of the purpose for which the funds were budgeted by the agency for the fiscal year ending June 30, 1993.

SECTION 42. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 166.1a of Title 17, unless there is created a duplication in numbering, reads as follows:

A. The Corporation Commission may establish a schedule of fees to be charged for applications for, or the issuance of, new, modified or renewed permits, licenses, certificates and other authorizations and for such other services as are involved in the regulation of activities, functions and programs within the jurisdiction of the Commission. Such fees shall be subject to the following limitations:

1. The Commission shall follow the procedures required by the Administrative Procedures Act for promulgation of rules in establishing or amending any such schedule of fees;

2. The Commission shall base its schedule of fees for each service, function or program upon the reasonable costs, both direct and indirect, of operating or providing such services, functions or programs, including, but not limited to, the costs of administration, personnel, office space, equipment, training, travel, inspection and review rendered in connection with each such service, function or program;

3. The Commission shall expend monies from fees levied pursuant to this section, including, but not limited to, application, review, inspection, monitoring and operating fees, only on the direct or indirect costs of the specific functions or programs from which such monies originate.

B. The Commission may establish a schedule of fees to be charged for services, including, but not limited to, searches, compilations, certifications or reproductions of maps and publications, transcripts, blueprints, computer data, electronic recordings or documents. Such fees shall be based on the actual cost to the Commission for the provision of such services.

C. Fees collected by the Commission pursuant to this section shall be deposited in the Corporation Commission Revolving Fund.

SECTION 43. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 180.11 of Title 17, unless there is created a duplication in numbering, reads as follows:

A. The Corporation Commission is hereby authorized to assess a fee upon each public utility to provide adequate funding to the Public Utility Division of the Oklahoma Corporation Commission for the regulation of public utilities in this state and for providing for timely and expeditious reviews and completion of rate cases, and increased responsiveness to the needs of consumers and the regulated community.

B. 1. The assessment authorized by this section may, after excluding the amount allocated to interexchange telecommunications companies in paragraph 2 of this subsection, be borne by the affected public utilities as follows:

- a. one-half shall be allocated based on that proportion which the total regulated Oklahoma jurisdictional gross operating revenues of each public utility bear to the total regulated Oklahoma jurisdictional gross operating revenues of all public utilities, and
- b. one-half shall be allocated based on that proportion which the total number of regulated Oklahoma jurisdictional customers of each public utility bears to the total number of regulated Oklahoma jurisdictional customers of all public utilities.

2. For interexchange telecommunications companies, the allocation may be based on the proportion that each interexchange telecommunications company's total regulated Oklahoma jurisdictional gross operating revenues bears to the total regulated Oklahoma jurisdictional gross operating revenue of all public utilities as applied to the total amount of the assessment to be collected from all public utilities for each year.

C. Any assessment levied pursuant to this section shall be recoverable as an operating expense to the public utility and shall be included in a utility's base rates or basic monthly service charge. The Corporation Commission shall take such action necessary to ensure recovery of the assessment by a public utility during the period for which it is levied.

D. The Corporation Commission may provide that each public utility shall pay any assessment levied pursuant to this section on a quarterly basis. Notice of the annual assessment shall be sent by certified mail, return receipt requested, to each public utility. Each public utility shall pay the amount assessed to the Commission for deposit to the Public Utility Regulation Revolving Fund created in subsection E of this section. A public utility may, at its discretion, pay its annual assessment prior to the due date of the quarterly payments.

E. Any assessment collected by the Commission pursuant to this section shall be deposited in the Public Utility Regulation Revolving Fund hereby created. The fund shall be a continuing fund not subject to fiscal year limitations and shall consist of the monies received by the Commission from any assessment levied pursuant to the provisions of this section. All monies accruing to the credit of the fund are hereby appropriated and may be budgeted and expended by the Commission to pay the costs, both direct and indirect, of the Public Utilities Division incurred to regulate public utilities. 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.

F. The Legislature shall establish budgetary limits for the Public Utility Division of the Corporation Commission. Any assessment levied pursuant to this section shall not exceed the amount of the budgetary limits and indirect costs for related support functions established by the Legislature for any fiscal year.

G. For purposes of this section, "public utility" means:

1. A public utility as defined by Section 151 of Title 17 of the Oklahoma Statutes, excluding those companies encompassed by paragraph (d) of Section 151 of Title 17 of the Oklahoma Statutes;

2. Any telephone or telecommunications company subject to Section 131 et seq. of Title 17 of the Oklahoma Statutes, including interexchange telecommunications companies or such other telecommunications companies as defined by OCC Rule OAC 165:55-1-4; and

3. Any association or cooperative corporation doing business under the Rural Electric Cooperative Act except for generation and transmission associations or cooperative corporations, or transmission associations or cooperative corporations.

H. It is the intention of the Legislature that this entire section is an amendment to and alteration of Sections 18 through 34, inclusive, of Article IX of the Constitution of the State of Oklahoma, as authorized by Section 35 of Article IX of said Constitution.

SECTION 44. Pursuant to subsection F of Section 43 of this act, the Corporation Commission shall expend no more than Three Million Three Hundred Eighty-nine Thousand Ninety-six Dollars (\$3,389,096.00) for costs of the Public Utility Division for the fiscal year ending June 30, 1994.

SECTION 45. It is the intent of the Legislature that:

1. The Corporation Commission take action designed to facilitate the expeditious completion of rate reviews within a one hundred eighty-day period. Such action may include the promulgation of rules to modify policies and procedures to implement a more rapid review of rate cases;

2. The Corporation Commission shall examine the advisability and feasibility of promulgating rules to assess fees and costs in public utility cases initiated by unregulated entities. Any monies generated from such fees or costs shall be deposited in the Public Utility Regulation Revolving Fund; and

3. By April 1, 1994, the Commission shall complete its review of the feasibility of regulating telecommunication resellers.

#### DEPARTMENT OF ENVIRONMENTAL QUALITY

SECTION 46. AMENDATORY Section 67 of Enrolled Senate Bill No. 383 of the 1st Session of the 44th Oklahoma Legislature, is amended to read as follows:

Section 67. There is hereby appropriated to the Department of Environmental Quality 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 Million Ninety-two Thousand Three Hundred Forty-five Dollars (\$7,092,345.00)~~ Seven Million Seventy-two Thousand Seven Hundred Twenty-six Dollars (\$7,072,726.00) or so much thereof as may be necessary to perform the duties imposed upon the Department of Environmental Quality by law.

SECTION 47. The Seventy-five Thousand Dollars (\$75,000.00) associated with the Central Interstate Low-Level Radioactive Waste

Compact Commission host-community incentive money is eliminated from state appropriation and will be funded by fees.

SECTION 48. The duties and compensation of employees, not otherwise prescribed by law, necessary to perform the duties imposed upon the Department of Environmental Quality by law shall be set by the Executive Director. The salary of the Executive Director shall not exceed Seventy Thousand Dollars (\$70,000.00) per annum payable monthly for the fiscal year ending June 30, 1994. The Department of Environmental Quality, for the fiscal year ending June 30, 1994, shall be subject to the following budgetary limitations on full-time-equivalent employees and 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	548.0
Payroll, Salaries or Wages, Including Tax-sheltered Deferment Contracts and Longevity Payments Authorized by State Statutes	\$19,736,733.00
Professional and Personal Services Contracts	\$3,200,000.00
Purchase of Equipment	\$1,750,000.00
Lease-Purchase Agreements	\$105,000.00
Expenditure of Federal Funds	\$9,200,000.00
Expenditure of Revolving Funds	\$15,300,000.00
Total Expenditures for Operations	\$31,757,726.00

SECTION 49. The Department of Environmental Quality is hereby directed to spend One Hundred Fifty Thousand Dollars (\$150,000.00) or so much thereof as may be necessary to contract for the services of a recognized management consultant to conduct a study to recommend an organizational structure and determine the personnel and other resource requirements to fulfill the demonstrated reasonable costs of operating the permit program established by 63 O.S. Supp. 1992, Section 1-814, as amended, and as required by the Federal Clean Air Act. The funding for the required study shall come from the Ten Dollars (\$10.00) per ton of regulated contaminant fee established by 63 O.S. Supp. 1992, Section 1-814.

SECTION 50. Positions authorized pursuant to Section 48 of this act shall be reviewed by the Environmental Management Oversight Task Force created pursuant to Section 349 of Enrolled House Bill No. 1002 of the 1st Session of the 44th Oklahoma Legislature. In addition to other unclassified positions as provided by law, the Executive Director of the Department of Environmental Quality may establish unclassified positions within the Office of Local Government Assistance, the Office of Public Assistance, and the Office of Business Assistance. Administrative and professional staff proposed to be in the unclassified service shall be subject to review by the Task Force.

The Office of Personnel Management is hereby directed to assist the Task Force in evaluating the job classifications and salary structure of the Department. On or before December 31, 1993, the

Task Force shall issue a report making its recommendations concerning the job classifications.

DEPARTMENT OF MINES

SECTION 51. AMENDATORY Section 75 of Enrolled Senate Bill No. 383 of the 1st Session of the 44th Oklahoma Legislature, is amended to read as follows:

Section 75. There is hereby appropriated to the Department of Mines 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 ~~Nine Hundred Seventy-four Thousand Five Hundred Ninety-eight Dollars (\$974,598.00)~~ Nine Hundred Nineteen Thousand Five Hundred Two Dollars (\$919,502.00) or so much thereof as may be necessary to perform the duties imposed upon the Department of Mines by law.

SECTION 52. The funds appropriated by Section 51 of this act shall be expended in the following categories and amounts:

Personal Services	\$799,502.00
Other Operating Expenses	<u>120,000.00</u>
TOTAL	\$919,502.00

SECTION 53. The duties and compensation of employees, not otherwise prescribed by law, necessary to perform the duties imposed upon the Department of Mines by law shall be set by the Executive Director. The salary of the Executive Director shall not exceed Forty-three Thousand Five Hundred Sixty Dollars (\$43,560.00) per annum payable monthly for the fiscal year ending June 30, 1994. The Department of Mines, for the fiscal year ending June 30, 1994, shall be subject to the following budgetary limitations on full-time-equivalent employees and 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	58.5
Payroll, Salaries or Wages, Including Tax-sheltered Deferment Contracts and Longevity Payments Authorized by State Statutes	\$1,690,084.00
Professional and Personal Services Contracts	\$100,000.00
Purchase of Equipment	\$100,000.00
Lease-Purchase Agreements	\$0.00
Expenditure of Federal Funds	\$1,400,000.00
Expenditure of Revolving Funds	\$875,000.00
Total Expenditures for Operations	\$3,194,502.00

SECTION 54. Funds appropriated to the Department of Mines in Section 80, Chapter 234, O.S.L. 1992 may be budgeted and expended for the fiscal year ending 30, 1994, and may be budgeted and expended for the general operating expenses of the Department of Mines regardless of the purpose for which the funds were budgeted by the agency for the fiscal year ending June 30, 1993.

SECTION 55. AMENDATORY 45 O.S. 1991, Section 724, as amended by Section 1, Chapter 113, O.S.L. 1992 (45 O.S. Supp. 1992, Section 724), is amended to read as follows:

Section 724. A. It shall be unlawful for any operator to engage in any mining operations in this state without first obtaining from the Department a permit to do so for each separate mining operation. The Department shall determine what constitutes a separate mining operation by rules and regulations promulgated under the Mining Lands Reclamation Act.

B. Any operator desiring to engage in surface mining shall make written application to the Department for a permit. Application for such permit shall be made upon a form furnished by the Department. The form shall contain a description of the tract or tracts of land and the estimated number of acres to be affected by surface mining by the operator for each year of the proposed mining plan, for a period of not more than five (5) years. The description shall include the section, township, range and county in which the land is located and shall otherwise describe the land with sufficient certainty so that it may be located and distinguished from other lands. Transmission lines shall be plotted on a location map submitted with the application. A statement that the operator has the right and power by legal estate owned to mine by surface mining the land so described shall be included with the application.

C. Any operator desiring to engage in underground mining shall make written application to the Department for a permit. Application for such permit shall be made upon a form furnished by the Department. The form shall contain a description of the tract or tracts of land to be used as refuse disposal areas for each year of the proposed mining plan, for a period of not more than five (5) years. The description shall include the section, township, range and county in which the land is located and shall otherwise describe the land with sufficient certainty so that it may be located and distinguished from other lands. A statement that the applicant has the right and power by legal estate owned to use the land so described as a refuse disposal area shall be included with the application.

D. Each application for a permit under subsections B and C of this section shall be accompanied by a plan of reclamation of the affected land that meets the requirements of the Mining Lands Reclamation Act. The application shall set forth the proposed use to be made of the affected land, the grading to be accomplished, the type of revegetation, and shall include the approximate time of grading and initial revegetation effort.

E. Each application for a permit under subsections B and C of this section shall be accompanied by the bond or security meeting the requirements of Section 728 of this title, or proof that such bond or security is still in effect, and a fee of ~~One Hundred Fifty Dollars (\$150.00)~~ One Hundred Seventy-five Dollars (\$175.00) for each permit year, payable at the rate of ~~One Hundred Fifty Dollars (\$150.00)~~ One Hundred Seventy-five Dollars (\$175.00) per year on the anniversary date of the year in which the permit or permit renewal was issued. All application fees shall be submitted to the State Treasurer, who shall deposit them in the Department of Mines Revolving Fund.

F. Upon the receipt of such application, bond or security and fee due from the operator, the Department may issue a permit to the applicant which shall entitle him to engage in mining on the land therein described in accordance with the rules and regulations promulgated by the Department, for a period of not more than five (5) years, in accordance with the permit application submitted under

subsection B or C of this section. All applications for renewal of existing permits shall be filed a minimum of forty-five (45) days prior to the expiration of the existing permit. No permit shall be issued except upon proper application and public hearing, if requested. Upon filing the application with the Department, the applicant shall place an advertisement in a newspaper of general circulation in the vicinity of the mining operation, containing such information as is required by the Department. Any property owner or resident of an occupied dwelling who may be adversely affected located within one (1) mile of the mining operation shall have the right to protest the issuance of a permit and request a public hearing. The Department shall notify the surface owners of any hearings in connection with applications or permits in the same manner as the operator is notified. Such protests must be received by the Department within fourteen (14) days after the date of publication of the newspaper advertisement. If a public hearing is requested, the Department shall then hold an informal hearing in the vicinity of the proposed mining. Upon completion of findings after the hearing, the Department shall determine whether to issue or deny the permit, and shall notify all parties of its decision. Any decision regarding the issuance of a permit under this section shall be appealable when entered, as provided in the Administrative Procedures Act, Sections 250 et seq. and 301 et seq. of Title 75 of the Oklahoma Statutes.

G. An operator desiring to have his permit amended to cover additional land may file an amended application with the Department. Upon receipt of the amended application, and such additional bond as may be required under the provisions of the Mining Lands Reclamation Act, the Department shall issue an amendment to the original permit covering the additional land described in the amended application, without the payment of any additional fee.

H. An operator may withdraw any land covered by a permit, deleting affected land therefrom, by notifying the Department, in which case the penalty of the bond or security filed by such operator pursuant to the provisions of the Mining Lands Reclamation Act shall be reduced proportionately.

I. Permits issued to an operator shall not be transferable to another operator.

J. The perimeter of the permit area shall be clearly marked by durable and recognizable markers or by other means approved by the Department.

K. The Department shall determine the blasting distance to transmission lines by rule and regulation.

L. Within a reasonable time, as established by the Department, written comments or objections on permit or bond release applications may be submitted to the Department by public entities including but not limited to the local soil conservation district, with respect to the effects of the proposed mining operations on the environment.

M. Any person having an interest in or who is or may be adversely affected by the decision on a permit or bond release application, or any federal, state or local agency, shall have the right to request in writing that the Department hold an informal conference on the application. The Department shall hold the informal conference within a reasonable time following the receipt of the written request at a location in the vicinity of the proposed or active surface mining or reclamation operation.

OKLAHOMA WATER RESOURCES BOARD

SECTION 56. Of the funds appropriated by Section 78 of Enrolled Senate Bill No. 383 of the 1st Session of the 44th Oklahoma

Legislature, the sum of One Hundred Thirty-nine Thousand Five Hundred Dollars (\$139,500.00) shall be used for the purpose of providing contractual services with the Oklahoma Rural Water Association, to provide technical assistance and training to rural water system operators. No part of these funds can be used to pay any portion of the compensation of the Oklahoma Rural Water Association Executive Director.

SECTION 57. The duties and compensation of employees, not otherwise prescribed by law, necessary to perform the duties imposed upon the Oklahoma Water Resources Board by law shall be set by the Oklahoma Water Resources Board. The salary of the Executive Director shall not exceed Fifty-nine Thousand Six Hundred Sixty-one Dollars (\$59,661.00) per annum, payable monthly for the fiscal year ending June 30, 1994. The Oklahoma Water Resources 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	90.0
Payroll, Salaries or Wages, Including Tax-sheltered Deferment Contracts and Longevity Payments Authorized by State Statutes \$2,914,847.00	
Professional and Personal Services Contracts	\$800,000.00
Lease-Purchase Agreements	\$10,680.00
Purchase of Equipment	\$241,000.00
Expenditure of Revolving Funds	\$1,482,438.00
Expenditure of Federal Funds	\$3,241,966.00
Total Expenditures for Operations	\$8,035,711.00

SECTION 58. Of the ninety (90) full-time-equivalent employee positions authorized in Section 56 of this act, five (5.0) full-time-equivalent employee positions shall be filled contingent upon receipt of Federal Clean Lakes Program grant funds as authorized in Section 314 of the Federal Clean Water Act.

SECTION 59. Funds appropriated to the Oklahoma Water Resources Board in Section 70, Chapter 234 and Section 37, Chapter 315, O.S.L. 1992, may be budgeted and expended for the fiscal year ending June 30, 1994, and may be budgeted and expended for the general operating expenses of the Oklahoma Water Resources Board regardless of the purpose for which the funds were budgeted by the agency for the fiscal year ending June 30, 1993.

SECTION 60. 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 61. This act shall become operative September 1, 1993. Passed the Senate the 21st day of May, 1993.

President of the Senate

Passed the House of Representatives the 21st day of May, 1993.

Speaker of the House of  
Representatives