

STATE OF OKLAHOMA

2nd Session of the 44th Legislature (1994)

HOUSE BILL NO. 2710

By: Hamilton (James) and
Steidley of the House

and

Taylor and Haney of the
Senate

AS INTRODUCEDAn Act relating to the Oklahoma Department of Commerce;
specifying expenditures in certain categories and amounts;
specifying purposes; requiring reports; requiring cooperation;
requiring audits; exempting certain contracts from Central
Purchasing Act; providing for funding for certain community action
agencies; providing for guidelines; providing for in kind
contributions; providing for distribution of funds based on formula;
providing for basis; requiring annual reports; providing for
regional planning functions and responsibilities; providing for
allocation of amounts; providing for eligibility requirements;
specifying purposes; requiring certain composition of certain
boards; providing for duties and compensation of employees;
excluding certain expenditures; establishing budgetary limits;
requiring budget work program; providing for contents; authorizing
use of funds for matching funds; providing for Small Business
Development Network; providing for funding; requiring reports and
audits; providing for juvenile restitution program; authorizing
disallowances; providing for community development programs; adding
to powers and duties of the Oklahoma Department of Commerce;
requiring certain budgets, plans and audits; providing for
establishment of community development centers program; specifying

qualifications; providing an effective date; and declaring an emergency.

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

OKLAHOMA DEPARTMENT OF COMMERCE

SECTION 1. The funds appropriated by Section ___ of ___, shall be expended in the following categories and amounts:

General Operations	\$0.00
ORIGINS	0.00
Community Action Agencies:	0.00

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	0.00
Minority Business Development Program Revolving	
Fund	0.00
Rural Enterprise Inc.	0.00
Substate Planning Districts:	0.00
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	0.00
Community Development Centers Program	0.00
Southeastern Oklahoma State	
University for the Statewide	
Small Business Development	
Centers Program	<u>0.00</u>
TOTAL	\$0.00

SECTION 2. 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 3. 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 4. A. Of the _____ Dollars (\$0.00) line-itemed to the Community Action Agencies in Section ___ of this act, _____ Dollars (\$0.00) 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 _____ Dollars (\$0.00) 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 line-itemed in Section ___ 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 5. 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)	\$ 0.00
2 - Eastern Oklahoma Development District (Adair, Cherokee, McIntosh, Muskogee, Okmulgee, Sequoyah and Wagoner Counties)	0.00
3 - Kiamichi Economic Development District of Oklahoma (Choctaw, Haskell, Latimer, LeFlore, McCurtain, Pittsburg and Pushmataha Counties)	0.00
4 - Southern Oklahoma Development Association (Atoka, Bryan, Carter, Coal, Garvin, Johnston, Love, Marshall, Murray and Pontotoc Counties)	0.00
5 - Central Oklahoma Economic Development District (Hughes, Lincoln, Okfuskee, Pawnee, Payne,	

	Pottawatomie and Seminole Counties)	0.00
6 -	Indian Nations Council of Governments (Creek, Osage and Tulsa Counties)	0.00
7 -	Northern Oklahoma Development Association (Alfalfa, Blaine, Garfield, Grant, Kay, Kingfisher, Major and Noble Counties)	0.00
8 -	Association of Central Oklahoma Governments (Canadian, Cleveland, Logan and Oklahoma Counties)	0.00
9 -	Association of South Central Oklahoma Governments (Caddo, Comanche, Cotton, Grady, Jefferson, McClain, Stephens and Tillman Counties)	0.00
10 -	South Western Oklahoma Development Authority (Beckham, Custer, Greer, Harmon, Jackson, Kiowa, Roger Mills and Washita Counties)	0.00
11 -	Oklahoma Economic Development Association (Beaver, Cimarron, Dewey, Ellis, Harper, Texas, Woods and Woodward Counties)	<u>0.00</u>
	TOTAL	\$0.00

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 6. 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, 1995. The Oklahoma Department of Commerce for the fiscal year ending June 30, 1995, 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	0.0
Payroll, Salaries or Wages, Including Tax-sheltered Deferment Contracts and Longevity Payments Authorized by State Statutes	\$0.00
Professional and Personal Services Contracts	\$0.00
Lease-Purchase Agreements	\$0.00
Purchase of Equipment	\$0.00
Expenditure of Revolving Funds	\$0.00
Expenditure of Federal Funds	\$0.00
Total Expenditures for Operations	\$0.00

SECTION 7. 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, 1995, 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 8. All funds line-itemed by Section ___ 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 9. 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 10. 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 11. 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 12. 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 13. This act shall become effective September 1, 1994.

SECTION 14. It being immediately necessary for the preservation of the public peace, health and safety, an emergency is hereby declared to exist, by reason whereof this act shall take effect and be in full force from and after its passage and approval.

44-2-9734

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