

ENROLLED HOUSE
BILL NO. 1795

By: Hamilton and Steidley of
the House

and

Haney and Hobson of the
Senate

An Act relating to regulation of natural resources; making appropriations to the Oklahoma Conservation Commission; stating purposes; designating certain uses; providing for deposits and expenditures; requiring certain match; authorizing and requiring certain expenditures; providing for duties and compensation of employees; limiting salary of the Executive Director; providing certain budget category limitations; making certain employee positions contingent on certain funding; making such employees unclassified and exempt from certain rules; providing exception; requiring allotment of certain funds for certain employees; providing for determinations; designating certain uses; requiring certain expenditures; amending Section 86 of Enrolled Senate Bill No. 837 of the 2nd Session of the 45th Oklahoma Legislature, which relates to appropriations to the Department of Environmental Quality; reducing certain appropriations; providing for duties and compensation of employees; limiting salary of Executive Director; providing budget category limitations; requiring the Department of Environmental Quality to reduce certain fees for certain program; making an appropriation to the Department of Mines; providing for duties and compensation of employees; limiting salary of Executive Director; providing budget category limitations; providing for duties and compensation of employees of the Department of Mines; limiting salary of the Executive Director; providing budget category limitations; making appropriations to the Oklahoma Water Resources Board; stating purposes; authorizing and requiring certain expenditures; limiting use of certain funds; providing for duties and compensation of employees; limiting salary of Executive Director; providing budget category limitations; making certain employee positions contingent on certain funding; setting budgeting categories; providing lapse dates; and providing an effective date.

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

SECTION 1. 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, 1997, the sum of Four Hundred Fifty Thousand Dollars (\$450,000.00) or so much thereof as may be necessary for operation and maintenance of upstream flood control structures.

SECTION 2. 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, 1997, the sum of Three Hundred Fifty-two Thousand Two Hundred Four Dollars (\$352,204.00) or so much thereof as may be necessary to perform the duties imposed upon the Oklahoma Conservation Commission by law.

SECTION 3. 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, 1997, the sum of Two Hundred Twenty Thousand Dollars (\$220,000.00) or so much thereof as may be necessary for district operations.

SECTION 4. The Conservation Commission is hereby authorized to provide technical assistance to producers for design costs of collection and storage facilities for concentrated animal feeding operation (CAFO) projects. Said assistance shall require a ten percent (10%) cost-share match by the producer, at least five percent (5%) of which shall be in cash to be deposited in the "Concentrated Animal Feeding Operation Revolving Fund".

SECTION 5. The Oklahoma Conservation Commission is hereby authorized to support a roadside erosion program in conjunction with the county commissioners. State resources must be matched on a one-to-one basis with nonstate resources by the counties.

SECTION 6. 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-six Thousand One Hundred Eighty-four Dollars (\$56,184.00) per annum, payable monthly for the fiscal year ending June 30, 1997. The Oklahoma Conservation Commission, for the fiscal year ending June 30, 1997, 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	17.0
Lease-Purchase Agreements	\$0.00

SECTION 7. For the fiscal year ending June 30, 1997, the Oklahoma Conservation Commission shall budget all funds in the following categories and amounts:

<u>Category</u>	<u>Appropriation</u>	<u>Total</u>
Administration	\$ 622,180.00	\$ 672,180.00
Watershed Operation and Maintenance	680,000.00	1,380,000.00
Field Service	4,714,056.00	5,314,056.00
Abandoned Mine Land Reclamation	0.00	2,246,000.00
Water Quality/Wetlands	<u>65,000.00</u>	<u>2,565,000.00</u>
TOTAL	\$6,081,236.00	\$12,177,236.00

SECTION 8. Of the seventeen (17) full-time-equivalent employee positions authorized in Section 6 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 9. 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 10. For the fiscal year ending June 30, 1997, the Oklahoma Conservation Commission shall budget the sum of Thirty-six Thousand Dollars (\$36,000.00) or so much thereof as may be necessary to implement the Complaint Database Management System.

SECTION 11. Notwithstanding the purpose and limitations specified by Sections 3-3-407, 3-3-408, and 3-3-409 of Title 27A 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, 1997.

DEPARTMENT OF ENVIRONMENTAL QUALITY

SECTION 12. AMENDATORY Section 86 of Enrolled Senate Bill No. 837 of the 2nd Session of the 45th Oklahoma Legislature, is amended to read as follows:

Section 86. 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, 1997, the sum of ~~Six Million Four Hundred Fifty Thousand Five Hundred Seventy-seven Dollars (\$6,450,577.00)~~ Three Million Four Hundred Two Thousand Nine Hundred Fourteen Dollars (\$3,402,914.00) or so much thereof as may be necessary to perform the duties imposed upon the Department of Environmental Quality by law.

SECTION 13. 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-two Thousand Dollars (\$72,000.00) per annum, payable monthly for the fiscal year ending June 30, 1997. The Department of Environmental Quality, for the fiscal year ending June 30, 1997, 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	561.0
Lease-Purchase Agreements	\$125,000.00

SECTION 14. For the fiscal year ending June 30, 1997, the Department of Environmental Quality shall budget all funds for the programs and services and currently authorized new services in the

following categories and amounts; provided that the Department of Environmental Quality shall not exceed the total budgetary limitation as specified:

<u>Category</u>	<u>Appropriation</u>	<u>Total</u>
Administrative Services Division	\$	\$
Air Quality Division		
Customer Service Division		
Environmental Complaints and Local Services (ECLS)		
Water Quality Division		
Waste Management Division	_____	
TOTAL	\$3,402,914.00	\$36,795,230.00

SECTION 15. A. In order to maintain the general operations and current services of the Department of Environmental Quality and implement any currently authorized new programs, the Department shall expend from balances on hand on July 1, 1996, in the Department of Environmental Quality Revolving Fund and the Environmental Trust Revolving Fund the monies necessary to maintain the general operations and the current services of the Department and implement any currently authorized new programs.

B. It is the intent of the Legislature that the FY-98 appropriation level for the Department of Environmental Quality be restored to the FY-96 appropriation level.

SECTION 16. The Department of Environmental Quality shall reduce for the fiscal year ending June 30, 1997, the schedule of fees required by the National Pollutant Discharge Elimination System state program pursuant to OAC 252:605 as adopted by the Environmental Quality Board on March 29, 1996, as follows:

The fee for industrial discharge facilities shall be reduced by the amount of Two Hundred Twenty Thousand Dollars (\$220,000.00).

The fee for municipal surface impoundments shall be reduced by Seventy-eight Thousand Dollars (\$78,000.00).

The fee for municipal land application systems shall be reduced by Twenty-nine Thousand Dollars (\$29,000.00).

The fee for pretreatment facilities shall be reduced by Eighty-five Thousand Dollars (\$85,000.00).

The fee for minor municipal discharges shall be reduced by Eighty-eight Thousand Dollars (\$88,000.00).

To compensate for the fee reductions specified by this section, the Department shall utilize appropriated funds.

DEPARTMENT OF MINES

SECTION 17. 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, 1997, the sum of One Hundred Seventy-eight Thousand Six Hundred Eighty-eight Dollars (\$178,688.00) or so much thereof as may be necessary to perform the duties imposed upon the Department of Mines by law.

SECTION 18. 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-eight Thousand Eight Hundred Sixty-four Dollars (\$48,864.00)

per annum, payable monthly for the fiscal year ending June 30, 1997. The Department of Mines for the fiscal year ending June 30, 1997, 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	51.5
Lease-Purchase Agreements	\$0.00

SECTION 19. For the fiscal year ending June 30, 1997, the Department of Mines shall budget all funds in the following categories and amounts:

<u>Category</u>	<u>Appropriation</u>	<u>Total</u>
Administration	\$289,161.00	\$ 800,000.00
Coal Programs	84,000.00	1,700,000.00
Non-Coal Program	512,040.00	550,000.00
Oklahoma Miner Training	<u>20,000.00</u>	<u>200,000.00</u>
TOTAL	<u>\$905,201.00</u>	<u>\$3,250,000.00</u>

OKLAHOMA WATER RESOURCES BOARD

SECTION 20. There is hereby appropriated to the Oklahoma Water Resources Board from any monies not otherwise appropriated from the General Revenue Fund of the State Treasury for the fiscal year ending June 30, 1997, the sum of Four Hundred Fifty Thousand Dollars (\$450,000.00) or so much thereof as may be necessary to fund Mesonet.

SECTION 21. There is hereby appropriated to the Oklahoma Water Resources Board from any monies not otherwise appropriated from the General Revenue Fund of the State Treasury for the fiscal year ending June 30, 1997, the sum of One Hundred Thousand Dollars (\$100,000.00) or so much thereof as may be necessary to conduct the High-Plains Aquifer Study.

SECTION 22. There is hereby appropriated to the Oklahoma Water Resources Board from any monies not otherwise appropriated from the General Revenue Fund of the State Treasury for the fiscal year ending June 30, 1997, the sum of One Hundred Ninety-five Thousand Dollars (\$195,000.00) or so much thereof as may be necessary for the Clean Lakes Program.

SECTION 23. There is hereby appropriated to the Oklahoma Water Resources Board from any monies not otherwise appropriated from the General Revenue Fund of the State Treasury for the fiscal year ending June 30, 1997, the sum of Fifty Thousand Dollars (\$50,000.00) or so much thereof as may be necessary to complete the Mangum Reservoir Project.

SECTION 24. There is hereby appropriated to the Oklahoma Water Resources Board from any monies not otherwise appropriated from the General Revenue Fund of the State Treasury for the fiscal year ending June 30, 1997, the sum of One Hundred Thirty-five Thousand Eight Hundred Seventy-one Dollars (\$135,871.00) or so much thereof as may be necessary to perform the duties imposed upon the Oklahoma Water Resources Board by law.

SECTION 25. 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 Sixty-one Thousand Six Hundred Sixty-one Dollars (\$61,661.00) per annum, payable monthly for the fiscal year ending June 30, 1997. The Oklahoma Water Resources Board for the fiscal year ending June 30, 1997, 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	87.0
Lease-Purchase Agreements	\$0.00

SECTION 26. For the fiscal year ending June 30, 1997, the Oklahoma Water Resources Board shall budget all funds in the following categories and amounts:

<u>Category</u>	<u>Appropriation</u>	<u>Total</u>
Administrative Services	\$1,377,031.00	\$ 2,786,319.00
Water Quality Programs	523,692.00	966,178.00
Planning and Management	1,963,872.00	4,512,370.00
Financial Assistance Programs	163,656.00	930,394.00
Office of the Secretary of Environment	<u>164,172.00</u>	<u>5,164,172.00</u>
TOTAL	\$4,192,423.00	\$14,359,433.00

SECTION 27. Of the eighty-seven (87.0) full-time-equivalent employee positions authorized in Section 25 of this act, three (3.0) full-time-equivalent employee positions shall be filled contingent upon receipt of federal funds.

SECTION 28. Appropriations made by this act to agencies for the operations of state government may be budgeted for the fiscal year ending June 30, 1997 (hereafter FY-97) or may be budgeted for the fiscal year ending June 30, 1998 (hereafter FY-98). Funds budgeted for FY-97 may be encumbered only through June 30, 1997, and must be expended by November 15, 1997. Any funds remaining after November 15, 1997, and not budgeted for FY-98, shall lapse to the credit of the proper fund for the then current fiscal year. Funds budgeted for FY-98 may be encumbered only through June 30, 1998. Any funds remaining after November 15, 1998, shall lapse to the credit of the proper fund for the then current fiscal year. These appropriations may not be budgeted in both fiscal years simultaneously. Funds budgeted in FY-97, and not required to pay obligations for that fiscal year, may be budgeted for FY-98, after the agencies have prepared and submitted a budget work program revision removing these funds from the FY-97 budget work program and after such revision has been approved by the Office of State Finance.

SECTION 29. This act shall become effective September 1, 1996. Passed the House of Representatives the 24th day of May, 1996.

Speaker
of the House of
Representatives

Passed the Senate the 24th day of May, 1996.

President

of the Senate