

STATE OF OKLAHOMA

1st Session of the 46th Legislature (1997)

CONFERENCE COMMITTEE SUBSTITUTE

FOR ENGROSSED

HOUSE BILL NO. 1848

By: Hamilton and Settle of  
the House

and

Haney and Hobson of the  
Senate

CONFERENCE COMMITTEE SUBSTITUTE

An Act relating to business regulatory entities; making appropriations to the State Department of Agriculture; stating purposes; requiring certain funds to be expended in certain categories and amounts; requiring certain work plans and reports; designating funds and limiting certain grants; specifying purposes; specifying requirements for certain designated funds; requiring certain funds to be used for certain personnel costs; providing for duties and compensation of employees; limiting the salary of the Commissioner; providing budgetary limitations; providing for certain contracted responsibilities; making an appropriation to the Oklahoma Horse Racing Commission; requiring certain funds to be expended in certain categories and amounts; providing for duties and compensation of employees; limiting the salary of the Director; providing budgetary limitations; requiring certain funds of the State Insurance Department to be expended in certain categories and amounts; providing for duties and compensation of employees; providing budgetary limitations; redesignating and reappropriating certain funds to the Department of Labor; stating purposes; requiring certain funds to be expended in certain categories and amounts; providing for duties and compensation of employees; providing budgetary limitations; limiting the salary of the Boxing Administrator; making filling of certain positions contingent on certain funds; requiring certain reports; requiring certain agencies to provide information; making an appropriation to the Oklahoma Board of Private Vocational Schools; requiring certain funds to be expended in certain categories and amounts; providing for duties and compensation of employees; limiting the salary of the Director; providing budgetary limitations; requiring and authorizing certain budgeting; providing lapse dates; and providing an effective date.

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

STATE DEPARTMENT OF AGRICULTURE

SECTION 1. 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, 1998, the sum of One Hundred Forty-five Thousand Dollars (\$145,000.00) 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 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, 1998, the sum of Six Hundred Twelve Thousand Two Hundred Twenty-three Dollars (\$612,223.00) or so much thereof as may be necessary for the Rural Fire 80/20 Match Program.

SECTION 3. 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, 1998, the sum of Forty-five Thousand Dollars (\$45,000.00) or so much thereof as may be necessary for the Department to contract services for an A.C.O.G. Rural Fire Coordinator.

SECTION 4. 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, 1998, the sum of Three Hundred Thousand Dollars (\$300,000.00) or so much thereof as may be necessary for the Department to regulate concentrated animal feeding operations.

SECTION 5. 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, 1998, the sum of Four Hundred Fifty Thousand Five Hundred Dollars (\$450,500.00) or so much thereof as may be necessary for rural fire protection programs.

SECTION 6. 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, 1998, the sum of One Hundred Thousand Dollars (\$100,000.00) or so much thereof as may be necessary to contract for services to create a mobile strike force to control animal predators on a statewide basis.

SECTION 7. 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, 1998, the sum of Seventy-five Thousand Dollars (\$75,000.00). This amount shall be transferred to the Rural Fire Defense Equipment Fund to pay the costs of rural fire protection.

SECTION 8. 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, 1998, the sum of Seven Hundred Fifty Thousand Dollars (\$750,000.00) or so much thereof as may be necessary to contract for the establishment of a state boll weevil eradication program. Of the funds appropriated in this section, Twenty-five Thousand Dollars (\$25,000.00) may be expended for legal services associated with the establishment of the eradication program.

SECTION 9. 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, 1998, the sum of Nine Hundred Thousand Dollars (\$900,000.00) or so much thereof as may be necessary for Operation Grants to Rural Fire Departments Program.

SECTION 10. For the fiscal year ending June 30, 1998, the State Department of Agriculture shall budget all funds in the following categories and amounts:

<u>Category</u>	<u>Appropriation</u>	<u>Total</u>
Administration Division		\$1,749,986.00
		\$3,752,000.00

Statistical Reporting Division	75,367.00	127,000.00
Animal Industry Division		3,097,171.00
	5,209,000.00	
Water Quality Division	634,480.00	660,000.00
Predatory Animal Control Program	640,626.00	
	1,191,000.00	
Brucellosis Depopulation and other Brucellosis-related Expenses	142,575.00	213,000.00
Forestry Division	5,124,797.00	
	9,000,000.00	
Rural Fire Coordinators Operation Grants to Rural Fire Departments	655,000.00	655,000.00
	1,900,000.00	
	1,900,000.00	
Rural Fire 80/20 Match Program	1,042,223.00	
	1,167,223.00	
Fire Hydrant Program	50,000.00	50,000.00
Plant Industry and Consumer Services Division	1,206,500.00	
	5,213,000.00	
Agricultural Laboratory Division	1,151,227.00	
	1,535,000.00	
Market Development Division	641,444.00	
	1,850,000.00	
Agriculture Mediation Program	100,000.00	267,000.00
Oklahoma State University for the Statewide Intensive Financial Management Assistance Program	117,562.00	117,562.00
Oklahoma State University Animal Diagnostic Laboratory Equipment	47,525.00	47,525.00
Poultry Research and Disease Control Research Programs and Employment of a State Poultry		

Veterinarian and an Area		
Poultry Specialist	237,625.00	237,625.00
Boll Weevil Eradication	750,000.00	750,000.00
Tick Eradication	43,700.00	43,700.00
Wheat Root Rot/Nematode Complex		
Research	20,645.00	20,645.00
Peanut Pod Rot and Field		
Research Demonstration	35,001.00	35,001.00
Oklahoma Milk and Milk Products		
Program	370,000.00	640,000.00
Rural Enterprise Institute		<u>300,000.00</u>
<u>300,000.00</u>		
TOTAL	\$20,133,454.00	
		\$34,981,281.00

SECTION 11. The State Board of Agriculture shall require a budget work plan and monthly reports on the expenditures and workload of the Agriculture Mediation Program.

SECTION 12. The funds designated for Operation Grants to Rural Fire Departments shall be expended to provide operational grants to rural fire departments and shall be limited to One Thousand Five Hundred Dollars (\$1,500.00) per municipality.

SECTION 13. The funds designated for the Rural Fire 80/20 Match Program 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 and for other rural fire protection purposes.

SECTION 14. The funds designated for the Fire Hydrant Program shall be expended for the purposes of the statewide fire hydrant program in conjunction with substate planning districts with no such district to receive more than Five Thousand Dollars (\$5,000.00). State resources shall be matched on a one-to-one basis with nonstate resources.

SECTION 15. It is the intent of the Legislature that from any monies appropriated in Section 1 of this act and in Sections 86 and 87 of Enrolled Senate Bill No. 160 of the 1st Session of the 46th Oklahoma Legislature, the sum of One Hundred Eighty-eight

Thousand Twenty Dollars (\$188,020.00) be used for salaries, benefits and other personnel costs of the eight (8) McGee Creek Fire Protection full-time-equivalent employees.

SECTION 16. 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-eight Thousand Dollars (\$68,000.00) per annum, payable monthly for the fiscal year ending June 30, 1998. The State Department of Agriculture, for the fiscal year ending June 30, 1998, 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	521.0
Lease-Purchase Agreements	\$100,000.00

SECTION 17. 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 businesses 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 State 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 State Department of Agriculture which may be paid from allocated, appropriated funds.

OKLAHOMA HORSE RACING COMMISSION

SECTION 18. 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, 1998, the sum of Two Hundred Sixty-eight Thousand Seven Hundred Sixty Dollars (\$268,760.00) or so much thereof as may be necessary to perform the duties imposed upon the Oklahoma Horse Racing Commission by law.

SECTION 19. For the fiscal year ending June 30, 1998, the Oklahoma Horse Racing Commission shall budget all funds in the following categories and amounts:

<u>Category</u>	<u>Appropriation</u>	<u>Total</u>
General Operations	\$ 542,425.00	\$ 729,425.00
Race Day Expenses	1,293,467.00	1,689,067.00
Law Enforcement	<u>405,153.00</u>	<u>415,953.00</u>
TOTAL	\$2,241,045.00	\$2,834,445.00

SECTION 20. 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-three Thousand Fifty-nine Dollars (\$63,059.00) per annum, payable monthly for the fiscal year ending June 30, 1998. The Oklahoma Horse Racing Commission, for the fiscal year ending June 30, 1998, 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	42.0
Lease-Purchase Agreements	\$0.00

STATE INSURANCE DEPARTMENT

SECTION 21. For the fiscal year ending June 30, 1998, the State Insurance Department shall budget all funds in the following categories and amounts:

<u>Category</u>	<u>Appropriation</u>	<u>Total</u>
Administration	\$ 746,346.00	\$1,310,830.00

Regulatory/Enforcement	1,838,754.00	4,863,929.00
Federal Program	<u>6,103.00</u>	<u>397,979.00</u>
TOTAL	\$2,591,203.00	\$6,572,738.00

SECTION 22. 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, 1998, 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	122.0
Lease-Purchase Agreements	\$0.00

DEPARTMENT OF LABOR

SECTION 23. REDESIGNATION AND REAPPROPRIATION The amount of Two Hundred Twenty-two Thousand Seventeen Dollars (\$222,017.00), appropriated by Section 89, Chapter 9, O.S.L. 1996 and by Section 27, Chapter 278, O.S.L. 1996, from any monies not otherwise appropriated from the General Revenue Fund of the State Treasury for the fiscal year ending June 30, 1997, to the Oklahoma Department of Labor for the Prevailing Wage Unit is hereby reappropriated and redesignated for Workers' Compensation Compliance. If, on the date this act is approved, any of the amount originally appropriated as adjusted by expenditures, encumbrances and transfers, results in an unencumbered balance less than the redesignated amount, that redesignated amount is reduced to the unencumbered balance.

SECTION 24. For the fiscal year ending June 30, 1998, the Department of Labor shall budget all funds in the following categories and amounts:

<u>Category</u>	<u>Appropriation</u>	<u>Total</u>
Administration	\$ 607,561.00	\$1,140,506.00
Asbestos Abatement	532,745.00	592,745.00
Regulation & Enforcement	1,746,481.00	2,354,246.00

Workers Compensation		
Compliance	222,017.00	1,054,034.00
Occupational Safety and		
Health	<u>385,855.00</u>	<u>2,403,450.00</u>
TOTAL	\$3,494,659.00	\$7,544,981.00

SECTION 25. The duties and compensation of employees, not otherwise prescribed by law, necessary to perform the duties imposed upon the Oklahoma Department of Labor by law shall be set by the Commissioner of Labor. The Oklahoma Department of Labor for the fiscal year ending June 30, 1998, 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	138.0
Lease-Purchase Agreements	\$0.00

SECTION 26. The maximum annual salary of the Boxing Administrator shall not exceed Thirty-three Thousand Three Hundred Thirty Dollars (\$33,330.00), payable monthly for the fiscal year ending June 30, 1998.

SECTION 27. Of the one hundred thirty-eight (138) full-time-equivalent employee positions authorized for the Oklahoma Department of Labor in 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 28. A. By February 1 of each year, the Oklahoma 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, the number of agency employees used in the programs, and the projected needs for the next succeeding fiscal year.

B. The Department of Central Services, the Department of Corrections, the 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 Oklahoma Department of Labor to provide the information required pursuant to the provisions of this section.

OKLAHOMA BOARD OF PRIVATE VOCATIONAL SCHOOLS

SECTION 29. There is hereby appropriated to the Oklahoma Board of Private Vocational Schools from any monies not otherwise appropriated from the General Revenue Fund of the State Treasury for the fiscal year ending June 30, 1998, the sum of Twenty-one Thousand Dollars (\$21,000.00) or so much thereof as may be necessary to perform the duties imposed upon the Oklahoma Board of Private Vocational Schools by law.

SECTION 30. For the fiscal year ending June 30, 1998, the Oklahoma Board of Private Vocational Schools shall budget all funds in the following categories and amounts:

<u>Category</u>	<u>Appropriation</u>	<u>Total</u>
Licensing/Investigative		
Operations	\$140,817.00	\$140,817.00
TOTAL	\$140,817.00	\$140,817.00

SECTION 31. The duties and compensation of employees, not otherwise prescribed by law, necessary to perform the duties imposed upon the Oklahoma Board of Private Vocational Schools by law shall be set by the Director. The salary of the Director shall not exceed Thirty-two Thousand Nine Hundred Twenty-four Dollars (\$32,924.00) per annum, payable monthly for the fiscal year ending June 30, 1998. The Oklahoma Board of Private Vocational Schools, for the fiscal year ending June 30, 1998, shall be subject to the following budgetary limitations on full-time-equivalent employees except as may be authorized pursuant to the provisions of Section 3603 of Title 74 of the Oklahoma Statutes:

<u>Budgetary Limitation</u>	<u>Amount</u>
Full-time-equivalent Employees	3.0

SECTION 32. Appropriations made by this act to agencies for the operations of state government may be budgeted for the fiscal year ending June 30, 1998 (hereafter FY-98), or may be budgeted for the fiscal year ending June 30, 1999 (hereafter FY-99). Funds budgeted for FY-98 may be encumbered only through June 30, 1998, and must be expended by November 15, 1998. Any funds remaining after November 15, 1998, and not budgeted for FY-99, shall lapse to the credit of the proper fund for the then current fiscal year. Funds budgeted for FY-99 may be encumbered only through June 30, 1999. Any funds remaining after November 15, 1999, 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-98, and not required to pay obligations for that fiscal year, may be budgeted for FY-99, after the agencies have prepared and submitted a budget work program revision removing these funds from the FY-98 budget work program and after such revision has been approved by the Office of State Finance.

SECTION 33. This act shall become effective September 1, 1997.

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