

STATE OF OKLAHOMA

1st Session of the 46th Legislature (1997)

CONFERENCE COMMITTEE SUBSTITUTE

FOR ENGROSSED

SENATE BILL NO. 107

By: Haney and Hobson of the
Senate

and

Hamilton and Settle of
the House

CONFERENCE COMMITTEE SUBSTITUTE

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 budgetary limitations; requiring budgeting of funds in certain categories and amounts; 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; making appropriations to the Department of Environmental Quality; stating purposes; providing for duties and compensation of employees; limiting salary of Executive Director; providing budgetary limitations; requiring budgeting of funds in certain categories and amounts; stating purpose; requiring certain expenditures; providing for duties and compensation of employees of the Department of Mines; limiting salary of Executive Director; providing budgetary limitations; requiring budgeting of funds in certain categories and amounts; stating purpose; providing for duties and compensation of employees of the Oklahoma Water Resources Board; limiting salary of Executive Director; providing budgetary limitations; requiring budgeting of funds in certain categories and amounts; making certain employee positions contingent on certain funding; making certain funding contingent on contractual services; 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, 1998, the sum of Two Hundred Fifty-eight Thousand Dollars (\$258,000.00) or so much thereof as may be necessary for district operations.

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, 1998, the sum of Fifty Thousand Dollars (\$50,000.00) or so much thereof as may be necessary for water quality animal waste management programs.

SECTION 3. The Oklahoma Conservation Commission is hereby authorized to provide technical assistance to producers for design costs of waste collection and storage facilities for concentrated animal feeding operation (CAFO) projects. Such 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 4. 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 5. 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, 1998. The Oklahoma Conservation 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 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>
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Full-time-equivalent Employees 17.0
 Lease-Purchase Agreements \$20,000.00

SECTION 6. For the fiscal year ending June 30, 1998, 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	\$ 772,130.00
Watershed Operation and Maintenance	680,000.00	1,380,000.00
Field Service	4,902,056.00	5,641,870.00
Abandoned Mine Land Reclamation	0.00	2,246,000.00
Water Quality/Wetlands	<u>115,000.00</u>	<u>2,765,000.00</u>
TOTAL	\$6,319,236.00	\$13,075,000.00

SECTION 7. Of the 17.0 full-time-equivalent employee positions authorized in Section 5 of this act, six full-time-equivalent employee positions shall be filled contingent upon the procurement of federal funds for the Abandoned Mine Lands Program. The six full-time-equivalent employee positions supported by these federal funds shall be terminated when federal support is discontinued. The six 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 8. Any monies appropriated to the Oklahoma 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 9. For the fiscal year ending June 30, 1998, 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 10. 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, 1998.

DEPARTMENT OF ENVIRONMENTAL QUALITY

SECTION 11. 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, 1998, the sum of One Hundred Fifty Thousand Dollars (\$150,000.00) to fund a pilot project for the treatment and reduction of sludge from an existing sludge lagoon by aeration. The project will be completed at a medium-sized wastewater treatment facility with an average daily flow between 0.3 and 0.5 million gallons per day. The wastewater treatment facility will be a mechanical plant utilizing sludge drying beds and a sludge holding impoundment. The facility must be located within seventy-five (75) miles of Oklahoma City to facilitate monitoring of the project by the Department. The project will include the addition of a polymer as an aid to dewatering, the use of sludge drying beds and removal of the sludge to land application or to a landfill.

SECTION 12. 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, 1998. The Department of Environmental Quality, 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	561.0
Lease-Purchase Agreements	\$150,000.00

SECTION 13. For the fiscal year ending June 30, 1998, the Department of Environmental Quality shall budget all funds in the following categories and amounts:

<u>Category</u>	<u>Appropriation</u>	<u>Total</u>
Administration Services		
Division	\$ 0.00	\$ 3,988,500.00
Air Quality Division	200,002.00	8,023,053.00
Customer Service Division	1,365,225.00	5,581,327.00
Environmental Complaints and		
Local Services (ECLS)	3,087,897.00	4,783,228.00
Water Quality Division	1,797,052.00	6,558,659.00
Waste Management Division	<u>150,401.00</u>	<u>8,010,463.00</u>
TOTAL	\$6,600,577.00	\$36,945,230.00

SECTION 14. From funds available the Department of Environmental Quality shall expend the amount of One Hundred Thirty Thousand Five Hundred Dollars (\$130,500.00) or so much thereof as may be necessary for the purpose of employing five (5) clerical personnel to provide telephone coverage in local district offices.

SECTION 15. From funds available, the Department of Environmental Quality shall, in cooperation with other state agencies, expend such funds as may be necessary to protect eastern Oklahoma water supply reservoirs from excessive eutrophication.

SECTION 16. The Department of Environment Quality shall provide from any funds available contractual services to the Oklahoma Rural Water Association for technical assistance programs to rural water system operators.

DEPARTMENT OF MINES

SECTION 17. 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, 1998. The Department of Mines 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	51.5
Lease-Purchase Agreements	\$0.00

SECTION 18. For the fiscal year ending June 30, 1998, the Department of Mines shall budget all funds in the following categories and amounts:

<u>Category</u>	<u>Appropriation</u>	<u>Total</u>
Administration	\$162,513.00	\$ 800,000.00
Coal Programs	84,000.00	1,700,000.00
Non-Coal Program	480,000.00	550,000.00
Oklahoma Miner Training	<u>0.00</u>	<u>200,000.00</u>
TOTAL	\$726,513.00	\$3,250,000.00

OKLAHOMA WATER RESOURCES BOARD

SECTION 19. 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, 1998. The Oklahoma Water Resources Board 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	87.0
Lease-Purchase Agreements	\$0.00

SECTION 20. For the fiscal year ending June 30, 1998, 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	\$1,405,428.00	\$ 2,800,000.00
Water Quality Programs	477,282.00	950,000.00
Planning and Management	1,452,462.00	3,700,000.00
Financial Assistance		
Programs	123,656.00	1,050,000.00
Rural Economic Action Plans	4,500,000.00	4,500,000.00
Office of the Secretary		
of Environment	<u>164,172.00</u>	<u>5,164,172.00</u>
TOTAL	\$8,123,000.00	\$ 18,164,172.00

SECTION 21. Of the eighty-seven (87.0) full-time-equivalent employee positions authorized in Section 18 of this act, three (3.0) full-time-equivalent employee positions shall be filled contingent upon receipt of federal funds as authorized in Section 314 of the Federal Clean Water Act.

SECTION 22. Of the eighty-seven (87.0) full-time-equivalent employee positions authorized in Section 18 of this act, three (3) full-time-equivalent employee positions shall be filled contingent upon sufficient funding available in the Statewide Water Development Revolving Fund, Safe Drinking Water Revolving Fund and monies received from the federal government for the purposes set forth in Sections 1085.52, 1085.74, and 1085.77 of Title 82 of the Oklahoma Statutes.

SECTION 23. Of the funds appropriated by Section 103 of Enrolled Senate Bill No. 160, of the 1st Session of the 46th Oklahoma Legislature, the sum of One Hundred Thousand Dollars (\$100,000.00) to the Secretary of the Environment shall be used for the purpose of contracting for technical training and education to rural water system operators or board members. No part of these funds can be used to pay any portion of the compensation of the executive director of the organization providing contractual services.

SECTION 24. Appropriations made by this act 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 25. This act shall become effective September 1, 1997.

46-1-1465

SDB