

STATE OF OKLAHOMA

2nd Session of the 47th Legislature (2000)

HOUSE BILL HB2221

By: Settle and Begley of the
House

and

Haney and Hobson of the
Senate

AS INTRODUCED

An Act relating to the Oklahoma Department of Commerce; requiring budgeting in certain categories and amounts; providing for duties and compensation of employees; limiting salary of the Executive Director; providing budgetary limitations; specifying amounts and categories of expenditures; providing procedure for exempting certain funds from expenditures and budget limitations; providing exceptions; requiring certain approvals; providing for distribution of certain funds to certain agencies; stating purpose; providing for formula; providing guidelines; authorizing matching contributions; requiring certain expenditure for Head Start programs; stating purposes; providing for contracts with Community Action Agencies; providing for terms of contracts; specifying certain allocations; requiring determination of formulas based on certain information; requiring expenditure for administration of contracts; defining duties; requiring contract with certain entity; defining purpose; exempting certain contracts from Oklahoma Central Purchasing Act; restricting execution of contracts; requiring audits; requiring expenditure for substate multicounty regional planning functions; requiring certain allocations; authorizing matching requirements; requiring establishment of eligibility criteria; defining purposes; providing for voting membership of certain boards; providing for expenditures for certain contractual responsibilities; providing duties of network; authorizing certain expenditures; requiring budget work program; specifying purposes; requiring reports, filings and audits; exempting certain contracts from Oklahoma Central Purchasing Act; providing for certain expenditure for contractual responsibilities of certain Authority; specifying purpose; requiring expenditure for micro-loan program; exempting contracts from the Oklahoma Central Purchasing Act; providing for expenditure for certain contract and responsibilities; specifying purposes; requiring certain audit; requiring certain cooperation by contractor; exempting certain contracts from the Oklahoma Central Purchasing Act; authorizing

establishment of certain institute; stating purpose; requiring transfer of certain funds; authorizing certain contracts; specifying conditions; authorizing solicitation for donations and matching funds; designating the Oklahoma Department of Commerce as lead state agency for certain purposes; authorizing the establishment and administration of certain programs; providing for certain powers and duties related to such programs; requiring budgets, work plans and audits; providing for expenditures for contracts related to the aging and elderly; setting certain conditions; exempting certain expenditures from the Oklahoma Central Purchasing Act; and providing an effective date.

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

OKLAHOMA DEPARTMENT OF COMMERCE

SECTION 1. For the fiscal year ending June 30, 2001, the Oklahoma Department of Commerce shall budget all funds in the following categories and amounts:

<u>Category</u>	<u>Appropriation</u>	<u>Total</u>
Develop and Improve Capacity		
of Local Economies	\$0.00	\$0.00
Fueling Business Growth		
and Development	0.00	0.00
Operational Support	0.00	0.00
Pass-Through Funds	0.00	0.00
Recruiting and Expanding		
Investments and Jobs	<u>0.00</u>	<u>0.00</u>
TOTAL	\$0.00	\$0.00

SECTION 2. 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 of the Oklahoma Department of Commerce shall not exceed _____ Dollars (\$0.00) per annum, payable monthly for the fiscal year ending June 30, 2001. The Oklahoma Department of Commerce for the fiscal year ending June 30, 2001, 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
Lease-Purchase Agreements	\$0.00

SECTION 3. A. The Executive Director may request that receipt and expenditure of unanticipated federal funds awarded after July 1, 2000, be exempt from expenditure limitations and from budgetary limitations.

1. The Executive Director shall make a request for exemption to the Director of State Finance in writing and file a revised budget program;

2. The Executive Director shall also file copies of the request for exemption and budget work program revisions with the Joint Legislative Committee on Budget and Program Oversight created by Section 41.47 of Title 62 of the Oklahoma Statutes. The Committee shall notify the Director of State Finance of any noncompliance of the request with legislative intent within twelve (12) calendar days of the Committee's receipt of the exemption request.

B. The Director of State Finance shall approve the request for exemption unless both the Chair and Vice Chair of the Joint Legislative Committee on Budget and Program Oversight provide written notification to the Director of State Finance within twelve (12) calendar days of the Committee's receipt of the exemption request that the exemption subverts the intention and objectives of the Legislature in establishing the original limit. The Director of State Finance shall give written notice of approval or disapproval of each exemption to the agency, the Governor and the Chair and Vice Chair of the Joint Legislative Committee on Program and Budget

Oversight within eighteen (18) calendar days of receiving the request.

SECTION 4. From all appropriations to the Department of Commerce for the fiscal year ending June 30, 2001, the following amounts shall be expended, subject to the availability of funds in the following categories:

<u>Category</u>	<u>Amount</u>
Community Action Agencies	\$0.00
Action Inc.	
Big Five Community Services, Inc.	
Community Action Agency of Oklahoma City and Oklahoma/Canadian Counties, Inc.	
Community Action Project of Tulsa County, 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	
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	
Community Action Agencies Head Start Program	\$0.00
Self Employment Entrepreneurial Development	
System (SEEDS)	\$0.00
Minority Business Development Program	
Revolving Fund	\$0.00
Capital Improvement Program Revolving Fund	\$0.00
Rural Enterprises Inc.	\$0.00
Oklahoma Development Finance Authority/	
Rural Enterprises Inc. Business Revolving	
Loan Fund	\$0.00
Rural Enterprises Inc./VANSAT Pilot Program	\$0.00
Substate Planning District Multicounty	
Regional Planning	\$0.00
Little Dixie Community Action Agency for	
Statewide Youth Restitution Program	\$0.00
Community Development Centers Program	
Revolving Fund	\$0.00
Southeastern Oklahoma State University for	
the Statewide Small Business Development	
Centers Program	\$0.00
Oklahoma Community Institute	\$0.00
Native American Cultural and Educational	
Authority Fund	\$0.00
Vocational-Technical Education Dual Use	
Training Center	\$0.00
Bid Assistance Program Oklahoma State	
University/CATT	\$0.00
Oklahoma Housing Trust Fund	\$0.00
Home-based Business Association	\$0.00

SECTION 5. The Oklahoma Department of Commerce shall enter into contracts to distribute _____ Dollars (\$0.00) of the amount

allocated to all Community Action Agencies listed in this act for the purpose of general missions of the agencies. Such distribution shall be based on a formula developed from historical data such as poverty population, number of elderly poor and size of geographic service area.

The Department may require the agencies which receive said funds to provide a thirty percent (30%) matching share in cash or in-kind contributions, or both such cash and in-kind contributions.

SECTION 6. The Oklahoma Department of Commerce shall expend _____ Dollars (\$0.00) of the amount allocated to Community Action Agencies in this act, or so much thereof as may be necessary, for the purpose of improving Head Start programs and expanding Head Start enrollment. Of said amount:

1. _____ Dollars (\$0.00) shall be distributed through contracts with Community Action Agencies that operated or sponsor federally funded Head Start programs. Contracts shall require eligible Community Action Agencies to expand Head Start services and enrollment, offer family services and develop early intervention strategies for juvenile delinquency prevention. Distribution of funds shall be based on a formula developed from historical data on poverty population and criteria used by the U.S. Department of Health and Human Services in the distribution of federal funds appropriated for the Head Start Program;

2. Five percent (5%) of the total Head Start allocation, or so much thereof as may be necessary, shall be expended by the Oklahoma Department of Commerce for the purpose of administering Head Start contracts provided herein. Such duties of the Department shall include establishing performance criteria, reviewing programs for effectiveness in accomplishing objectives of the federal Head Start Program, and monitoring compliance with contractual provisions; and

3. _____ Dollars (\$0.00) shall be distributed through contract to the Oklahoma Association of Community Action Agencies,

Inc., for the purpose of the Head Start Coordination Program and providing assessment, training and technical assistance to Head Start programs.

SECTION 7. Contracts with Community Action Agencies authorized by this act shall be exempt from the Oklahoma Central Purchasing Act. The Department shall not execute a contract with a Community Action Agency until the applicant submits, and the Department approves, a budget work program for expenditure of funds. Each contract shall require audits of expenditures, as provided in rules promulgated by the Department of Commerce.

SECTION 8. The Oklahoma Department of Commerce shall expend the amount allocated in this act, or so much thereof as may be necessary, to perform the substate multicounty regional planning functions and responsibilities imposed upon the Department by law. 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)	\$42,000.00
2 - Eastern Oklahoma Development District (Adair, Cherokee, McIntosh, Muskogee, Okmulgee, Sequoyah and Wagoner Counties)	42,290.00
3 - Kiamichi Economic Development District of Oklahoma (Choctaw, Haskell, Latimer, LeFlore, McCurtain, Pittsburg and Pushmataha Counties)	41,750.00

4 - Southern Oklahoma Development Association (Atoka, Bryan, Carter, Coal, Garvin, Johnston, Love, Marshall, Murray and Ponotoc Counties)	42,000.00
5 - Central Oklahoma Economic Development District (Hughes, Lincoln, Okfuskee, Pawnee, Payne, Pottawatomie and Seminole Counties)	42,083.00
6 - Indian Nations Council of Governments (Creek, Osage and Tulsa Counties)	45,446.00
7 - Northern Oklahoma Development Association (Alfalfa, Blaine, Garfield, Grant, Kay, Kingfisher, Major and Noble Counties)	42,083.00
8 - Association of Central Oklahoma Governments (Canadian, Cleveland, Logan and Oklahoma Counties)	47,522.00
9 - Association of South Central Oklahoma Governments (Caddo, Comanche, Cotton, Grady, Jefferson, McClain, Stephens and Tillman Counties)	42,871.00
10 - South Western Oklahoma Development Authority (Beckham, Custer, Greer, Harmon, Jackson, Kiowa, Roger Mills and Washita Counties)	41,418.00

11 - Oklahoma Economic Development Association (Beaver, Cimarron, Dewey, Ellis, Harper, Texas, Woods and Woodward Counties)	<u>40,795.00</u>
TOTAL	\$470,258.00

The Department may require the agencies to which the Department grants appropriated funds to provide a thirty percent (30%) matching share in cash or in-kind contribution, or both such cash and in-kind contribution.

The Oklahoma Department of Commerce shall establish eligibility requirements for substate multicounty planning districts 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 9. The Oklahoma Department of Commerce may expend the amount allocated in this act, or so much thereof 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 training services. The contractor shall submit an annual budget work program and quarterly expenditure reports. The contractor

shall submit an annual audit as required by the Department of Commerce. Audit costs may be paid from allocated, appropriated funds.

SECTION 10. The Oklahoma Department of Commerce may expend the amount allocated in this act, or so much thereof 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 expenditure reports. The Department may disallow expenditures and withhold funds accordingly, if expenditure reports reflect noncompliance with the approved budget work program. The contractor must provide an annual audit, as directed by the Oklahoma Department of Commerce. Audit costs may be paid from allocated, appropriated funds. Any contracts authorized under this section shall be exempt from the Oklahoma Central Purchasing Act.

SECTION 11. The Oklahoma Department of Commerce shall expend the amount allocated in this act, or so much thereof as may be necessary, to accomplish contractual responsibilities with the Oklahoma Development Finance Authority. The Oklahoma Development Finance Authority shall expend the funds to accomplish contractual responsibilities with Rural Enterprises, Inc., for the purpose of matching federal funds available through the United States Small Business Administration for business revolving loans to Oklahoma small businesses. Any contracts authorized under this section shall be exempt from the requirements of the Oklahoma Central Purchasing Act.

SECTION 12. The Oklahoma Department of Commerce shall expend the amount allocated in this act, or so much thereof as may be

necessary, to accomplish contractual responsibilities with Rural Enterprises, Inc. for the purpose of providing financial and technical assistance for economic development to area businesses, to establish a VANSAT pilot project, and to promote international trade. The contractor shall cooperate with the Oklahoma Department of Commerce to assist in business financing, assist expansions of existing industry and home-based businesses. The 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 Oklahoma Central Purchasing Act.

SECTION 13. The Oklahoma Department of Commerce is authorized to establish the Oklahoma Community Institute for Community Development. The purpose of the institute will be to: provide a one-stop resource/referral center for communities needing assistance; develop public policy recommendations that affect Oklahoma communities; and provide training and technical assistance for people who work in communities with an emphasis on local leadership development.

SECTION 14. The Oklahoma Department of Commerce shall transfer the amount allocated in this act to the Community Development Centers Program Fund.

The Department may contract with communities or organizations for Community Development Centers activities 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; and

4. An applicant has demonstrated experience in establishing and managing programs to enhance the quality of life of the aging and elderly.

SECTION 15. The Oklahoma Department of Commerce shall expend the amount allocated in this act, or so much thereof as may be necessary, to assist the Native American Cultural and Educational Authority as required by Section 5017 of Title 74 of the Oklahoma Statutes. The Oklahoma Department of Commerce shall assist the Native American Cultural and Educational Authority in fulfilling the responsibilities of the act. Any contracts authorized under Section 1226 et seq. of Title 74 of the Oklahoma Statutes shall be exempt from the Oklahoma Central Purchasing Act.

SECTION 16. The Oklahoma Department of Commerce may expend the amount allocated in this act, or so much thereof as may be necessary, to accomplish contractual responsibilities with the Vocational-Technical Education Dual Use Training Center for the purpose of establishing a training center. Funds expended for the program shall be exempt from the requirements of the Oklahoma Central Purchasing Act.

SECTION 17. The Oklahoma Department of Commerce shall expend the sum of _____ Dollars (\$0.00) for the purpose of providing monies to the Oklahoma Housing Finance Authority to be deposited in the Oklahoma Housing Trust Fund, created pursuant to Section 2901.2 of Title 74 of the Oklahoma Statutes. Funds expended for programs authorized by Sections 2901.1 through 2901.4 of Title 74 of the Oklahoma Statutes shall be exempt from the requirements of the Oklahoma Central Purchasing Act.

SECTION 18. The Oklahoma Department of Commerce shall expend the amount allocated in this act, or so much thereof as may be necessary, for the purpose of the Bid Assistance Program/Computer-Assisted Technology Transfer program at Oklahoma State University-

Okmulgee. Funds expended for the programs shall be exempt from the requirements of the Oklahoma Central Purchasing Act.

SECTION 19. The Oklahoma Department of Commerce shall expend the amount allocated in this act, or so much thereof as may be necessary, for the purpose of the Self-Employment and Entrepreneurial Development System (SEEDS) program. The SEEDS program promotes self-employment by assisting low-income individuals in securing business training and financial assistance to develop and start their own businesses. Funds expended for the programs shall be exempt from the requirements of the Oklahoma Central Purchasing Act.

SECTION 20. The Oklahoma Department of Commerce may expend funds from any available source to accomplish contractual responsibilities with the Oklahoma Quality Awards Foundation for the purpose of promoting performance excellence criteria throughout the Oklahoma business, education, government and healthcare sectors. Funds expended for the program shall be exempt from the requirements of the Oklahoma Central Purchasing Act.

SECTION 21. This act shall become effective September 1, 2000.

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