

STATE OF OKLAHOMA

1st Session of the 48th Legislature (2001)

CONFERENCE COMMITTEE
SUBSTITUTE FOR ENGROSSED
HOUSE BILL NO. 1529

By: Mass and Bonny 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 budgeted in certain categories and amounts; requiring certain work plan and reports; designating funds and limiting certain grants; specifying purposes for which certain funds may be expended; specifying requirements for certain designated funds; providing for duties and compensation of employees; limiting the salary of the Commissioner; providing budgetary limitations; requiring certain expenditure; providing for certain contracted responsibilities; authorizing the State Department of Agriculture to disallow payment for certain expenditures; requiring certain audits; making an appropriation to the Oklahoma Horse Racing Commission; stating purposes; requiring certain funds to be budgeted in certain categories and amounts; providing for duties and compensation of employees; limiting the salary of the Director; providing budgetary limitations; making an appropriation to the State Insurance Department; stating purpose; requiring certain funds to be budgeted in certain categories and amounts; providing for duties and compensation of employees; providing budgetary limitations; requiring and authorizing certain transfers; amending Section 123 of Enrolled House Bill No. 1564 of the 1st Session of the 48th Oklahoma Legislature, which relates to the Department of Labor; modifying appropriation to the Department of Labor; requiring certain funds to be budgeted in certain categories and amounts; providing for duties and compensation of employees; providing budgetary limitations; making certain positions contingent on federal funds; requiring certain reports and specifying content; requiring cooperation between certain agencies for certain purpose; making an appropriation to the Oklahoma Board of Private Vocational Schools; stating purpose; requiring certain funds to be budgeted in certain categories and amounts; providing for duties and compensation of employees; limiting maximum salary of the Director; providing budgetary limitations; requiring budgeting of certain funds in certain years; requiring certain

budgeting procedures; prohibiting certain budget procedures; providing lapse dates; providing effective dates; and declaring an emergency.

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, 2002, the sum of Twenty-one Million Five Hundred Twenty-one Thousand Nine Hundred Sixty-one Dollars (\$21,521,961.00) 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 Special Cash Fund of the State Treasury the sum of Seven Million Five Hundred Thousand Dollars (\$7,500,000.00) or so much thereof as may be necessary to perform the duties imposed upon the State Department of Agriculture by law.

SECTION 3. For the fiscal year ending June 30, 2002, the State Department of Agriculture shall budget all funds in the following categories and amounts:

<u>Category</u>	<u>Appropriation</u>	<u>Total</u>
Administrative		
Services		
Division	\$ 2,590,013.00	\$ 6,015,000.00
Legal Services		
Division	895,500.00	1,040,000.00
Statistical		
Services		
Division	91,850.00	172,000.00
Animal Industry		

Services		
Division	2,346,770.00	2,817,000.00
Food Safety		
Division		
Inspection		
and Grading of		
Meat, Egg and		
Poultry		
Products	1,522,995.00	3,710,500.00
Oklahoma		
Milk and Milk		
Products		
Program	395,212.00	704,000.00
Water Quality		
Services		
Division	963,114.00	1,572,000.00
Wildlife Services		
Division	1,271,224.00	1,960,000.00
Public Information		
Services		
Division	369,648.00	518,000.00
Brucellosis		
Depopulation		
and other		
Brucellosis-related		
Expenses	142,575.00	213,000.00
Forestry Services		
Division	7,296,336.00	12,623,650.00
Rural Fire		
Coordinators	860,000.00	910,000.00
Operation Grants		
to Rural Fire		

Departments	2,000,000.00	3,000,000.00
Rural Fire 80/20		
Match Program	3,766,219.00	4,459,719.00
Dry Fire Hydrant		
Program	50,000.00	50,000.00
Plant Industry		
and Consumer		
Services		
Division	1,236,321.00	4,290,500.00
Agricultural		
Laboratory		
Services		
Division	1,309,896.00	2,816,000.00
Market Development		
Services		
Division	941,231.00	3,410,410.00
Agriculture		
Mediation		
Program	100,000.00	300,000.00
Oklahoma State		
University for		
the Statewide		
Intensive		
Financial		
Management		
Assistance		
Program	172,562.00	225,000.00
Oklahoma State		
University		
Animal Diagnostic		
Laboratory		
Equipment	47,525.00	55,000.00

Poultry Research and Disease Control Research Programs and Employment of a State Poultry Veterinarian and an Area Poultry Specialist	237,625.00	275,000.00
Tick Eradication	59,700.00	65,000.00
Wheat Root Rot/Nematode Complex Research	20,645.00	35,000.00
Peanut Pod Rot and Field Research Demonstration	35,000.00	40,000.00
Rural Enterprise Institute	<u>300,000.00</u>	<u>300,000.00</u>
TOTALS	\$29,021,961.00	\$51,576,779.00

SECTION 4. 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 5. The funds designated for Operational Grants to Rural Fire Departments in this act shall be expended to provide operational grants to rural fire departments and shall be limited to Two Thousand Five Hundred Dollars (\$2,500.00) per municipality.

SECTION 6. The funds designated for the Rural Fire 80/20 Match Program in this act 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 7. The funds designated for the Dry Fire Hydrant Program in this act shall be expended for the purposes of the statewide dry 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 8. It is the intent of the Legislature that from any monies appropriated to the State Department of Agriculture, at least the sum of One Hundred Ninety-five Thousand Five Hundred Forty Dollars (\$195,540.00) be used for salaries, benefits and other personnel costs of the eight (8) McGee Creek Fire Protection full-time-equivalent employees.

SECTION 9. 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 Seventy-six Thousand Dollars (\$76,000.00) per annum, payable monthly for the fiscal year ending June 30, 2002. The State Department of Agriculture, for the fiscal year ending June 30, 2002, 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 made pursuant to the	

appropriations in this Act \$100,000.00

SECTION 10. 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 11. 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, 2002, the sum of Two Million Two Hundred Ninety Thousand Six Dollars (\$2,290,006.00) or so much thereof as may be necessary to perform the duties imposed upon the Oklahoma Horse Racing Commission by law.

SECTION 12. For the fiscal year ending June 30, 2002, 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	\$ 524,030.00	\$ 624,030.00
Race Day Expenses	1,303,005.00	1,919,005.00
Law Enforcement	427,732.00	527,732.00
Oklahoma Bred Program	<u>35,239.00</u>	<u>220,239.00</u>
TOTAL	\$2,290,006.00	\$3,291,006.00

SECTION 13. 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-seven Thousand Fifty-nine Dollars (\$67,059.00) per annum, payable monthly for the fiscal year ending June 30, 2002. The Oklahoma Horse Racing Commission, for the fiscal year ending June 30, 2002, 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	43.0
Lease-Purchase Agreements	\$0.00

INSURANCE DEPARTMENT

SECTION 14. There is hereby appropriated to the State Insurance Department from any monies not otherwise appropriated from the General Revenue Fund of the State Treasury for the fiscal year ending June 30, 2002, the sum of Three Million Twenty-three Thousand One Hundred Seventy-two Dollars (\$3,023,172.00) or so much thereof as may be necessary to perform the duties imposed upon the State Insurance Department by law.

SECTION 15. For the fiscal year ending June 30, 2002, the Insurance Department shall budget all funds in the following categories and amounts:

<u>Category</u>	<u>Appropriation</u>	<u>Total</u>
Administration	\$ 835,918.00	\$1,928,403.00
Regulatory/Enforcement	2,169,819.00	6,480,466.00
Senior Health Insurance		
Counseling Program	<u>17,435.00</u>	<u>437,900.00</u>
TOTAL	\$3,023,172.00	\$8,846,769.00

SECTION 16. The duties and compensation of employees, not otherwise prescribed by law, necessary to perform the duties imposed upon the Insurance Department by law shall be set by the Insurance Commissioner. The Insurance Department, for the fiscal year ending June 30, 2002, 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	143.0
Lease-Purchase Agreements	\$0.00

SECTION 17. TRANSFER The Director of State Finance shall transfer the sum of One Hundred Thousand Dollars (\$100,000.00) from the Insurance Commissioner Revolving Fund ("200 Fund") of the Insurance Commission to the Special Cash Fund of the State Treasury.

SECTION 18. TRANSFER The Director of State Finance shall transfer the sum of Four Hundred Thousand Dollars (\$400,000.00) from the Bailbondsmen Revolving Fund ("220 Fund") of the Insurance Commission to the Special Cash Fund of the State Treasury.

DEPARTMENT OF LABOR

SECTION 19. AMENDATORY Section 123 of Enrolled House Bill No. 1564 of the 1st Session of the 48th Oklahoma Legislature is amended to read as follows:

Section 123. There is hereby appropriated to the Department of Labor from any monies not otherwise appropriated from the General Revenue Fund of the State Treasury for the fiscal year ending June 30, 2002, the sum of ~~Two Million Five Hundred Fifty Thousand Five Hundred Ninety-two Dollars (\$2,550,592.00)~~ Two Million Five Hundred Thirty-six Thousand One Hundred Eighty-six Dollars (\$2,536,186.00)

or so much thereof as may be necessary to perform the duties imposed upon the Department of Labor by law.

SECTION 20. For the fiscal year ending June 30, 2002, the Department of Labor shall budget all funds in the following categories and amounts:

<u>Category</u>	<u>Appropriations</u>	<u>Total</u>
Administration	\$ 746,622.00	\$1,870,000.00
Asbestos Abatement	471,933.00	700,000.00
Regulation & Enforcement	1,801,534.00	2,215,000.00
Workers Compensation		
Compliance	338,783.00	700,000.00
Statistical Research		
and Licensing	290,654.00	700,000.00
Occupational Safety		
and Health	<u>263,246.00</u>	<u>2,500,000.00</u>
TOTAL	\$3,912,772.00	\$8,685,000.00

SECTION 21. The duties and compensation of employees, not otherwise prescribed by law, necessary to perform the duties imposed upon the Department of Labor by law shall be set by the Commissioner of Labor. The Department of Labor for the fiscal year ending June 30, 2002, 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	136.0
Lease-Purchase Agreements	\$0.00

SECTION 22. Of the one hundred thirty-six (136.0) full-time-equivalent employee positions authorized for the Department of Labor in this act, twenty (20.0) 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 23. A. By February 1, 2002, the Department of Labor shall submit an annual report to the President Pro Tempore of the Senate and the Speaker of the House of Representatives 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 Department of Labor to provide the information required pursuant to the provisions of this section.

OKLAHOMA BOARD OF PRIVATE VOCATIONAL SCHOOLS

SECTION 24. 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, 2002, the sum of Four Thousand One Hundred Forty-three Dollars (\$4,143.00) or so much thereof as may be necessary to perform the duties imposed upon the Oklahoma Board of Private Vocational Schools by law.

SECTION 25. For the fiscal year ending June 30, 2002, the Oklahoma Board of Private Vocational Schools shall budget all funds in the following categories and amounts:

<u>Category</u>	<u>Total</u>
Licensing/Investigative Operations	\$174,760.00

The Board shall develop outcome-based performance measures for each budget category.

SECTION 26. 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 Forty Thousand Two Hundred Eighty-one Dollars (\$40,281.00) per annum, payable monthly for the fiscal year ending June 30, 2002. The Oklahoma Board of Private Vocational Schools, for the fiscal year ending June 30, 2002, 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 27. Appropriations made by this act, not including appropriations made for capital outlay purposes, may be budgeted for the fiscal year ending June 30, 2002 (hereafter FY-02) or may be budgeted for the fiscal year ending June 30, 2003 (hereafter FY-03). Funds budgeted for FY-02 may be encumbered only through June 30, 2002, and must be expended by November 15, 2002. Any funds remaining after November 15, 2002, and not budgeted for FY-03, shall lapse to the credit of the proper fund for the then current fiscal year. Funds budgeted for FY-03 may be encumbered only through June 30, 2003. Any funds remaining after November 15, 2003, 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-02, and not required to pay obligations for that fiscal year, may be budgeted for FY-03, after the agency to which the funds have been appropriated has prepared and submitted a budget work program revision removing these funds from the FY-02 budget work program and after such revision has been approved by the Office of State Finance.

SECTION 28. Sections 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 19, 20, 21, 22, 23, 24, 25, 26 and 27 shall become effective July 1, 2001.

SECTION 29. 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.

48-1-15194 SW 6/12/15