STATE OF OKLAHOMA

2nd Session of the 48th Legislature (2002)

HOUSE BILL HB2532 By: Mass and Bonny of the House

and

Haney and Hobson of the Senate

AS INTRODUCED

An Act relating to the Oklahoma Department of Commerce; prescribing budgetary categories and amounts; providing for duties and compensation of employees; setting salary of Executive Director; imposing limitations on full-time-equivalent employees and lease-purchase agreements; providing for expenditure of certain amounts in designated categories; requiring Oklahoma Department of Commerce to enter into certain contracts; authorizing certain matching amount; providing for expenditure for Head Start Programs; providing formula for distribution of funds; providing exemption from Oklahoma Central Purchasing Act; requiring certain provisions in certain contracts; providing for expenditures related to substate multicounty regional planning; allocating amounts; authorizing certain matching requirement; requiring establishment of certain eligibility requirements; imposing certain voting requirement; authorizing contracts for certain purposes; prescribing procedures related to expenditure of funds pursuant to contractual provisions; authorizing expenditures related to federal grants; providing procedures for deposit of funds; providing an effective date; and declaring an emergency.

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

OKLAHOMA DEPARTMENT OF COMMERCE

SECTION 1. For the fiscal year ending June 30, 2003, the Oklahoma Department of Commerce shall budget all funds in the following categories and amounts:

Category	Appropriation	Total
Community Development	$0.00	$0.00
Business and Trade		

Development	0.00	0.00
Operational Support	0.00	0.00
Pass-Through Funds	0.00	0.00
Business Location	0.00	0.00
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, 2003. The Oklahoma Department of Commerce for the fiscal year ending June 30, 2003, 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:

Budgetary Limitation	Amount
Full-time-equivalent Employees	0.0
Lease-Purchase Agreements	$0.00

SECTION 3. From all appropriations to the Department of Commerce for the fiscal year ending June 30, 2003, the following amounts shall be expended, subject to the availability of funds in the following categories and amounts:

Category	Amount
Community Action Agencies	$0.00
Central Oklahoma Community 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.	
Community Action Development Corporation	
Southwest Oklahoma Community Action Group	
United Community Action Program	
Community Action Resource and Development, 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

Little Dixie Community Action Agency	
Enterprise Zone 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
Bid Assistance Program Oklahoma State	
University/CATT	$0.00
Oklahoma Housing Trust Fund	$0.00
Rural Economic and Community Development	
Programs - Kiamichi Economic Development	
District of Oklahoma	$0.00

SECTION 4. 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 5. 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 operate 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 for 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 6. Contracts with Community Action Agencies authorized by this act shall be exempt from the Oklahoma Central Purchasing Act. The Department of Commerce 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.

SECTION 7. 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)	$0.00
2 - Eastern Oklahoma Development District (Adair, Cherokee, McIntosh, Muskogee, Okmulgee, Sequoyah and Wagoner Counties)	0.00
3 - Kiamichi Economic Development District of Oklahoma (Choctaw, Haskell, Latimer, LeFlore, McCurtain, Pittsburg and Pushmataha Counties)	0.00
4 - Southern Oklahoma Development Association (Atoka, Bryan, Carter, Coal, Garvin, Johnston, Love, Marshall, Murray and Pontotoc Counties)	0.00
5 - Central Oklahoma Economic Development District (Hughes, Lincoln, Okfuskee, Pawnee, Payne, Pottawatomie and Seminole Counties)	0.00
6 - Indian Nations Council of Governments (Creek, Osage and Tulsa Counties)	0.00

7 - Northern Oklahoma Development Association (Alfalfa, Blaine, Garfield, Grant, Kay, Kingfisher, Major and Noble Counties)	0.00
8 - Association of Central Oklahoma Governments (Canadian, Cleveland, Logan and Oklahoma Counties)	0.00
9 - Association of South Central Oklahoma Governments (Caddo, Comanche, Cotton, Grady, Jefferson, McClain, Stephens and Tillman Counties)	0.00
10 - South Western Oklahoma Development Authority (Beckham, Custer, Greer, Harmon, Jackson, Kiowa, Roger Mills and Washita Counties)	0.00
11 - Oklahoma Economic Development Association (Beaver, Cimarron, Dewey, Ellis, Harper, Texas, Woods and Woodward Counties)	0.00
TOTAL	$0.00

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 8. 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 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 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 10. 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 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 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 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 12. 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 13. 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 14. 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 15. 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 16. 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 17. 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 18. 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 Kiamichi Economic Development District for the purposes of establishing and promoting economic and community development and improving transportation services in Oklahoma communities. Funds expended for the programs shall be exempt from the requirements of the Central Purchasing Act.

SECTION 19. All funds appropriated to the Oklahoma Department of Commerce may be used and expended in conjunction or cooperation with any federal agency or instrumentality pursuant to such terms and conditions as may be necessary to obtain grants or federal aid

assistance in accordance with state law. The Department is hereby authorized to collect, receive, and use any and all grants or reimbursements made available to it through any agency or instrumentality of the federal government. Such funds shall be deposited in the State Treasury and disbursed in accordance with agreements between the Department and applicable federal agencies or instrumentalities.

SECTION 20. This act shall become effective July 1, 2002.

SECTION 21. 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.

48-2-15342 SW 6/12/15