

STATE OF OKLAHOMA

1st Session of the 48th Legislature (2001)

SENATE BILL 449

By: Snyder

AS INTRODUCED

An Act relating to the State Department of Health; stating purpose; requiring utilization of clearing account or fund for payment of general administrative costs attributable to occupational licensing and regulation; directing adoption and promulgation of rules; prohibiting payment of claims from revolving funds related to occupational licensing and regulation; directing annual levy for administrative costs; providing for noncodification; and declaring an emergency.

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

SECTION 1. NEW LAW A new section of law not to be codified in the Oklahoma Statutes reads as follows:

The purpose of this act is to attempt to restore, among those persons whose occupations are regulated by the State Department of Health, some measure of confidence that monies paid for licenses and other purposes relating to regulation of occupations are not used to subsidize or otherwise sustain unrelated functions, programs, or activities of the State Department of Health.

SECTION 2. NEW LAW A new section of law not to be codified in the Oklahoma Statutes reads as follows:

A. Subject to such requirements or restrictions as the Director of State Finance, the State Treasurer, or the State Auditor and Inspector may determine to impose, the State Department of Health shall utilize a clearing account or fund from which to pay claims attributable to the general administrative costs of carrying out the Department's occupational licensing and regulatory responsibilities. The Department shall, by adoption and promulgation of rules pursuant

to the Administrative Procedures Act, determine what costs are general administrative costs attributable to occupational licensing and regulatory responsibilities.

B. No claims for general administrative costs shall be paid directly from any revolving or continuing fund which receives occupational license fees or other fees or income from occupational licensing and regulation, hereinafter occupational revolving fund.

C. For each fiscal year, the Department shall levy a uniform assessment for general administrative costs upon each occupational revolving fund. The assessment shall be a percentage of the total income of the occupational revolving fund for the previous fiscal year. The percentage shall be no greater than is required to pay general administrative costs of the occupational licensing and regulatory responsibilities of the Department, shall not be used to subsidize or sustain other functions, programs, or activities of the Department, and shall not exceed nine percent (9%). The assessed sum for each occupational revolving fund shall be transferred to the clearing account or fund during the fiscal year to which the assessment applies. Transfers from an occupational revolving fund to the clearing account or fund may be made in a lump sum or in several partial amounts but shall not be so made as to cause a negative balance in any occupational revolving fund.

SECTION 3. 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.

48-1-626

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