

ENGROSSED SENATE AMENDMENT
TO
ENGROSSED HOUSE
BILL NO. 2058

By: Mitchell and Bonny of the
House

and

Morgan and Robinson of the
Senate

(Corporation Commission - appropriation - effective
date -

emergency)

AMENDMENT NO. 1. Page 1, strike the stricken title, enacting
clause and entire bill and insert

"An Act relating to the Corporation Commission;
amending Section 92 of Enrolled House Bill No. 2007
of the 2nd Session of the 49th Oklahoma Legislature,
which relates to an appropriation; modifying amount;
authorizing transfer and expenditure of certain
funds; requiring budgeting in certain categories and
amounts; requiring certain performance measures;
directing certain expenditure of money; requiring
certain multicounty offices be operated; providing
for duties and compensation of employees; providing
budgetary limitations; requiring and authorizing
certain transfer; establishing authorized number and
salary maximums for certain unclassified positions;
making continuation of employment of certain
employees contingent on certain funding; designating
certain number of employees for certain programs;
amending 17 O.S. 2001, Section 32, which relates to
the General Administrator of the Corporation
Commission; changing title of certain position;
modifying duties; limiting certain assessment level;
limiting certain expenditures; authorizing and
providing budgeting of certain monies; making certain
appropriations nonfiscal; providing lapse dates;
requiring certain budgeting practices; prohibiting
certain budgeting practices; providing an effective
date; and declaring an emergency.

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

SECTION 1. AMENDATORY Section 92 of Enrolled House Bill No. 2007 of the 2nd Session of the 49th Oklahoma Legislature, is amended to read as follows:

Section 92. There is hereby appropriated to the Corporation Commission from any monies not otherwise appropriated from the General Revenue Fund of the State Treasury for the fiscal year ending June 30, 2005, the sum of ~~Eight Million Four Hundred Fourteen Thousand Two Hundred Twenty-four Dollars (\$8,414,224.00)~~ Five Million Sixty-seven Thousand Fifty-six Dollars (\$5,067,056.00) or so much thereof as may be necessary to perform the duties imposed upon the Corporation Commission by law.

SECTION 2. The Corporation Commission is authorized to transfer an amount not to exceed Three Million Dollars (\$3,000,000.00) from the Rural Economic Action Plan Water Projects Fund from the gross production tax, as apportioned by Section 1004 of Title 68 of the Oklahoma Statutes, to the Corporation Commission Revolving Fund ("202" Fund) created in Section 180.7 of Title 17 of the Oklahoma Statutes to be expended for the purpose of performing the duties imposed upon the Corporation Commission by law.

SECTION 3. For the fiscal year ending June 30, 2005, the Corporation Commission shall budget all funds in the following categories and amounts:

| <u>Category</u> | <u>Appropriation</u> | <u>Total</u> |
|--------------------------------------|----------------------|-----------------|
| Administration | \$2,097,012.00 | \$ 5,634,744.00 |
| Consumer Services | 0.00 | 1,036,285.00 |
| Petroleum Storage Tank Division | 0.00 | 5,989,084.00 |
| Oil and Gas Conservation Division | 5,257,567.00 | 9,376,522.00 |
| Office of Administrative Proceedings | 120,627.00 | 1,795,749.00 |
| Public Utility Division | 0.00 | 3,990,556.00 |
| Office of General Counsel | 326,650.00 | 1,944,443.00 |
| Transportation Division | 75,000.00 | 4,511,247.00 |

| | | |
|---------------------------------|-------------------|-------------------|
| Regional Service Office - Tulsa | <u>190,200.00</u> | <u>365,000.00</u> |
| TOTAL | \$8,067,056.00 | \$34,693,630.00 |

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

SECTION 4. The Corporation Commission shall expend from any monies available not less than One Hundred Ninety Thousand Two Hundred Dollars (\$190,200.00) for the purposes of implementing the provisions of Section 40.1 of Title 17 of the Oklahoma Statutes.

SECTION 5. For the fiscal year ending June 30, 2005, the Oklahoma Corporation Commission shall continue to operate multicounty field offices located in Bristow: District I, Kingfisher: District II, Duncan: District III, and Ada: District IV.

SECTION 6. The duties and compensation of employees, not otherwise prescribed by law, necessary to perform the duties imposed upon the Corporation Commission by law shall be set by the Corporation Commission. The Corporation Commission shall be subject to the following budgetary limitations on full-time-equivalent employees and expenditures excluding direct expenditures for well plugging as authorized in Section 310 of Title 52 of the Oklahoma Statutes, pit closure as authorized in Section 140 of Title 52 of the Oklahoma Statutes, and remediation of sites as authorized in Section 353 of Title 17 of the Oklahoma Statutes, and 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 | 453.0 |
| Lease-Purchase Agreements | \$200,000.00 |

SECTION 7. TRANSFER The Director of State Finance shall transfer the sum of Two Hundred Fifty Thousand Dollars (\$250,000.00) from the Corporation Commission Well Plugging Fund ("215 Fund") of the Corporation Commission to the Special Cash Fund of the State Treasury.

SECTION 8. The authorized number and maximum annual salary, payable monthly, for the unclassified employee positions specified in this section utilized in the operation of the Corporation Commission shall not exceed the numbers and salary maximums set forth in this section. The amounts listed do not constitute an appropriation but are listed to establish maximums only.

The salaries set forth in this section shall not exceed the following annualized maximums for the months of July, August, September, October, November and December, 2004.

| | Number | Maximum |
|---------------------|-------------------|---------------|
| <u>Title</u> | <u>Authorized</u> | <u>Salary</u> |
| Executive Secretary | 3.0 | \$41,241.00 |
| Administrative Aide | 3.0 | \$45,514.00 |
| Senior Rate Analyst | 4.0 | \$55,000.00 |

Effective January 1, 2005, the salaries set forth in this section shall not exceed the following annualized maximums payable monthly for the remainder of the fiscal year ending June 30, 2005.

| | Number | Maximum |
|---------------------|-------------------|---------------|
| <u>Title</u> | <u>Authorized</u> | <u>Salary</u> |
| Executive Secretary | 3.0 | \$42,641.00 |
| Administrative Aide | 3.0 | \$46,914.00 |
| Senior Rate Analyst | 4.0 | \$56,400.00 |

SECTION 9. The continuation of full-time-equivalent employees hired pursuant to Sections 360 and 361 of Title 17 of the Oklahoma Statutes shall be contingent upon sufficient funding of the Oklahoma Petroleum Storage Tank Release Indemnity Program.

SECTION 10. Of the four hundred fifty-three (453.0) full-time-equivalent employees authorized by this act, fourteen (14.0) shall perform duties in accordance with the Underground Injection Control Program, five (5.0) shall perform duties in accordance with the Underground Storage Tank Program, and two (2.0) shall perform duties in accordance with the Leaking Underground Storage Tank Program.

The continuation of these full-time-equivalent employees is contingent upon sufficient federal funding to support them.

SECTION 11. AMENDATORY 17 O.S. 2001, Section 32, is amended to read as follows:

Section 32. A. The Corporation Commission shall employ one (1) ~~General Administrator~~ Director of Administration. Said position shall be in the unclassified service ~~and shall have a maximum annual salary, payable monthly, which shall be specified in the Commission's annual appropriation bill.~~

B. The ~~General Administrator~~ Director of Administration shall be required to hold at least a bachelor's degree in marketing, business administration, accounting, personnel management, public administration, counseling, political science, related fields or experience equivalent thereto, or shall hold a juris doctorate degree, and shall have experience in a supervisory capacity in administrative or personnel management work.

C. The ~~General Administrator~~ Director of Administration shall ~~provide for the administration of the Commission and shall:~~

1. ~~Be the chief administrative officer and appointing authority of the Commission and shall have supervision and control over all Commission employees except for the administrative aide and executive secretary for each Commissioner;~~

2. ~~Employ, discharge, appoint or contract with, and fix the duties and compensation of all personnel, except for the administrative aide and executive secretary for each Commissioner either on a full-time, part-time, fee or contractual basis, as in his or her judgment and discretion shall be deemed necessary, expedient, convenient or appropriate to the performance of carrying out the provisions of the laws of the State of Oklahoma and the rules of the Commission; and~~

~~3. Establish internal procedures for the proper and efficient administration of the Commission perform duties as directed by the Commission.~~

D. The ~~General Administrator~~ Director of Administration shall not be an owner, stockholder, employee or officer of, nor have any other business relationship with or receive compensation from, any corporation, partnership, or other business or entity which is subject to regulation by the Commission.

~~E. In the event of the General Administrator's temporary absence, the General Administrator may delegate the exercise of such powers and duties to a designee during the General Administrator's absence. In the event of a vacancy in the position of General Administrator, the Commission may designate an interim or acting General Administrator who is authorized to exercise such powers and duties until a permanent General Administrator is employed. Any designee exercising such powers and duties of the General Administrator on a temporary, acting or interim basis shall meet the requirements of subsection D of this section.~~

~~F. Whenever a vacancy occurs in the General Administrator's position, the new General Administrator shall be chosen by a majority vote of the Commissioners from at least three (3) candidates recruited and screened by the Office of Personnel Management.~~

SECTION 12. Pursuant to subsection F of Section 180.11 of Title 17 of the Oklahoma Statutes, the Corporation Commission shall assess no more than Four Million Ninety-six Dollars (\$4,000,096.00) for costs of the Public Utility Division for the fiscal year ending June 30, 2005. From any amounts collected pursuant to subsection F of Section 180.11 of Title 17 of the Oklahoma Statutes, the Corporation Commission shall expend no more than Four Million Three Hundred Fifty Thousand Ninety-six Dollars (\$4,350,096.00) for the costs of the Public Utility Division for the fiscal year ending June 30,

2005. Of the funds expended, it is the intent of the Legislature that Two Hundred Fifty Thousand Dollars (\$250,000.00) be used to fund the Public Utility Division portion of the Consumer Services Division. The expenditure limit created pursuant to this section shall not be considered the assessment level of the Public Utilities Division.

SECTION 13. Appropriations made by this act and by Section 92 of Enrolled House Bill No. 2007 of the 2nd Session of the 49th Oklahoma Legislature, not including appropriations made for capital outlay purposes, may be budgeted for the fiscal year ending June 30, 2005 (hereafter FY-05) or may be budgeted for the fiscal year ending June 30, 2006 (hereafter FY-06). Funds budgeted for FY-05 may be encumbered only through June 30, 2005, and must be expended by November 15, 2005. Any funds remaining after November 15, 2005, and not budgeted for FY-06, shall lapse to the credit of the proper fund for the then current fiscal year. Funds budgeted for FY-06 may be encumbered only through June 30, 2006. Any funds remaining after November 15, 2006, 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-05, and not required to pay obligations for that fiscal year, may be budgeted for FY-06, 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-05 budget work program and after such revision has been approved by the Office of State Finance.

SECTION 14. This act shall become effective July 1, 2004.

SECTION 15. 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."

Passed the Senate the 22nd day of April, 2004.

Presiding Officer of the Senate

Passed the House of Representatives the ____ day of _____,
2004.

Presiding Officer of the House
of Representatives