

STATE OF OKLAHOMA

1st Session of the 49th Legislature (2003)

CONFERENCE COMMITTEE SUBSTITUTE
FOR ENGROSSED
SENATE BILL 148

By: Morgan and Robinson of the
Senate

and

Mitchell and Bonny of the
House

CONFERENCE COMMITTEE SUBSTITUTE

An Act relating to the Oklahoma Conservation Commission; making an appropriation to the Oklahoma Conservation Commission; stating purpose; requiring budgeting in certain categories and amounts; requiring performance measures; providing for duties and compensation of employees; limiting salary of the Executive Director; providing budgetary limitations; modifying certain employee positions contingent on federal funds; authorizing creation of certain positions; making certain appropriations nonfiscal; providing lapse dates; requiring certain budget procedures; prohibiting certain budget procedures; amending 27A O.S. 2001, Section 3-3-201, which relates to conservation district directors; suspending certain payments; providing an effective date; and declaring an emergency.

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

OKLAHOMA CONSERVATION COMMISSION

SECTION 1. There is hereby appropriated to the Oklahoma Conservation Commission from any monies not otherwise appropriated from the General Revenue Fund of the State Treasury for the fiscal year ending June 30, 2004, the sum of Six Million Two Hundred Twenty Thousand Five Hundred Fifty-seven Dollars (\$6,220,557.00) or so much thereof as may be necessary to perform the duties imposed upon the Oklahoma Conservation Commission by law.

SECTION 2. For the fiscal year ending June 30, 2004, the Oklahoma Conservation Commission shall budget all funds in the following categories and amounts:

<u>Category</u>	<u>Appropriation</u>	<u>Total</u>
Administration	\$ 581,965.00	\$ 1,300,000.00
Watershed Operation and		
Maintenance	411,754.00	5,000,000.00
Field Service	5,226,838.00	8,025,000.00
Abandoned Mine Land Reclamation	0.00	11,500,000.00
Water Quality/Wetlands	<u>0.00</u>	<u>7,500,000.00</u>
TOTAL	\$6,220,557.00	\$33,325,000.00

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

SECTION 3. The duties and compensation of employees, not otherwise prescribed by law, necessary to perform the duties imposed upon the Oklahoma Conservation Commission by law shall be set by the Executive Director of the Commission. The salary of the Executive Director of the Oklahoma Conservation Commission shall not exceed Sixty Thousand One Hundred Eighty-four Dollars (\$60,184.00) per annum, payable monthly for the fiscal year ending June 30, 2004. The Oklahoma Conservation Commission for the fiscal year ending June 30, 2004, 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 Seasonal	
Employees and Project Labor	62.0
Lease-Purchase Agreements	\$0.00

SECTION 4. Six (6) of the full-time-equivalent employee positions authorized in Section 3 of this act shall be filled contingent upon procurement of federal funds for the Abandoned Mine Lands Program. Such six (6) full-time-equivalent employee positions supported by federal funds shall be terminated upon the discontinuation of federal funds dedicated to the Abandoned Mine Lands program. Such six (6) full-time-equivalent employee positions shall be unclassified and, except for leave regulations, shall be exempt from the rules of the Merit System of Personnel Administration. Beginning July 1, 2003, thirty-four (34) full-time-equivalent positions shall be created in the Oklahoma Conservation Commission. Such positions shall be from positions paid by local conservation districts prior to July 1, 2003, that are transferred to the Conservation Commission. All such positions shall be unclassified full-time-equivalent positions and except for leave regulations, shall be exempt from the rules of the Merit System of Personnel Administration. If any of the thirty-four (34) positions are funded or partially funded by federal funds then such positions shall be filled contingent upon procurement of federal funds. Such full-time-equivalent employee positions supported by federal funds shall be terminated upon discontinuation of applicable federal funds.

SECTION 5. Appropriations made by this act, not including appropriations made for capital outlay purposes, may be budgeted for the fiscal year ending June 30, 2004 (hereafter FY-04), or may be budgeted for the fiscal year ending June 30, 2005 (hereafter FY-05). Funds budgeted for FY-04 may be encumbered only through June 30, 2004, and must be expended by November 15, 2004. Any funds remaining after November 15, 2004, and not budgeted for FY-05, shall lapse to the credit of the proper fund for the then current fiscal year. Funds budgeted for FY-05 may be encumbered only through June 30, 2005. Any funds remaining after November 15, 2005, 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-04, and not required to pay obligations for that fiscal year, may be budgeted for FY-05, 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-04 budget work program and after such revision has been approved by the Office of State Finance.

SECTION 6. AMENDATORY 27A O.S. 2001, Section 3-3-201, is amended to read as follows:

Section 3-3-201. A. The governing body of the district shall consist of five (5) directors, elected or appointed as provided in the Conservation District Act.

B. 1. Three directors shall be elected for a term of three (3) years and shall be elected for staggered terms as provided by the Conservation District Act.

2. The three elected directors' positions shall be designated as position number one, position number two and position number three by the Commission.

3. To be eligible for election as a director of a conservation district, a person must be a registered voter in said district, and must be a cooperator of said district.

C. Two directors for each district shall be appointed by the Commission to serve a term of two (2) years. The Commission shall issue a certificate of appointment to all appointed directors. Initially one director shall serve for a period of one (1) year and one director for a period of two (2) years.

D. A director shall hold office until the director's successor or replacement has been elected or appointed, and qualified.

E. Any director may be removed from office by the Commission, upon notice and hearing, for neglect of duty or for malfeasance in office.

F. All vacancies in the office of an elected or appointed director shall be filled for the unexpired term by the Commission.

G. Directors shall be entitled to be reimbursed by the district for actual expenses incurred in the official performance of their duties.

H. District directors ~~shall~~ may be paid a per diem of Twenty-five Dollars (\$25.00) per meeting for attending monthly district board meetings and for such other area and state meetings as are called by the Oklahoma Conservation Commission.

I. If any director shall, during his or her term of office as director, be elected or appointed to any county or state elective office, or if he or she shall file as a candidate for the nomination to be elected to any such other office, his or her office as director shall become vacant and the vacancy shall be filled by appointment of the Commission. Provided, that a district director may also serve on a board of education of a school district.

SECTION 7. This act shall become effective July 1, 2003.

SECTION 8. 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.

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