

ENROLLED HOUSE
BILL NO. 2060

By: Mitchell and Bonny of the
House

and

Morgan and Robinson of the
Senate

An Act relating to the Department of Environmental Quality; making an appropriation; stating purpose; making a reappropriation; stating purpose; requiring budgeting in certain categories and amounts; requiring certain performance measures; providing for duties and compensation of employees; providing budgetary limitations; requiring and authorizing certain transfer; authorizing contractual services; requiring certain expenditures; requiring utilization of certain funds for certain purposes; making certain appropriations nonfiscal; providing exception; providing lapse dates; requiring certain budget procedures; prohibiting certain budget procedures; and providing an effective date.

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

SECTION 1. There is hereby appropriated to the Department of Environmental Quality 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 Three Million Dollars (\$3,000,000.00) or so much thereof as may be necessary to perform the duties associated with the Tar Creek Superfund Project imposed upon the Department of Environmental Quality by law.

SECTION 2. REAPPROPRIATION The amount of Four Million Dollars (\$4,000,000.00) originally appropriated to the Oklahoma Department of Environmental Quality from the Constitutional Reserve Fund of the State Treasury, by Section 1, Chapter 336, O.S.L. 2002, is hereby continued and reappropriated in the original amount and for the original purpose, as adjusted for transfer, less any amount that has been expended upon the effective date of this act.

SECTION 3. For the fiscal year ending June 30, 2005, the Department of Environmental Quality shall budget all funds in the following categories and amounts:

<u>Category</u>	<u>Appropriation</u>	<u>Total</u>
Administrative Services Division	\$ 0.00	\$ 4,989,850.00
Air Quality Division	461,907.00	8,888,604.00

Customer Services Division	1,426,738.00	5,467,545.00
Environmental Complaints and Local Services (ECLS)	2,960,276.00	6,381,398.00
Water Quality Division	1,646,343.00	12,205,796.00
Land Protection Division	<u>3,000,000.00</u>	<u>10,871,074.00</u>
TOTAL	\$9,495,264.00	\$48,804,267.00

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

SECTION 4. The duties and compensation of employees, not otherwise prescribed by law, necessary to perform the duties imposed upon the Department of Environmental Quality by law shall be set by the Executive Director of the Department of Environmental Quality. The Department of Environmental Quality for the fiscal year ending June 30, 2005, 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	571.0
Lease-Purchase Agreements	\$150,000.00

SECTION 5. TRANSFER The Director of State Finance shall transfer the sum of Four Hundred Thousand Dollars (\$400,000.00) from the Department of Environmental Quality Revolving Fund ("200 Fund") of the Department of Environmental Quality to the Special Cash Fund of the State Treasury.

SECTION 6. The Department of Environmental Quality may provide from any funds available contractual services to the Oklahoma Rural Water Association for technical assistance programs to rural water system operators.

SECTION 7. The Department of Environmental Quality is directed to expend an amount not to exceed One Million Dollars (\$1,000,000.00) from solid waste fee collections by the Department for the purpose of compensation, benefits and other necessary expenses during the fiscal year ending June 30, 2005, associated with employees from the Oklahoma and Tulsa City-County environmental programs, as authorized by law.

SECTION 8. Appropriations made by this act and by Section 93 of Enrolled House Bill No. 2007 of the 2nd Session of the 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 9. This act shall become effective July 1, 2004.

Passed the House of Representatives the 24th day of May, 2004.

Presiding Officer of the House of
Representatives

Passed the Senate the 25th day of May, 2004.

Presiding Officer of the Senate