

ENROLLED HOUSE
BILL NO. 1146

By: Bengé and Newport of the
House

and

Morgan and Crutchfield of
the Senate

An Act relating to the Office of the State Fire Marshal; making an appropriation; stating purpose; requiring budgeting in certain categories and amounts; requiring certain performance measures; providing for the duties and compensation of employees; limiting salary of the State Fire Marshal; providing budgetary limitations; providing exceptions to the budgetary limitations; requiring and prohibiting certain budget practices; amending 74 O.S. 2001, Section 324.20b, as amended by Section 4, Chapter 265, O.S.L. 2003 (74 O.S. Supp. 2004, Section 324.20b), which relates to the State Fire Marshal Revolving Fund; modifying maximum amount of money that can be in the fund; providing lapse date; providing an effective date; and declaring an emergency.

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

SECTION 1. There is hereby appropriated to the Office of the State Fire Marshal from any monies not otherwise appropriated from the General Revenue Fund of the State Treasury for the fiscal year ending June 30, 2006, the sum of One Million Six Hundred Eighty-five Thousand One Hundred Eighty Dollars (\$1,685,180.00) or so much thereof as may be necessary to perform the duties imposed upon the Office of the State Fire Marshal by law.

SECTION 2. For the fiscal year ending June 30, 2006, the Office of the State Fire Marshal shall budget all funds in the following categories and amounts:

<u>Category</u>	<u>Appropriation</u>	<u>Total</u>
Administration Services	\$ 417,100.00	\$ 804,831.00
Education	0.00	20,000.00
Field Operations	<u>1,268,080.00</u>	<u>1,410,349.00</u>
TOTAL	\$1,685,180.00	\$2,235,180.00

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

SECTION 3. The duties and compensation of employees, not otherwise prescribed by law, necessary to perform the duties imposed upon the Office of the State Fire Marshal by law shall be set by the State Fire Marshal. The salary of the State Fire Marshal shall not exceed Fifty-eight Thousand One Hundred Forty-nine Dollars (\$58,149.00) per annum, payable monthly for the fiscal year ending June 30, 2006. The Office of the State Fire Marshal for the fiscal year ending June 30, 2006, 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	33.0
Lease-Purchase Agreements	\$0.00

SECTION 4. AMENDATORY 74 O.S. 2001, Section 324.20b, as amended by Section 4, Chapter 265, O.S.L. 2003 (74 O.S. Supp. 2004, Section 324.20b), is amended to read as follows:

Section 324.20b There is hereby created in the State Treasury a revolving fund for the State Fire Marshal to be designated the "State Fire Marshal Revolving Fund". The fund shall be a continuing fund, not subject to fiscal year limitations, and shall consist of monies received from the sale of surplus property, fees and receipts collected pursuant to the Oklahoma Open Records Act, fines, forfeitures, fees, charges, receipts, donations, gifts, bequests, contributions, devises, interagency reimbursements, federal funds unless otherwise provided by federal law or regulation, or any other source. The fund shall consist of no more than ~~Four Hundred Thousand Dollars (\$400,000.00)~~ Five Hundred Fifty Thousand Dollars (\$550,000.00). All monies accruing to the credit of the fund are hereby appropriated and may be budgeted and expended by the State Fire Marshal for authorized purposes. Expenditures from the fund shall be made upon warrants issued by the State Treasurer against claims filed as prescribed by law with the Director of State Finance for approval and payment.

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, 2006 (hereafter FY-06) or may be budgeted for the fiscal year ending June 30, 2007 (hereafter FY-07). Funds budgeted for FY-06 may be encumbered only through June 30, 2006, and must be expended by November 15, 2006. Any funds remaining after November 15, 2006, and not budgeted for FY-07, shall lapse to the credit of the proper fund for the then current fiscal year. Funds budgeted for FY-07 may be encumbered only through June 30, 2007. Any funds remaining after November 15, 2007, 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-06, and not required to pay obligations for that fiscal year, may be budgeted for FY-07, 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-06 budget work program and after such revision has been approved by the Office of State Finance.

SECTION 6. This act shall become effective July 1, 2005.

SECTION 7. 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 House of Representatives the 25th day of May, 2005.

Presiding Officer of the House of
Representatives

Passed the Senate the 26th day of May, 2005.

Presiding Officer of the Senate