

STATE OF OKLAHOMA

1st Session of the 45th Legislature (1995)

COMMITTEE SUBSTITUTE  
FOR  
SENATE BILL NO. 139

By: Wright of the Senate

and

Ferguson of the House

COMMITTEE SUBSTITUTE

( International trade - creating Oklahoma Department for  
International Trade - transferring certain programs -  
codification - effective date -

emergency )

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

SECTION 1. NEW LAW A new section of law to be codified  
in the Oklahoma Statutes as Section 5008.21 of Title 74, unless  
there is created a duplication in numbering, reads as follows:

This act shall be known and may be cited as the "Oklahoma  
Department for International Trade Act".

SECTION 2. NEW LAW A new section of law to be codified  
in the Oklahoma Statutes as Section 5008.22 of Title 74, unless  
there is created a duplication in numbering, reads as follows:

A. The Oklahoma Department for International Trade is hereby  
created as an agency of state government. The Department shall be  
located in Stillwater, Oklahoma.

B. The Oklahoma Department for International Trade shall have,  
exercise and perform those powers and duties necessary to implement  
and accomplish the statutorily stated mission and purpose of the  
Department, including the promulgation of rules.

C. All programs of the Oklahoma Department of Commerce and the State Department of Agriculture which provide international trade information, assistance and services and all related powers, duties, responsibilities, property, personnel, assets, liabilities, fund balances, encumbrances and obligations, are hereby transferred to the Oklahoma Department for International Trade. The Director of the Department of Central Services and the Director of State Finance shall coordinate the transfers made pursuant to this section.

SECTION 3. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 5008.23 of Title 74, unless there is created a duplication in numbering, reads as follows:

The mission and purpose of the Oklahoma Department for International Trade shall be to assist Oklahoma farms, firms and manufacturers in entering and expanding international markets by providing export marketing information, assistance and consulting services and through the promotion of Oklahoma products and services in foreign markets. The Department shall also identify opportunities for attracting foreign investment to this state.

SECTION 4. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 5008.24 of Title 74, unless there is created a duplication in numbering, reads as follows:

A. The Oklahoma Department for International Trade shall be administered by an executive director, appointed by the Governor and confirmed by the Senate. The Director shall be qualified for such position by character, personality, ability, education, training and successful administrative experience in the public or private sector. The Director shall hold office at the pleasure of the Governor. The salary of the Director shall be set by law.

B. The Director shall employ such persons as are necessary to implement the powers and duties of the Department. Because many of the powers and duties of the Department involve working closely with the private sector, certain employee positions of the Department

must be governed, classified and compensated in a manner that compares equally to similar positions in the private sector.

Therefore, in the annual report, the Director shall list, describe and justify all such positions and their compensation and shall designate and place them in unclassified status, exempt from the provisions of the Oklahoma Personnel Act. All other employees and positions shall be classified and subject to the provisions of the Merit System of Personnel Administration as provided in the Oklahoma Personnel Act. Provided, nothing in this section shall be construed to limit the authority of the Legislature to specify the status of positions otherwise by law. Neither shall the Director have the authority to circumvent, disregard or otherwise disobey specific provisions of law regarding positions in the Department.

SECTION 5. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 5008.25 of Title 74, unless there is created a duplication in numbering, reads as follows:

A. The Department for International Trade shall publish an annual report setting forth in detail the information required pursuant to Section 4 of this act and the operations and programs conducted by the Department pursuant to this act or to other legislation. The report shall review the progress of the Department according to objective measures established by the Department. The Department shall present this report to the Governor and the Legislature. The annual report shall specifically account for ways in which the mission and programs of the Department have been carried out, and recommendations shall specifically note what changes in the activities of the Department and the programs it administers and of state government are necessary to better address the mission described in this act.

B. The Department shall submit to the Legislature performance review information for the programs it operates or funds. This information shall be compiled into a report that shall be submitted

to the President Pro Tempore of the Senate, the Speaker of the House of Representatives, the Chairman of the Senate Appropriations Committee and the Chairman of the House of Representatives Appropriations and Budget Committee by February 1 of each year. The report shall be designed to assist the appropriation committees in determining funding priorities and should provide the best available information regarding the effectiveness of these programs. This report shall complement the Department's annual budget request.

The report shall be structured so that:

1. The need for the program is clearly established;
2. The goals of the program are clearly defined;
3. Measurable objectives are set forth;
4. Actual performance data is provided and explained;
5. Performance is evaluated against objectives; and
6. Future funding recommendations and program benefits are outlined.

SECTION 6. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 5008.26 of Title 74, unless there is created a duplication in numbering, reads as follows:

There is hereby created the "Oklahoma Department for International Trade Revolving Fund". The fund shall consist of all monies, other than appropriated monies, received by the Department which are not directed to be placed into another fund. The fund shall be a continuing fund not subject to fiscal year limitations. All monies accruing to the credit of said fund are hereby appropriated and shall be subject to the administrative direction of the Department. Expenditures from the fund shall be made upon warrants issued by the State Treasurer against claims submitted to the Director of State Finance. Monies in the fund may be expended for the operating expenses of the Department and shall be made pursuant to the laws of this state.

SECTION 7. AMENDATORY 74 O.S. 1991, Section 2056, as renumbered by Section 7, Chapter 313, O.S.L. 1992 (74 O.S. Supp. 1994, Section 5008.1), is amended to read as follows:

Section 5008.1 A. The Oklahoma Department ~~of Commerce~~ for International Trade may provide an export insurance program for any eligible export by administration of an insurance policy in which eligible exporters may, by payment of a premium, participate. Such insurance may be used to provide guaranteed funding for any eligible export loan through a participating lending organization, as such terms are defined in this act.

B. An eligible export loan shall consist of a loan from any participating lending organization to finance an international pre-export or export from the state which, in the judgment of the Department ~~of Commerce~~, will create or maintain employment in Oklahoma. An eligible export loan may include a pool of individual exports, all of which, in the judgment of the Department ~~of Commerce~~, meet the foregoing condition.

C. Export insurance shall consist of a guarantee against political or commercial loss in whole or in part. Such insurance may include, without limitation, insurance against loss up to a stated amount. Any insurance provided through the Department ~~of Commerce~~ hereunder shall not be terminated, canceled, or otherwise revoked except in accordance with the terms thereof.

D. A participating lending organization shall be any organization as defined by Section 102 of Title 6 of the Oklahoma Statutes; any national bank, federal savings and loan association, and credit union or any other lender that has been approved by the Department ~~of Commerce~~ to participate in any eligible export loan or guaranteed funding within the purposes of this act. The Department ~~of Commerce~~ may charge reasonable fees for providing any export insurance or professional services to a participating lending organization or exporter.

E. Prior to providing an eligible export loan or guaranteed funding hereunder, the participating lending organization shall make an investigation of a line of credit to the exporter in order to determine the economic benefits to be derived therefrom, the prospects for repayment, and such other information it deems necessary to determine that such eligible export loan or guaranteed funding is consistent with the purposes of this act. The Department ~~of Commerce~~ shall provide export insurance only if, and to the extent that, it determines, that (1) such insurance is reasonably necessary in order to stimulate or facilitate the exporting of products by an Oklahoma firm, or (2) such insurance is reasonably necessary in order to stimulate or facilitate the making of the eligible export loan including, without limitation, the making of the eligible export loan upon terms which will enable the loan to be reasonably competitive with loans in other states or in foreign countries or (3) such insurance is reasonably necessary in order to stimulate or facilitate the resale of such eligible export loan to a holder in due course which would not otherwise purchase such eligible export loan. The Department ~~of Commerce~~ may condition the provision of an eligible export insurance hereunder upon such other terms and conditions as it may deem desirable to carry out the purposes of this act.

F. Neither the export insurance made by the Department ~~of Commerce~~ nor the guaranteed loans provided by participating lending organizations shall constitute a general obligation of the State of Oklahoma nor shall such insurance, loans or guaranteed funding constitute an extension, pledge or loan of the credit of the State of Oklahoma to any individual, company, corporation or association.

SECTION 8. AMENDATORY 74 O.S. 1991, Section 2118, as renumbered by Section 7, Chapter 313, O.S.L. 1992 (74 O.S. Supp. 1994, Section 5008.3), is amended to read as follows:

Section 5008.3 There is hereby created in the State Treasury a revolving fund for the Oklahoma Department ~~of Commerce~~ for International Trade, to be designated the "World Trade/Export Insurance Program Revolving Fund". The fund shall be a continuing fund, not subject to fiscal year limitations, and shall consist of appropriated funds and any other monies collected as a result of the operations of the World Trade/Export Insurance Program. All monies accruing to the credit of said fund are hereby appropriated and may be budgeted and expended by the Oklahoma Department ~~of Commerce~~ for International Trade for the purpose of establishing, managing and administering a program to access federal and private insurance and federal and private guarantees for Oklahoma businesses that wish to export products. Expenditures from said 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 9. This act shall become effective July 1, 1995.

SECTION 10. 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.

45-1-0979

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