

STATE OF OKLAHOMA

2nd Session of the 46th Legislature (1998)

CONFERENCE COMMITTEE SUBSTITUTE

FOR ENGROSSED

SENATE BILL NO. 667

By: Fisher of the Senate

and

Sadler, Roach, Case and  
Davis of the House

CONFERENCE COMMITTEE SUBSTITUTE

An Act relating to economic development; creating the Oklahoma Master Business License System Act; providing short title; stating purpose and legislative intent; defining terms; establishing Business License Information Office within Oklahoma Department of Commerce; providing for staffing of Office; designating Office as clearinghouse for state business license information and stating duties; requiring Office develop operating plan for automated master application system and determine related hardware, software and staffing needs and licenses appropriate for inclusion in system; requiring cooperation of state agencies that issue licenses; requiring agencies appoint business license coordinators and stating responsibilities of coordinators; making services of Office optional and clarifying that authority to issue license remains with the licensing agencies; amending 74 O.S. 1991, Section 5003.5, which relates to Director of Department of Commerce; removing authorization to appoint designee to serve on board of the Oklahoma Ordnance Works Authority; providing for codification; providing effective dates; and declaring an 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 5058.1 of Title 74, unless there is created a duplication in numbering, reads as follows:

Sections 1 through 7 of this act shall be known and may be cited as the "Oklahoma Master Business License System Act".

SECTION 2. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 5058.2 of Title 74, unless there is created a duplication in numbering, reads as follows:

The purpose of this act is to provide a convenient, accessible, and timely one-stop system that will enable the business community to acquire and maintain the necessary state licenses to conduct business. It is the intent of the Legislature that use of this one-stop system by a business be optional and that any business may continue to work directly with the appropriate state agency if preferred.

SECTION 3. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 5058.3 of Title 74, unless there is created a duplication in numbering, reads as follows:

As used in this act:

1. "Director" means the Director of the Oklahoma Department of Commerce;
2. "Department" means the Oklahoma Department of Commerce;
3. "License" means any certificate, permit or other evidence, by whatever name called, of a right or privilege to engage in any activity, except occupational licenses and licenses issued under Title 47 of the Oklahoma Statutes;
4. "Occupational license" means any certificate, permit, or other evidence, by whatever name called, of a right or privilege to engage in a profession, occupation, or field of endeavor that is issued by an occupational licensing agency;
5. "Occupational licensing agency" means any board, commission, committee, or other agency of this state that is established for the primary purpose of regulating the admission or conduct of persons in a particular profession, occupation, or field of endeavor, and is authorized to issue and revoke licenses. The term does not include a state agency or department that issues permits or licenses as only a part of its regular function; and
6. "Office" means the Business License Information Office.

SECTION 4. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 5058.4 of Title 74, unless there is created a duplication in numbering, reads as follows:

A. There is hereby established within the Oklahoma Department of Commerce the Business License Information Office. The Office shall be under the direction and supervision of a full-time state

employee as appointed by the Director of the Department. Additional staff sufficient to perform the duties of the Office shall be provided under the direction of the Director.

B. The Office shall be a clearinghouse for state business license information and shall perform the following duties:

1. Establish a license information service detailing requirements for establishing and engaging in business in this state, including state licensing and regulatory requirements, and, to the extent feasible, local and federal requirements;
2. Provide the most recent forms and information sheets for all state business licenses;
3. Prepare, publish, and distribute a complete directory of all state licenses required to do business in this state;
4. Make recommendations to agencies and the Legislature for eliminating, consolidating, simplifying, or expediting licenses, or otherwise improving licensing procedures affecting business undertakings; and
5. Promulgate and adopt rules and forms necessary to carry out the purposes of this act.

SECTION 5. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 5058.5 of Title 74, unless there is created a duplication in numbering, reads as follows:

The Business License Information Office shall develop an operating plan for an automated master application system, shall determine the software and hardware needs of the system, and shall determine the staffing levels and space required for the system. State agencies that issue business licenses shall assist and cooperate in the development and implementation of the plan as required by the Office. In making the determination and developing an operating plan for an automated master application system, the Office shall identify the business licenses appropriate for inclusion in a master application system and shall develop a master application form that consolidates the information needed for the various state agencies to issue the licenses.

SECTION 6. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 5058.6 of Title 74, unless there is created a duplication in numbering, reads as follows:

A. Each state agency that issues licenses shall cooperate fully with the Business License Information Office in providing information on the licenses and regulatory requirements of the agency and in developing a plan for an automated master application system.

B. Each state agency shall designate a business license coordinator. The coordinator shall have the following responsibilities:

1. Provide to the Office the most recent application and supplemental forms required for each license issued by the agency, the most recent information available on existing and proposed changes in license requirements or agency rules and how those changes will affect the business community, and agency publications that would be of aid or interest to the business community;

2. Receive and respond to communications from the Office; and

3. Review state agency regulatory and license requirements and provide a written report to the Office no later than January 1, 1999 and every two (2) years thereafter that:

- a. identifies the regulatory and licensing requirements that affect the business community,
- b. indicates which, if any, requirements should be eliminated, modified, or consolidated with other requirements, and
- c. explains the need for continuing those requirements not recommended for elimination.

SECTION 7. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 5058.7 of Title 74, unless there is created a duplication in numbering, reads as follows:

A. The services offered to persons by the Business License Information Office are optional. Any person may deal directly with a state agency in obtaining information or assistance, or in applying for a license if the person so prefers.

B. The authority for determining whether a requested license shall be issued shall remain with the state agency legally authorized to issue the license.

SECTION 8. AMENDATORY 74 O.S. 1991, Section 5003.5, is amended to read as follows:

Section 5003.5 A. In order to fulfill its mission to support firms, farms and local communities which create new and better jobs for Oklahomans, the Oklahoma Department of Commerce shall be the administrative agency to its policy development board, Oklahoma Futures. Oklahoma Futures shall in no way interfere with the day-to-day management of the Department ~~of Commerce~~ but, shall provide long-term, annual oversight to ensure the Department fulfills the legislative purpose for which it is created.

B. The Director of the Department ~~of Commerce~~ shall hold office at the pleasure of the Governor and shall continue to serve until a successor is duly appointed and qualified. The salary of the Director shall be set by law.

C. The Director shall be qualified for such position by character, personality, ability, education, training and successful administrative experience in the public or private sector. When it becomes necessary for Oklahoma Futures to submit a list of nominees to the Governor for the Governor's consideration to fill the position of Director of the Department of Commerce, Oklahoma Futures shall establish criteria for selecting the nominees taking into consideration national standards of excellence for similar positions. The national search for nominees by Oklahoma Futures shall be conducted pursuant to the criteria so established.

D. 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 business plan, 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 ~~of Commerce~~.

E. The Director shall serve on the board of:

1. The Oklahoma Industrial Finance Authority;
2. The Oklahoma Center for the Advancement of Science and Technology;
3. The Oklahoma Development Finance Authority; ~~and~~
4. The Executive Bond Oversight Commission;

~~F. The Director, or a designee appointed by the Director, shall serve on the board of the; and~~

5. The Oklahoma Ordinance Ordinance Works Authority.

~~G.~~ F. The Director may serve as administrator of any interlocal agreement or compact to pursue economic development and to assign any employees of the Department or employee personnel to carry out duties or obligations pursuant to any interlocal agreement or compact for economic development.

~~H.~~ G. The Director, at his or her discretion, may approve payment for affiliations or memberships of the Department or, if necessary, associate memberships for individual employees in international, national, or state economic development councils, professional organizations, or governmental associations.

SECTION 9. Sections 1, 2, 3, 4, 6, 7 and 8 of this act shall become effective July 1, 1998.

SECTION 10. Section 5 of this act shall become effective July 1, 1999.

SECTION 11. 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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