ENGROSSED HOUSE
BILL NO. 1323

By: Young and Nance of the House

and

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An Act relating to small business; amending Section 3, Chapter 495, O.S.L. 2002, as amended by Section 1, Chapter 75, O.S.L. 2003 (75 O.S. Supp. 2004, Section 503), which relates to the Oklahoma Small Business Regulatory Flexibility Act; modifying references to certain legislative committees; and providing an effective date.

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

SECTION 1. AMENDATORY Section 3, Chapter 495, O.S.L. 2002, as amended by Section 1, Chapter 75, O.S.L. 2003 (75 O.S. Supp. 2004, Section 503), is amended to read as follows:

Section 503. A. 1. There shall be established a Small Business Regulatory Review Committee within the Oklahoma Department of Commerce.

2. The duties of the Committee shall be to:

a. provide agencies with input regarding proposed permanent rules which may have an adverse economic effect upon small business and for which the notice of intended action is published by "The Oklahoma Register" on or after July 1, 2002, and

b. review any rule promulgated by a state agency for which notice has been given by the agency to the Committee that the proposed rule has an adverse economic effect upon small business and make recommendations to the agency and the Legislature

regarding the need for a rule or legislation as provided in Section 505 of this title.

3. Staff support for the Committee shall be provided by the Oklahoma Department of Commerce. The Department shall act only as a coordinator for the Committee within the budgeted amount appropriated by the Legislature, not to exceed Seventy-five Thousand Dollars ($75,000.00) per annum, to provide such services. The Department shall not be required to provide legal counsel for the Committee.

B. The Small Business Regulatory Review Committee shall consist of thirteen (13) members, who shall be appointed as follows:

1. Five members to be appointed by the Governor;

2. Two members to be appointed by the Lieutenant Governor;

3. Three members to be appointed by the President Pro Tempore of the Senate; and

4. Three members to be appointed by the Speaker of the House of Representatives.

In addition, the Chair of the ~~Small~~ Business and Labor Committee of the Oklahoma Senate and the Chair of the ~~Small~~ Business and Economic Development Committee of the Oklahoma House of Representatives shall serve as nonvoting, ex officio members of the Committee.

C. 1. Appointments to the Small Business Regulatory Review Committee shall be representative of a variety of small businesses in this state. All appointed members shall be either current or former owners or officers of a small business.

2. The Governor and Lieutenant Governor shall each appoint at least one member from small businesses located in municipalities having a population of three hundred thousand (300,000) or more.

3. The President Pro Tempore of the Senate and the Speaker of the House of Representatives shall each appoint at least one member

from small businesses located in municipalities having a population of less than three hundred thousand (300,000).

D. The initial appointments to the Committee shall be made within thirty (30) days from the effective date of this act. The Oklahoma Department of Commerce shall provide the name and address of each appointee to the Governor, Lieutenant Governor, the President Pro Tempore of the Senate, the Speaker of the House of Representatives, ~~and~~ the ~~Chairs~~ Chair of the House Business and Economic Development Committee and the Chair of the Senate ~~Small~~ Business ~~Committees~~ and Labor Committee.

E. 1. Except as otherwise provided by this subsection, members initially appointed to the Committee shall serve for terms ending December 31, 2004. Those initially appointed by the Lieutenant Governor shall serve for terms ending December 31, 2006. Those initially appointed by the President Pro Tempore of the Senate shall serve for terms ending December 31, 2006. Thereafter, appointed members shall serve for two-year terms that expire on December 31 of the second year.

2. The Governor shall appoint the initial chair of the Committee from the appointed members for a term ending December 31, 2006, and shall appoint subsequent chairs of the Committee from the appointed members for two-year terms that expire on December 31 of the second year.

3. Members shall not receive any compensation but shall be eligible for reimbursement by the Oklahoma Department of Commerce for necessary expenses in accordance with the State Travel Reimbursement Act; provided, however, legislative members shall be reimbursed by the legislative body in which they serve pursuant to Section 456 of Title 74 of the Oklahoma Statutes.

4. The Committee shall meet at least semiannually or more often if necessary as determined by the chair of the Committee.

5. A majority of the voting members of the Committee shall constitute a quorum to do business. The concurrence of a majority of the members of the Committee present and voting shall be necessary to make any action of the Committee valid.

6. No appointed Committee member shall serve more than three consecutive terms.

SECTION 2. This act shall become effective November 1, 2005.

Passed the House of Representatives the 24th day of February, 2005.

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Presiding Officer of the House of Representatives

Passed the Senate the ____ day of _____, 2005.

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Presiding Officer of the Senate