

1 STATE OF OKLAHOMA

2 2nd Session of the 51st Legislature (2008)

3 SENATE BILL 2075

By: Sykes

4
5
6 AS INTRODUCED

7 An Act relating to state government; amending 74 O.S.
8 2001, Sections 5003.4, 5003.5, as amended by Section
9 14, Chapter 484, O.S.L. 2002, and 5003.7, as amended
10 by Section 15, Chapter 484, O.S.L 2002 (74 O.S. Supp.
11 2007, Sections 5003.5 and 5003.7), which relate to
12 the Oklahoma Department of Commerce Act; modifying
13 definitions; creating the State Board of Commerce;
14 providing for membership, appointment, terms,
15 vacancy, officers, meetings, quorum and
16 reimbursement; providing powers and duties of the
17 Board; requiring Director of Department to be
18 appointed by and serve at pleasure of Board;
19 requiring Board approval for certain actions;
20 clarifying person to whom certain documents
21 submitted; providing for codification; and providing
22 an effective date.

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

24 SECTION 1. AMENDATORY 74 O.S. 2001, Section 5003.4, is
amended to read as follows:

Section 5003.4 As used in the Oklahoma Department of Commerce
Act:

1. "Board" means the State Board of Commerce;
2. "Department" means the Oklahoma Department of Commerce;

1 ~~2.~~ 3. "Director" means the director of the Department of
2 Commerce;

3 ~~3.~~ 4. "Enterprise" means a firm with its principal place of
4 business in Oklahoma;

5 ~~4.~~ 5. "Economic Information System" means a comprehensive
6 statewide data collection, analysis and distribution system which
7 makes available current and thorough information on Oklahoma
8 economic trends and future Oklahoma economic opportunities to
9 communities, firms, farms and individuals in the state; firms and
10 individuals outside the state considering location in Oklahoma; and
11 Oklahoma Futures, the Governor, the Legislature and all other state
12 agencies and institutions; and

13 ~~5.~~ 6. "Economic Innovation System" means a decentralized
14 statewide system that responsively and innovatively coordinates
15 technical assistance, grant and loan programs with local, state,
16 federal and private sector activities into a single statewide
17 Economic Innovation System.

18 SECTION 2. NEW LAW A new section of law to be codified
19 in the Oklahoma Statutes as Section 5003.4a of Title 74, unless
20 there is created a duplication in numbering, reads as follows:

21 A. There is hereby created the State Board of Commerce, which
22 shall consist of nine (9) members as follows:

23 1. Three members shall be appointed by the Governor and
24 confirmed by the Senate;

1 2. Two members shall be appointed by the Lieutenant Governor
2 and confirmed by the Senate;

3 3. Two members shall be appointed by the President Pro Tempore
4 of the Senate; and

5 4. Two members shall be appointed by the Speaker of the House
6 of Representatives.

7 B. The term of office shall be for five (5) years and the
8 member shall hold office until a successor is duly appointed and
9 qualified. The initial appointments shall be as follows:

10 1. The term of office of one member appointed by the Governor
11 shall expire on January 1, 2010, the term of office of one member
12 appointed by the Governor shall expire on January 1, 2011, and the
13 term of office of one member appointed by the Governor shall expire
14 on January 1, 2012;

15 2. The term of office of one member appointed by the Lieutenant
16 Governor shall expire on January 1, 2013, and the term of office of
17 one member appointed by the Lieutenant Governor shall expire on
18 January 1, 2014;

19 3. The term of office of one member appointed by the President
20 Pro Tempore of the Senate shall expire on January 1, 2010, and the
21 term of office of one member appointed by the President Pro Tempore
22 of the Senate shall expire on January 1, 2011; and

23 4. The term of office of one member appointed by the Speaker of
24 the House of Representatives shall expire on January 1, 2012, and

1 one member appointed by the Speaker of the House of Representatives
2 shall expire on January 1, 2013.

3 After the initial term, the term of office shall be for five (5)
4 years. In the case of a vacancy caused by the removal, death,
5 resignation or disability of any member, the appointing authority
6 shall appoint a new member to serve for the remainder of the
7 unexpired term.

8 C. The Board shall annually elect a chair and a vice-chair from
9 among its members. The Board shall meet once each month and at such
10 other times as set by the chair. Five members of the Board shall
11 constitute a quorum. Each member of the Board shall be paid travel
12 expenses in attending Board meetings as provided in the State Travel
13 Reimbursement Act.

14 SECTION 3. NEW LAW A new section of law to be codified
15 in the Oklahoma Statutes as Section 5003.4b of Title 74, unless
16 there is created a duplication in numbering, reads as follows:

- 17 A. The State Board of Commerce shall have the power to:
- 18 1. Determine and establish policy, plans and programs to enable
19 the Department of Commerce to carry out its duties as set forth in
20 the Oklahoma Department of Commerce Act;
 - 21 2. Promulgate rules as provided in the Administrative
22 Procedures Act as may be necessary, expedient, or appropriate
23 pursuant to the Oklahoma Department of Commerce Act. Any rules
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1 promulgated by the Director prior to July 1, 2008, shall remain in
2 effect as of such date;

3 3. Advise the Director in all matters relating to operations of
4 the Department and pursuant to the Oklahoma Department of Commerce
5 Act;

6 4. Conduct such performance reviews of the programs
7 administered by the Department as deemed necessary and required by
8 law or rule;

9 5. Annually approve the business plan pursuant to the
10 provisions of Section 5003.7 of Title 74 of the Oklahoma Statutes,
11 and annually approve a proposed budget and budget request for the
12 Department, in consultation with the Director and such other
13 employees of the Department as may be necessary;

14 6. Approve the five-year economic development plan prepared by
15 the Department pursuant to the provisions of Section 5003.7 of Title
16 74 of the Oklahoma Statutes, and any other documents or reports
17 required by law to be prepared by the Director or the Department;

18 7. At any time it determines necessary, examine the financial
19 records of the Department to ensure that funds appropriated to or
20 administered by the Department are properly expended and accounted
21 for;

22 8. Approve an annual report as prepared by the Director
23 pursuant to the provisions of Section 5066.7 of Title 74 of the
24 Oklahoma Statutes; and

1 9. Perform such other duties as may be specified by law or
2 required in order for the Department to perform its duties as set
3 forth by law.

4 SECTION 4. AMENDATORY 74 O.S. 2001, Section 5003.5, as
5 amended by Section 14, Chapter 484, O.S.L. 2002 (74 O.S. Supp. 2007,
6 Section 5003.5), is amended to read as follows:

7 Section 5003.5 A. The Director of the Department of Commerce
8 shall be appointed by the Governor with the advice and consent of
9 the Senate. The Director shall serve at the pleasure of the
10 Governor and shall continue to serve until a successor is duly
11 appointed and qualified. The salary of the Director shall be set by
12 law.

13 B. The Director shall be qualified for such position by
14 character, personality, ability, education, training and successful
15 administrative experience in the public or private sector.

16 C. The Director shall employ such persons as are necessary to
17 implement the powers and duties of the Department. Because many of
18 the powers and duties of the Department involve working closely with
19 the private sector, certain employee positions of the Department
20 must be governed, classified and compensated in a manner that
21 compares equally to similar positions in the private sector.
22 Therefore, in the annual business plan, the Director shall list,
23 describe and justify all such positions and their compensation and
24 shall designate and place them in unclassified status, exempt from

1 the provisions of the Oklahoma Personnel Act. All other employees
2 and positions shall be classified and subject to the provisions of
3 the Merit System of Personnel Administration as provided in the
4 Oklahoma Personnel Act. Provided, nothing in this section shall be
5 construed to limit the authority of the Legislature to specify the
6 status of positions otherwise by law. Neither shall the Director
7 have the authority to circumvent, disregard or otherwise disobey
8 specific provisions of law regarding positions in the Department.

9 D. The Director shall serve on the board of:

10 1. The Oklahoma Industrial Finance Authority;

11 2. The Oklahoma Science and Technology Research and Development
12 Board;

13 3. The Oklahoma Development Finance Authority;

14 4. The Executive Bond Oversight Commission; and

15 5. The Oklahoma Ordnance Works Authority.

16 E. The Director may serve as administrator of any interlocal
17 agreement or compact to pursue economic development and to assign
18 any employees of the Department or employee personnel to carry out
19 duties or obligations pursuant to any interlocal agreement or
20 compact for economic development.

21 F. The Director, ~~at his or her discretion~~ with the approval of
22 the Board, may approve payment for affiliations or memberships of
23 the Department or, if necessary, associate memberships for
24 individual employees in international, national, or state economic

1 development councils, professional organizations, or governmental
2 associations.

3 SECTION 5. AMENDATORY 74 O.S. 2001, Section 5003.7, as
4 amended by Section 15, Chapter 484, O.S.L. 2002 (74 O.S. Supp. 2007,
5 Section 5003.7), is amended to read as follows:

6 Section 5003.7 A. The Oklahoma Department of Commerce shall
7 prepare, with the cooperation of the Oklahoma business community,
8 agricultural community, financial community, universities, labor and
9 the state executive and legislative branches, a five-year economic
10 development plan and annual updates for the State of Oklahoma. The
11 plan and annual updates shall be subject to approval of the State
12 Board of Commerce.

13 1. The purpose of the plan shall be to identify significant
14 economic, social, and demographic trends which may have both short-
15 term and long-term impacts on the state and local economy and to
16 present strategies and recommendations that the state and local
17 political subdivisions might adopt to improve or stabilize the
18 economy.

19 2. The goals of the plan shall include the development of a
20 diversified state economy, increasing employment, the maximum use of
21 federal, state and local funds to achieve the goals or
22 recommendations included in the plan, the maximum investment of
23 capital in the economy of the state, and the improvement of the
24 quality of life in the state.

1 3. The plan wherever possible shall make recommendations to
2 encourage intergovernmental cooperation and public and private
3 cooperation.

4 4. Copies of the plan and the annual updates shall be submitted
5 to the Oklahoma Advisory Committee on Intergovernmental Relations,
6 the Governor, the Speaker of the House of Representatives, the
7 President Pro Tempore of the Senate and the ~~chairmen~~ chairs of the
8 standing committees ~~on economic development~~ of the Senate and of the
9 House of Representatives to which legislation relating to the
10 Department and economic development matters is ordinarily assigned,
11 on the first day of each legislative session.

12 5. The Department shall develop and manage a complete economic
13 information system which will support the five-year planning
14 process, and which will make available complete and timely
15 information on the state economy. The economic information system
16 shall be operated by public or private Oklahoma universities or an
17 Oklahoma enterprise capable of providing such services in a
18 cost-effective manner.

19 B. The Department, in conjunction with the Oklahoma Development
20 Finance Authority, is authorized to develop an infrastructure
21 program which will enable political subdivisions of this state to
22 finance public works projects in order to modify or improve existing
23 public facilities for purposes of bringing said facilities, and the
24 operation thereof, into compliance with and maintaining compliance

1 with federal, state and local laws and regulations pertaining to the
2 protection of the public health and the environment.

3 C. The Director shall develop an annual business plan for the
4 Department, with the approval of the Board. The business plan shall
5 include the need and mission of each division of the Department
6 created by law or the Director and an analysis of past costs and
7 benefits and future projected costs and benefits to the state of the
8 programs of each division of the Department. The business plan
9 shall be consistent with the goals of the recurring five-year plan
10 specified in this section. The Director shall distribute copies of
11 the business plan by such means that will make it widely available
12 to communities, firms and local economic development managers
13 throughout this state.

14 SECTION 6. This act shall become effective November 1, 2008.

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