

1 STATE OF OKLAHOMA

2 1st Session of the 53rd Legislature (2011)

3 COMMITTEE SUBSTITUTE
4 FOR

5 SENATE BILL 772

By: Jolley of the Senate

and

(Murphey) of the House

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9 COMMITTEE SUBSTITUTE

10 [licensed professions - creating the Office of
11 Business and Professional Facilitation within the
12 Department of Commerce - codification -
13 noncodification - effective date -
14 emergency]

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

16 SECTION 1. AMENDATORY 74 O.S. 2001, Section 5003.3, is
17 amended to read as follows:

18 Section 5003.3. The mission of the Oklahoma Department of
19 Commerce shall be to support firms', farms' and local communities'
20 growth, diversification, expansion and ability to compete in a
21 variety of business environments, including but not limited to
22 export markets, in order to create new and better jobs for
23 Oklahomans throughout the state.
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1 SECTION 2. NEW LAW A new section of law to be codified
2 in the Oklahoma Statutes as Section 5009A of Title 74, unless there
3 is created a duplication in numbering, reads as follows:

4 A. The Office of Business and Professional Facilitation is
5 hereby created within the Department of Commerce to continue until
6 July 1, 2015, in accordance with the provisions of the Oklahoma
7 Sunset Law. Beginning July 1, 2011, the Office of Business and
8 Professional Facilitation shall oversee the transfer of all
9 authority, powers, duties, responsibilities and personnel as
10 provided in this act and, upon such transfer, shall regulate and
11 have supervisory authority over all employees and subjects of
12 licensure, registration, certification and accreditation. The
13 licenses, registrations, certifications and accreditations to be
14 transferred shall include plumbing, electrical, mechanical,
15 engineering, landscaping, building inspectors, architects, interior
16 designers, boiler and pressure vessels, welders, alarms and
17 locksmiths, elevators and elevator inspectors, land surveyors,
18 roofing contractors, abstractors, accountants and certified public
19 accountants, athletic agents, fighters and boxing, auctioneers,
20 barbers, cosmetologists and manicurists, pet breeders, forestry,
21 geologists, highway construction technicians, real estate
22 appraisers, real estate brokers, real estate sales associates and
23 leasing agents, mortgage brokers and mortgage loan originators,
24 restaurant and food venders, food handlers and servers, motor

1 vehicle dealers and parts dealers, and veterinarians. Such trades,
2 services, occupations and professions shall become the
3 responsibility of the Under Secretary of Commerce upon transfer,
4 pursuant to the respective powers, duties and authority set forth by
5 law, and by rules promulgated for such trades, services, occupations
6 and professions.

7 B. The Under Secretary of Commerce of the Office of Business
8 and Professional Facilitation shall be appointed by the Governor,
9 with the advice and consent of the Senate. The Under Secretary of
10 Commerce shall serve at the pleasure of the Governor who shall set
11 the salary of the Under Secretary of Commerce in accordance with the
12 salary range of commensurate positions established by the Office of
13 Personnel Management. The Under Secretary of Commerce position
14 shall be an unclassified and at-will employment. The Under
15 Secretary of Commerce shall have the power, duty and responsibility
16 to provide oversight and to supervise and administer all industries,
17 trades, occupations, and professions transferred in accordance with
18 the provisions of this act.

19 C. The Under Secretary of Commerce shall hire and set salaries
20 of personnel within the limitations of full-time-equivalence
21 positions authorized for personnel under the supervision and
22 authority of the Office of Business and Professional Facilitation,
23 subject to budgetary and fiscal limitations, and state appropriated
24 funds, if any. All personnel employed by an agency, board or

1 commission on the date of transfer, shall continue to be employed as
2 provided in the specific statutory provisions affecting such
3 position within the transferred agency, board or commission pursuant
4 to this act.

5 D. The Under Secretary of Commerce shall, in consultation with
6 the Office of State Finance, develop and implement a consolidation
7 and transfer plan that shows a demonstrable fifteen percent (15%)
8 savings for each transferred agency, board and commission for
9 administration or other shared services.

10 SECTION 3. NEW LAW A new section of law not to be
11 codified in the Oklahoma Statutes reads as follows:

12 A. On the effective date of this act, all unexpended funds,
13 property, furnishings, equipment, supplies, records, personnel, and
14 outstanding financial obligations and encumbrances relating to the
15 designated transfer specified in this act are hereby transferred to
16 the Office of Business and Professional Facilitation within the
17 Department of Commerce for the continuing performance of its duties.
18 No funds may be spent on anything other than for the performance of
19 duties and responsibilities as directed and required by statute.

20 B. 1. All transferred personnel may retain their employment
21 position and status as unclassified or classified employees and
22 shall become employees of the Department of Commerce on the date
23 such employee is transferred pursuant to this act. All transferred
24 employees shall serve at the pleasure of the Under Secretary of

1 Commerce who shall have authority to hire, assign and terminate
2 employees under his or her authority.

3 2. All transferred contract personnel and any written contracts
4 or agreements, or portions thereof, relating to any transferred
5 personnel or any right, obligation, responsibility, duty or
6 authority subject to the transfer specified in subsection A of this
7 section, shall remain in full force and effect upon transfer.

8 3. All board and commission members subject to the transfer
9 provided by the provisions of this act shall retain such selection,
10 appointment, assignment or membership term as provided by law,
11 except when the Board or Commission or any membership position
12 thereof is lawfully abolished or amended by law.

13 C. All licenses, registrations, certifications and
14 accreditations shall remain in full force and effect upon the
15 transfer of the issuing agency's, board's, or commission's authority
16 to the Under Secretary of Commerce.

17 D. The Office of Business and Professional Facilitation within
18 the Department of Commerce may rent office space, continue current
19 office space arrangements, or shall assign office space through the
20 Department of Central Services pursuant to Section 94 of Title 74 of
21 the Oklahoma Statutes as may be necessary.

22 E. The Director of State Finance is hereby directed to
23 coordinate the transfer of funds, allotments, purchase orders, and
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1 outstanding financial obligations, or encumbrances, provided for by
2 the provisions of this act.

3 F. The Director of State Finance is hereby directed to affix a
4 cap on the current licensing fees for each agency being transferred
5 subject to this act. The Director shall establish the criteria by
6 which shared services are billed to each revolving fund transferred
7 pursuant to this act. The Director shall then lower the amount of
8 each licensing fee upon savings being certified by the Office of
9 State Finance for the respective professions and trades transferred
10 pursuant to this act.

11 SECTION 4. This act shall become effective July 1, 2011.

12 SECTION 5. It being immediately necessary for the preservation
13 of the public peace, health and safety, an emergency is hereby
14 declared to exist, by reason whereof this act shall take effect and
15 be in full force from and after its passage and approval.

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