

1 ENGROSSED SENATE  
2 BILL NO. 772

By: Jolley of the Senate  
and  
Shannon of the House

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7 [ licensed professions - creating the Office of  
8 Business and Professional Facilitation within the  
9 Department of Commerce - codification -  
noncodification - effective date - emergency ]

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

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

Section 5003.3. The mission of the Oklahoma Department of Commerce shall be to support firms', farms' and local communities' growth, diversification, expansion and ability to compete in a variety of business environments, including but not limited to export markets, in order to create new and better jobs for Oklahomans throughout the state.

SECTION 2. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 5009A of Title 74, unless there is created a duplication in numbering, reads as follows:

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

1 pursuant to the respective powers, duties and authority set forth by  
2 law, and by rules promulgated for such trades, services, occupations  
3 and professions.

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

16 C. The Under Secretary of Commerce shall hire and set salaries  
17 of personnel within the limitations of full-time-equivalence  
18 positions authorized for personnel under the supervision and  
19 authority of the Office of Business and Professional Facilitation,  
20 subject to budgetary and fiscal limitations, and state appropriated  
21 funds, if any. All personnel employed by an agency, board or  
22 commission on the date of transfer, shall continue to be employed as  
23 provided in the specific statutory provisions affecting such

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1 position within the transferred agency, board or commission pursuant  
2 to this act.

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

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

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

18 B. 1. All transferred personnel may retain their employment  
19 position and status as unclassified or classified employees and  
20 shall become employees of the Department of Commerce on the date  
21 such employee is transferred pursuant to this act. All transferred  
22 employees shall serve at the pleasure of the Under Secretary of  
23 Commerce who shall have authority to hire, assign and terminate  
24 employees under his or her authority.

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

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

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

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

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

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

9 SECTION 4. NEW LAW A new section of law not to be  
10 codified in the Oklahoma Statutes reads as follows:

11 A. The Oklahoma Department of Commerce shall conduct a study  
12 concerning ways to revitalize the rural communities of this state  
13 that lack the resources to implement infrastructure improvements,  
14 broadband technology, and health care needs. The study shall be for  
15 the benefit of those rural communities with a population of not more  
16 than ten thousand (10,000) persons.

17 B. In addition to other items deemed appropriate by the  
18 Department, the study shall include the feasibility of revitalizing  
19 these types of communities by combining resources of the public and  
20 private sectors to assist in the repairing, rebuilding, and  
21 restoring of the social, economic, and governmental fabric of the  
22 communities. The Department shall work with ancillary groups whose  
23 main purpose is to assist in the revitalization of these underserved  
24 and underdeveloped communities.

1 C. The Department shall provide a written report of its  
2 findings to the President Pro Tempore of the Senate and the Speaker  
3 of the House of Representatives prior to January 1, 2012.

4 SECTION 5. This act shall become effective July 1, 2011.

5 SECTION 6. It being immediately necessary for the preservation  
6 of the public peace, health and safety, an emergency is hereby  
7 declared to exist, by reason whereof this act shall take effect and  
8 be in full force from and after its passage and approval.

9 Passed the Senate the 15th day of March, 2011.

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12 Presiding Officer of the Senate

13 Passed the House of Representatives the \_\_\_\_ day of \_\_\_\_\_,  
14 2011.

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17 Presiding Officer of the House  
18 of Representatives