

## FLOOR AMENDMENT

HOUSE OF REPRESENTATIVES

State of Oklahoma

SPEAKER:

CHAIR:

I move to amend HB2182 \_\_\_\_\_  
Of the printed Bill

Page \_\_\_\_\_ Section \_\_\_\_\_ Lines \_\_\_\_\_  
Of the Engrossed Bill

By deleting Section 3 from the bill and by inserting in lieu thereof the following language:

"(INSERT ATTACHED)";

On page 5, line 5, by inserting after the period "." the following language:

"The Commission shall determine a specific threshold amount which shall be considered as a minimal fiscal impact for the current evaluation cycle."

On page 5, line 8, by inserting after the period "." and before the capitalized word "Each" the following language:

"The schedule for evaluating the incentives shall be developed so that the incentives having the highest fiscal impact to the state revenue system, including but not limited to the General Revenue Fund, shall be evaluated before other incentives.";

On Page 6, line 6, by inserting after the period "." the following language:

"No recipient or potential recipient of an incentive or representative of a recipient or potential recipient shall contact the entity or individual with whom the Commission contracts pursuant to this subsection unless the entity or individual specifically requests information or documentation for purposes of the incentive evaluation process; provided, this shall not be construed to prevent participation in a public hearing conducted pursuant to subsection B of this section."

**AMEND TITLE TO CONFORM TO AMENDMENTS**

Amendment submitted by: Jeff Hickman

Adopted: \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_  
Reading Clerk

1 "SECTION \_\_\_\_ NEW LAW A new section of law to be codified  
2 in the Oklahoma Statutes as Section 7003 of Title 62, unless there  
3 is created a duplication in numbering, reads as follows:

4 A. There is hereby established the Incentive Evaluation  
5 Commission consisting of:

6 1. A certified public accountant appointed by the Oklahoma  
7 Accountancy Board whose term shall expire on June 30, 2019;

8 2. The president of the Oklahoma Professional Economic  
9 Development Council or his or her designee who is also a member of  
10 the Oklahoma Professional Economic Development Council who shall  
11 serve during his or her term of office as president of the Oklahoma  
12 Professional Economic Development Council;

13 3. An auditor who is employed as an internal auditor by a  
14 company or who is employed by a private auditing firm appointed by  
15 the Governor whose term shall expire on June 30, 2019;

16 4. An economist from an Oklahoma college or university  
17 appointed by the President Pro Tempore of the Oklahoma State Senate  
18 whose term shall expire on June 30, 2020;

19 5. A lay person who is not an elected official appointed by the  
20 Speaker of the Oklahoma House of Representatives whose term shall  
21 expire June 30, 2020;

22 6. The Chairman of the Oklahoma Tax Commission or his or her  
23 designee who is also a member of the Oklahoma Tax Commission, which  
24 shall be an ex officio and nonvoting position;

1        7. The Director of the Office of Management and Enterprise  
2 Services or his or her designee who is an employee of the Office of  
3 Management and Enterprise Services which shall be an ex officio and  
4 nonvoting position; and

5        8. The Oklahoma Secretary of Commerce or his or her designee  
6 who is an employee of the Oklahoma Department of Commerce which  
7 shall be an ex officio and nonvoting position.

8        B. Thereafter persons shall be appointed for terms of four (4)  
9 years beginning on July 1. Any vacancy shall be filled by the  
10 appointing authority for the remainder of the unexpired term.

11        C. No person shall serve on the Commission or be appointed to  
12 the Commission who is employed by a company that receives any  
13 incentive or who holds a substantial interest in ownership in a  
14 company that receives any incentive. As used in this subsection,  
15 "substantial interest" shall mean the ownership, directly or  
16 indirectly, of more than fifty percent (50%) of the equity interest  
17 with voting rights for any lawfully recognized business entity.

18        D. No person shall be appointed to the Commission who at the  
19 time of their appointment is an elected official. Any person who is  
20 appointed to the Commission who subsequently becomes an elected  
21 official during their term on the Commission shall be required to  
22 vacate their position on the Commission.

23        E. The Office of Management and Enterprise Services shall  
24 provide staff and administrative support to the Incentive Evaluation

1 Commission. The Oklahoma Department of Commerce, Oklahoma Tax  
2 Commission and Office of the State Treasurer shall assist the Office  
3 of Management and Enterprise Services as needed in providing staff  
4 and administrative support to the Commission.

5 F. The Incentive Approval Committee is hereby created as a  
6 subcommittee of the Incentive Evaluation Commission and shall  
7 consist of the Director of the Office of Management and Enterprise  
8 Services or his or her designee, the Secretary of Commerce or his or  
9 her designee, and the Chairman of the Tax Commission or his or her  
10 designee. It shall be the duty of the Committee to determine:

11 1. Upon initial application on a form approved by the  
12 Committee, if an establishment is engaged in a basic industry as  
13 defined in subdivision (b) of division (7) or in subdivisions (a)  
14 through (n) of division (9) of subparagraph a of paragraph 1 of  
15 subsection A of Section 3603 of Title 68 of the Oklahoma Statutes or  
16 as otherwise provided by subsection C of Section 3603 of Title 68 of  
17 the Oklahoma Statutes;

18 2. If an establishment would have been defined as a "basic  
19 industry" prior to the amendments to Section 3603 of Title 68 of the  
20 Oklahoma Statutes to convert from SIC Codes to NAICS Codes. If the  
21 Committee so determines, the establishment shall be considered as a  
22 "basic industry" for purposes of the Oklahoma Quality Jobs Program  
23 Act; and  
24

1        3. If employees of an establishment as defined in division (10)  
2 of subparagraph a of paragraph 1 of subsection A of Section 3603 of  
3 Title 68 of the Oklahoma Statutes meet the requirements to be  
4 considered employed in new direct jobs as specified in paragraph 3  
5 of subsection A of Section 3603 of Title 68 of the Oklahoma  
6 Statutes.

7        G. For an establishment defined as a "basic industry" pursuant  
8 to division (4) of subparagraph a of paragraph 1 of subsection A of  
9 Section 3603 of Title 68 of the Oklahoma Statutes, the Incentive  
10 Approval Committee shall consist of the members provided by  
11 subsection A of this section and the Executive Director of the  
12 Oklahoma Center for the Advancement of Science and Technology, or a  
13 designee from the Center appointed by the Executive Director."

14  
15        55-1-7129        MAH        03/10/15  
16  
17  
18  
19  
20  
21  
22  
23  
24