

1 STATE OF OKLAHOMA

2 1st Session of the 60th Legislature (2025)

3 HOUSE BILL 2115

By: Osburn

4  
5  
6 AS INTRODUCED

7 An Act relating to the Department of Commerce;  
8 amending 74 O.S. 2021, Section 5003.4, as amended by  
9 Section 3, Chapter 377, O.S.L. 2024 (74 O.S. Supp.  
10 2024, Section 5003.4), which relates to definitions;  
11 adding definitions; amending 74 O.S. 2021, Section  
12 5003.5, as last amended by Section 4, Chapter 377,  
13 O.S.L. 2024 (74 O.S. Supp. 2024, Section 5003.5),  
14 which relates to the Chief Executive Officer of the  
15 Department of Commerce; modifying appointment  
16 procedures; amending 74 O.S. 2021, Section 5003.7, as  
17 amended by Section 5, Chapter 377, O.S.L. 2024 (74  
18 O.S. Supp. 2024, Section 5003.7), which relates to  
19 duties of the Oklahoma Department of Commerce;  
20 modifying reference; creating the Oklahoma Department  
21 of Commerce Board; providing for membership; stating  
22 quorum; providing for qualifications for Board  
23 members; stating appointment terms; establishing  
24 Board procedures for election of chair and vice chair  
and presiding of meetings; allowing for certain  
reimbursement; permitting membership to serve on  
other boards and commissions; subjecting Board to the  
provisions of the Oklahoma Open Meeting Act and  
Oklahoma Open Records Act; providing for use of  
executive sessions by Board; stating other duties of  
the Board; providing for codification; and providing  
an effective date.

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

1 SECTION 1. AMENDATORY 74 O.S. 2021, Section 5003.4, as  
2 amended by Section 3, Chapter 377, O.S.L. 2024 (74 O.S. Supp. 2024,  
3 Section 5003.4), is amended to read as follows:

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

6 1. ~~"Department" means the Oklahoma Department of Commerce~~  
7 "Board" means the Oklahoma Department of Commerce Board created in  
8 Section 4 of this act;

9 2. "Chief Executive Officer" means the Chief Executive Officer  
10 of the Oklahoma Department of Commerce;

11 3. "Committee" means the Legislative Evaluation and Development  
12 Committee as created in Section 5090.1 of this title;

13 4. "Department" means the Oklahoma Department of Commerce;

14 5. "Enterprise" means a firm with its principal place of  
15 business in Oklahoma;

16 4. 6. "Economic Information System" means a comprehensive  
17 statewide data collection, analysis and distribution system which  
18 makes available current and thorough information on Oklahoma  
19 economic trends and future Oklahoma economic opportunities to  
20 communities, firms, farms and individuals in the state; firms and  
21 individuals outside the state considering location in Oklahoma; and  
22 Oklahoma Futures, the Governor, the Legislature and all other state  
23 agencies and institutions; and

24

1        ~~5.~~ 7. "Economic Innovation System" means a decentralized  
2 statewide system that responsively and innovatively coordinates  
3 technical assistance, grant and loan programs with local, state,  
4 federal and private sector activities into a single statewide  
5 Economic Innovation System.

6        SECTION 2.        AMENDATORY        74 O.S. 2021, Section 5003.5, as  
7 last amended by Section 4, Chapter 377, O.S.L. 2024 (74 O.S. Supp.  
8 2024, Section 5003.5), is amended to read as follows:

9        Section 5003.5. A. The Chief Executive Officer of the Oklahoma  
10 Department of Commerce shall be appointed by the ~~Governor with the~~  
11 ~~advice and consent of the Senate~~ Oklahoma Department of Commerce  
12 Board created in Section 4 of this act. The Chief Executive Officer  
13 shall serve at the pleasure of the ~~Governor~~ Board and shall continue  
14 to serve until a successor is duly appointed and qualified. The  
15 salary of the Chief Executive Officer shall be compensated in a  
16 manner that compares equally to similar positions in the private  
17 sector. The salary of the Chief Executive Officer shall not be set  
18 pursuant to the standards provided in Section 3601.2 of this title.

19        B. The Chief Executive Officer shall be qualified for such  
20 position by character, personality, ability, education, training and  
21 successful administrative experience in the public or private  
22 sector. The Chief Executive Officer shall have experience that  
23 includes, but is not limited to:

24        1. Economic development program leadership;

- 1 2. Business development leadership;
- 2 3. Senior-level board management and leadership;
- 3 4. Senior-level business and political engagement;
- 4 5. Leading business development or business recruitment teams;
- 5 6. Creating and implementing sector development strategies;
- 6 7. Branding and marketing leadership experience; and
- 7 8. Experience in recruiting companies to a state or community.

8 C. The Chief Executive Officer shall employ such persons as are  
9 necessary to implement the powers and duties of the Department.

10 Because many of the powers and duties of the Department involve  
11 working closely with the private sector, certain employee positions  
12 of the Department shall be employed and compensated in a manner that  
13 compares equally to similar positions in the private sector and  
14 shall be exempt from the provisions of the Civil Service and Human  
15 Capital Modernization Act. All other employees and positions shall  
16 be subject to the provisions of the Civil Service and Human Capital  
17 Modernization Act. Provided, nothing in this section shall be  
18 construed to limit the authority of the Legislature to specify the  
19 status of positions otherwise by law. Neither shall the Chief  
20 Executive Officer have the authority to circumvent, disregard or  
21 otherwise disobey specific provisions of law regarding positions in  
22 the Department.

23 D. The Chief Executive Officer shall serve on the board of:

- 24 1. The Oklahoma Industrial Finance Authority;

1        2. The Oklahoma Development Finance Authority; and

2        3. The Oklahoma Ordnance Works Authority.

3        E. The Chief Executive Officer may serve as administrator of  
4 any interlocal agreement or compact to pursue economic development  
5 and to assign any employees of the Department or employee personnel  
6 to carry out duties or obligations pursuant to any interlocal  
7 agreement or compact for economic development.

8        F. The Chief Executive Officer, at his or her discretion, may  
9 approve payment for affiliations or memberships of the Department  
10 or, if necessary, associate memberships for individual employees in  
11 international, national, or state economic development councils,  
12 professional organizations, or governmental associations.

13        SECTION 3.        AMENDATORY        74 O.S. 2021, Section 5003.7, as  
14 amended by Section 5, Chapter 377, O.S.L. 2024 (74 O.S. Supp. 2024,  
15 Section 5003.7), is amended to read as follows:

16        Section 5003.7. A. The Oklahoma Department of Commerce shall  
17 prepare, with the cooperation of the Oklahoma business community,  
18 agricultural community, financial community, universities, labor,  
19 the state executive and legislative branches, and the Oklahoma  
20 Workforce Commission, a five-year economic development plan and  
21 annual updates for this state.

22        1. The purpose of the plan shall be to identify significant  
23 economic, social, and demographic trends which may have both short-  
24 term and long-term impacts on the state and local economy and to

1 present strategies and recommendations that the state and local  
2 political subdivisions might adopt to improve or stabilize the  
3 economy.

4 2. The goals of the plan shall include the development of a  
5 diversified state economy; the increase of employment; the maximum  
6 use of federal, state and local funds to achieve the goals or  
7 recommendations included in the plan; the maximum investment of  
8 capital in the economy of the state; and the improvement of the  
9 quality of life in the state.

10 3. The plan wherever possible shall make recommendations to  
11 encourage intergovernmental cooperation and public and private  
12 cooperation.

13 4. The plan shall include an economic development strategy for  
14 the state that addresses target industries, site development, and  
15 workforce needs to meet the state goals.

16 5. Copies of the plan and the annual updates shall be submitted  
17 electronically to the Oklahoma Advisory Committee on  
18 Intergovernmental Relations, the Governor, the Speaker of the House  
19 of Representatives, the President Pro Tempore of the Senate and the  
20 members of the Legislative Evaluation and Development Committee, as  
21 created in Section 8 of this act, and be made available to the  
22 public on the Department's website on the first day of each  
23 legislative session.

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1           6. The Department shall develop and manage a complete economic  
2 information system which will support the five-year planning  
3 process, and which will make available complete and timely  
4 information on the state economy. The economic information system  
5 shall be operated by public or private Oklahoma universities or an  
6 Oklahoma enterprise capable of providing such services in a cost-  
7 effective manner.

8           B. The Chief Executive Officer of the Oklahoma Department of  
9 Commerce shall present the strategic plan to the ~~Legislative~~  
10 ~~Evaluation and Development Committee~~ Oklahoma Department of Commerce  
11 Board, as created in Section ~~3~~ 4 of this act, for approval.

12           C. The Department, in conjunction with the Oklahoma Development  
13 Finance Authority, is authorized to develop an infrastructure  
14 program which will enable political subdivisions of this state to  
15 finance public works projects in order to modify or improve existing  
16 public facilities for purposes of bringing such facilities, and the  
17 operation thereof, into compliance with and maintaining compliance  
18 with federal, state and local laws and regulations pertaining to the  
19 protection of the public health and the environment.

20           D. The Chief Executive Officer shall develop an annual business  
21 plan for the Department. The business plan shall include the need  
22 and mission of each division of the Department created by law or the  
23 Chief Executive Officer and an analysis of past costs and benefits  
24 and future projected costs and benefits to the state of the programs

1 of each division of the Department. The business plan shall be  
2 consistent with the goals of the recurring five-year plan specified  
3 in this section. The Chief Executive Officer shall distribute  
4 copies of the business plan by such means that will make it widely  
5 available to communities, firms and local economic development  
6 managers throughout this state.

7 SECTION 4. NEW LAW A new section of law to be codified  
8 in the Oklahoma Statutes as Section 5090.2 of Title 74, unless there  
9 is created a duplication in numbering, reads as follows:

10 A. There is hereby created the Oklahoma Department of Commerce  
11 Board. The Board shall constitute an advisory oversight board and  
12 shall consist of nine (9) voting members, as follows:

13 1. Two members to be appointed by the President Pro Tempore of  
14 the Senate; provided, at least one appointed member shall be from a  
15 municipality with a population of sixty thousand (60,000) people or  
16 less;

17 2. Two members to be appointed by the Speaker of the House of  
18 Representatives; provided, at least one appointed member shall be  
19 from a municipality with a population of sixty thousand (60,000)  
20 people or less;

21 3. Four members to be appointed by the Governor; provided, at  
22 least one appointed member shall be:

23 a. an economic development practitioner from this state,  
24 and



1           b.    from a municipality with a population of sixty  
2                    thousand (60,000) people or less; and

3           4.    The Secretary of Commerce, or his or her designee, who shall  
4    serve as chair.

5           B.    Five members of the Board shall constitute a quorum, and the  
6    vote of the majority of members present shall be necessary for any  
7    action to be taken by the Board. No vacancy in the membership of  
8    the Board shall impair the rights of a quorum to exercise and  
9    perform all the rights and duties of the Board. The members of this  
10   Board shall:

11           1.    Have at least a minimum of five (5) years of experience  
12    working in the private sector; and

13           2.    Possess expertise in at least one of the following areas:

- 14           a.    marketing,
- 15           b.    international commerce,
- 16           c.    finance or grant administration,
- 17           d.    state, regional, or local economic development,
- 18           e.    incentive evaluation programs,
- 19           f.    law,
- 20           g.    information technologies,
- 21           h.    transportation,
- 22           i.    workforce development,
- 23           j.    manufacturing,
- 24           k.    biotechnology,

- 1           l.    cybersecurity,
- 2           m.   defense,
- 3           n.    energy,
- 4           o.    aviation,
- 5           p.    entrepreneurship, or
- 6           q.    any other critical industry in this state.

7           C.   For the initial appointments of members to the Board, each  
8 appointing authority shall make one appointment for a one-year term  
9 and one appointment for a two-year term.  Thereafter, the terms of  
10 the Board shall be for three (3) years.

11          D.   Vacancies on the Board shall be filled for the unexpired  
12 term of office in the same manner as the original appointment.  The  
13 appointed members shall serve at the pleasure of his or her  
14 appointing authority and may be removed or replaced without cause.

15          E.   The Board shall elect a vice chair and such other officers  
16 deemed necessary to conduct the business of the Board from among its  
17 members.  The chair shall preside over meetings of the Board, and  
18 officers shall perform duties as may be required by the Board.  The  
19 initial appointments of the Board shall be made within thirty (30)  
20 days after the effective date of this act.  The first meeting of the  
21 Board shall be called no later than sixty (60) days after the  
22 effective date of this act.

23          F.   No member of the Board shall receive a salary or  
24 reimbursement for duties performed as a member of the Board;

1 however, members are eligible to receive travel reimbursement as  
2 provided in the State Travel Reimbursement Act.

3 G. Members serving on the Board shall be eligible to serve on  
4 any other state board or commission if such member is otherwise  
5 qualified to hold such appointed office, notwithstanding the  
6 provisions of Section 6 of Title 51 of the Oklahoma Statutes.

7 H. The meetings of the Board shall be subject to the Oklahoma  
8 Open Meeting Act and the Oklahoma Open Records Act. The Board may  
9 keep confidential:

10 1. Business plans, feasibility studies, financing proposals,  
11 marketing plans, financial statements, or trade secrets submitted by  
12 a person or entity seeking economic advice, business development, or  
13 customized training from such departments or school districts;

14 2. Proprietary information of the business submitted to the  
15 departments or school districts for the purpose of business  
16 development or customized training and any related confidentiality  
17 agreements detailing the information or records designated as  
18 confidential; and

19 3. Information compiled by such departments or school districts  
20 in response to those submissions.

21 Executive sessions may be held to discuss such materials if  
22 deemed necessary by the Board.

23 I. The Board may create working groups from time to time to  
24 assist the Board in carrying out the provisions of this act. The

1 working groups may consist of members from governmental agencies and  
2 members of the private sector of this state as appointed by the  
3 members of the Board including, but not limited to, the Chief  
4 Executive Director of the Department of Commerce, Chief Executive  
5 Officer of the Oklahoma Workforce Commission, and the Secretary of  
6 Transportation.

7 J. The Board may solicit, accept, raise, and manage funds,  
8 gifts, grants, sponsorships, and donations from private, federal,  
9 and nongovernment sources.

10 SECTION 5. NEW LAW A new section of law to be codified  
11 in the Oklahoma Statutes as Section 5090.3 of Title 74, unless there  
12 is created a duplication in numbering, reads as follows:

13 In addition to the other powers and duties prescribed by law,  
14 the Oklahoma Department of Commerce Board shall:

15 1. Prescribe rules and policies for the transaction of its  
16 business and the control of the Department of Commerce;

17 2. Review and approve the budget and amend to make supplemental  
18 appropriations;

19 3. Advise in the appointment and compensation of the Chief  
20 Executive Officer;

21 4. Review and endorse any proposed economic projects with the  
22 Legislative Evaluation and Development Committee; and

23 5. Annually report to the Governor and the Legislature  
24 electronically on the operation, activities, and plans of the

1 Department, together with any recommendations for future activities  
2 as the Board may deem to be in the best interest of the state.

3 SECTION 6. This act shall become effective January 1, 2026.

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