

1 **SENATE FLOOR VERSION**

2 February 28, 2024

3 COMMITTEE SUBSTITUTE
4 FOR

5 SENATE BILL NO. 1447

6 By: Thompson (Kristen) of the
7 Senate

8 and

9 Osburn of the House

10 [economic development - purpose - Division - Board -
11 membership - procedures - executive sessions -
12 exemptions - disclosure of information -
13 reimbursement - powers, duties, and responsibilities
14 - salary - administration - Committee - review -
15 Revolving Fund - procedures - codification -
16 emergency]

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

18 SECTION 1. NEW LAW A new section of law to be codified
19 in the Oklahoma Statutes as Section 5090 of Title 74, unless there
20 is created a duplication in numbering, reads as follows:

21 This act shall be known and may be cited as the "Creating
22 Oklahoma's Modern Plan for Economic Transformation and Effectiveness
23 (COMPETE) Act".

24 SECTION 2. NEW LAW A new section of law to be codified
in the Oklahoma Statutes as Section 5090.1 of Title 74, unless there
is created a duplication in numbering, reads as follows:

1 A. The Legislature has determined that there exists in this
2 state a need to encourage, stimulate, and support the development
3 and expansion of the economy for this state through economic
4 development, and that the state's approach to economic development
5 needs to be modernized to compete nationally and internationally.

6 B. To achieve the objectives of this act, there is hereby
7 created a separate and distinct division within the Oklahoma
8 Department of Commerce, to be known as the Division on Economic
9 Development, Growth, and Expansion. The Division shall exercise the
10 powers and duties granted to it by this act to perform an essential
11 governmental function for matters of public necessity for which
12 public monies may be spent and private property acquired.

13 SECTION 3. NEW LAW A new section of law to be codified
14 in the Oklahoma Statutes as Section 5090.2 of Title 74, unless there
15 is created a duplication in numbering, reads as follows:

16 As used in this act:

17 1. "Board" means the Oklahoma Economic Development, Growth, and
18 Expansion Board as created in Section 5 of this act;

19 2. "Commission" means the Oklahoma Workforce Commission created
20 in Section 902 of Title 40 of the Oklahoma Statutes;

21 3. "Committee" means the Legislative Evaluation and Development
22 Committee as created in Section 14 of this act;

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1 4. "Critical industry" means industries within Oklahoma that
2 are critical to the state's economic well-being and strategic plan
3 for economic growth and development;

4 5. "Director" means the Director of the Division on Economic
5 Development, Growth, and Expansion within the Oklahoma Department of
6 Commerce;

7 6. "Division" means the Division on Economic Development,
8 Growth, and Expansion within the Oklahoma Department of Commerce;

9 7. "Investment" means the use of public funds for the promotion
10 of economic development through grants, rebates, payments, loans, or
11 other incentives to entities operating in this state; and

12 8. "Person" means any individual, group of individuals, or any
13 partnership, corporation, association, cooperative, or employee
14 thereof, or any other legal entity.

15 SECTION 4. NEW LAW A new section of law to be codified
16 in the Oklahoma Statutes as Section 5090.3 of Title 74, unless there
17 is created a duplication in numbering, reads as follows:

18 A. Subject to the availability of funds, there is hereby
19 created the Division on Economic Development, Growth, and Expansion
20 within the Oklahoma Department of Commerce. The purpose of the
21 Division is to serve as the state's lead economic development point
22 of contact.

23 B. The Division shall:
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1 1. Be empowered to strategically drive opportunities for
2 economic growth and diversification across the state;

3 2. Collaborate across local, regional, and state entities;

4 3. Coordinate the funding and investment activities of each
5 element of the state's economic development efforts and marketing
6 campaigns to achieve better results for the state's recruitment and
7 retention of businesses; and

8 4. Act as the principal point of contact regarding investment
9 in this state for public officials, businesses, and the public.

10 C. The Division shall assume within the Oklahoma Department of
11 Commerce the role of lead economic development organization for this
12 state, and with regard to competitive economic development projects,
13 the Oklahoma Department of Commerce shall play a support role for
14 the Division, as further outlined in this act.

15 SECTION 5. NEW LAW A new section of law to be codified
16 in the Oklahoma Statutes as Section 5090.4 of Title 74, unless there
17 is created a duplication in numbering, reads as follows:

18 A. There is hereby created the Oklahoma Economic Development,
19 Growth, and Expansion Board. The Board shall constitute an
20 advisory, administrative, and oversight board and shall consist of
21 nine (9) voting members, as follows:

22 1. Three members to be appointed by the President Pro Tempore
23 of the Senate; provided, at least one appointed member shall be from
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1 a municipality with a population of sixty thousand (60,000) people
2 or less;

3 2. Three members to be appointed by the Speaker of the House of
4 Representatives; provided, at least one appointed member shall be
5 from a municipality with a population of sixty thousand (60,000)
6 people or less; and

7 3. Three members to be appointed by the Governor; provided, at
8 least one appointed member shall be an economic development
9 practitioner from this state.

10 B. Five voting members of the Board shall constitute a quorum,
11 and the vote of the majority of members present shall be necessary
12 for any action to be taken by the Board. No vacancy in the
13 membership of the Board shall impair the rights of a quorum to
14 exercise and perform all the rights and duties of the Board. The
15 voting members of this Board shall:

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

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

19 a. marketing,

20 b. international commerce,

21 c. finance or grant administration,

22 d. state, regional, or local economic development,

23 e. incentive evaluation programs,

24 f. law,

- 1 g. information technologies,
- 2 h. transportation,
- 3 i. workforce development,
- 4 j. manufacturing,
- 5 k. biotechnology,
- 6 l. cybersecurity,
- 7 m. defense,
- 8 n. energy,
- 9 o. aviation,
- 10 p. entrepreneurship, or
- 11 q. any other critical industry in this state.

12 C. For the initial appointments of members to the Board, each
13 appointing authority shall make one appointment for a one-year term,
14 one appointment for a two-year term, and one appointment for a
15 three-year term. Thereafter, the terms of the Board shall be for
16 three (3) years.

17 D. Vacancies on the Board shall be filled for the unexpired
18 term of office in the same manner as the original appointment. The
19 appointed members may be removed from their positions by their
20 respective appointing authorities but shall not be subject to
21 dismissal or removal without cause.

22 E. The Board shall elect a chair, a vice chair, and such other
23 officers deemed necessary to conduct the business of the Board from
24 among its members. The chair shall preside over meetings of the

1 Board, and officers shall perform duties as may be required by the
2 Board. The initial appointments of the Board shall be made within
3 thirty (30) days after the effective date of this act. The first
4 meeting of the Board shall be called by the chair no later than
5 sixty (60) days after the effective date of this act.

6 F. No member of the Board shall receive a salary or
7 reimbursement for duties performed as a member of the Board;
8 however, members are eligible to receive travel reimbursement as
9 provided in the State Travel Reimbursement Act.

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

14 H. The meetings of the Board shall be subject to the Oklahoma
15 Open Meeting Act and the Oklahoma Open Records Act. Any information
16 submitted to or compiled by the Board with respect to the marketing
17 plans, financial statements, trade secrets, or any other
18 commercially sensitive information of persons, firms, associations,
19 partnerships, agencies, corporations, or other entities shall be
20 confidential, except to the extent that the person or entity which
21 provided such information, or which is the subject of such
22 information, consents to disclosure. Executive sessions may be held
23 to discuss such materials if deemed necessary by the Board.

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1 I. The Board may create an advisory board from time to time to
2 assist the Board in carrying out the provisions of this act. The
3 advisory board shall consist of members from governmental agencies
4 and members of the private sector of this state as appointed by the
5 members of the Board including, but not limited to, the Director of
6 the Division on Economic Development, Growth, and Expansion, chief
7 executive officer of the Oklahoma Workforce Commission, and the
8 Secretary of Transportation.

9 SECTION 6. AMENDATORY 25 O.S. 2021, Section 307, as
10 amended by Section 1, Chapter 182, O.S.L. 2022 (25 O.S. Supp. 2023,
11 Section 307), is amended to read as follows:

12 Section 307. A. No public body shall hold executive sessions
13 unless otherwise specifically provided in this section.

14 B. Executive sessions of public bodies will be permitted only
15 for the purpose of:

16 1. Discussing the employment, hiring, appointment, promotion,
17 demotion, disciplining or resignation of any individual salaried
18 public officer or employee;

19 2. Discussing negotiations concerning employees and
20 representatives of employee groups;

21 3. Discussing the purchase or appraisal of real property;

22 4. Confidential communications between a public body and its
23 attorney concerning a pending investigation, claim, or action if the
24 public body, with the advice of its attorney, determines that

1 disclosure will seriously impair the ability of the public body to
2 process the claim or conduct a pending investigation, litigation, or
3 proceeding in the public interest;

4 5. Permitting district boards of education to hear evidence and
5 discuss the expulsion or suspension of a student when requested by
6 the student involved or the student's parent, attorney or legal
7 guardian;

8 6. Discussing matters involving a specific ~~handicapped~~ disabled
9 child;

10 7. Discussing any matter where disclosure of information would
11 violate confidentiality requirements of state or federal law;

12 8. Engaging in deliberations or rendering a final or
13 intermediate decision in an individual proceeding pursuant to
14 Article II of the Administrative Procedures Act;

15 9. Discussing matters involving safety and security at state
16 penal institutions or correctional facilities used to house state
17 inmates;

18 10. Discussing contract negotiations involving contracts
19 requiring approval of the State Board of Corrections, which shall be
20 limited to members of the public body, the attorney for the public
21 body, and the immediate staff of the public body. No person who may
22 profit directly or indirectly by a proposed transaction which is
23 under consideration may be present or participate in the executive
24 session; or

1 11. Discussing the following:

2 a. the investigation of a plan or scheme to commit an act
3 of terrorism,

4 b. assessments of the vulnerability of government
5 facilities or public improvements to an act of
6 terrorism,

7 c. plans for deterrence or prevention of or protection
8 from an act of terrorism,

9 d. plans for response or remediation after an act of
10 terrorism,

11 e. information technology of the public body but only if
12 the discussion specifically identifies:

13 (1) design or functional schematics that demonstrate
14 the relationship or connections between devices
15 or systems,

16 (2) system configuration information,

17 (3) security monitoring and response equipment
18 placement and configuration,

19 (4) specific location or placement of systems,
20 components or devices,

21 (5) system identification numbers, names, or
22 connecting circuits,

23 (6) business continuity and disaster planning, or
24 response plans, or

1 (7) investigation information directly related to
2 security penetrations or denial of services, or
3 f. the investigation of an act of terrorism that has
4 already been committed.

5 For the purposes of this subsection, the term "terrorism" means any
6 act encompassed by the definitions set forth in Section 1268.1 of
7 Title 21 of the Oklahoma Statutes.

8 C. Notwithstanding the provisions of subsection B of this
9 section, the following public bodies may hold executive sessions:

10 1. The ~~State~~ Banking Board, as provided for under Section 306.1
11 of Title 6 of the Oklahoma Statutes;

12 2. The Oklahoma Industrial Finance Authority, as provided for
13 in Section 854 of Title 74 of the Oklahoma Statutes;

14 3. The Oklahoma Development Finance Authority, as provided for
15 in Section 5062.6 of Title 74 of the Oklahoma Statutes;

16 4. The Oklahoma Center for the Advancement of Science and
17 Technology, as provided for in Section 5060.7 of Title 74 of the
18 Oklahoma Statutes;

19 5. The Oklahoma Health Research Committee for purposes of
20 conferring on matters pertaining to research and development of
21 products, if public disclosure of the matter discussed would
22 interfere with the development of patents, copyrights, products, or
23 services;

1 6. The Oklahoma Workers' Compensation Commission for the
2 purposes provided for in Section ~~20~~ 22 of Title 85A of the Oklahoma
3 Statutes;

4 7. A review committee, as provided for in Section 855 of Title
5 62 of the Oklahoma Statutes;

6 8. The Child Death Review Board for purposes of receiving and
7 conferring on matters pertaining to materials declared confidential
8 by law;

9 9. The Domestic Violence Fatality Review Board as provided in
10 Section 1601 of Title 22 of the Oklahoma Statutes;

11 10. The Opioid Overdose Fatality Review Board, as provided in
12 Section 2-1001 of Title 63 of the Oklahoma Statutes;

13 11. All nonprofit foundations, boards, bureaus, commissions,
14 agencies, trusteeships, authorities, councils, committees, public
15 trusts, task forces or study groups supported in whole or part by
16 public funds or entrusted with the expenditure of public funds for
17 purposes of conferring on matters pertaining to economic development
18 including the transfer of property, financing, or the creation of a
19 proposal to entice a business to remain or to locate within their
20 jurisdiction if public disclosure of the matter discussed would
21 interfere with the development of products or services or if public
22 disclosure would violate the confidentiality of the business;

23 12. The Oklahoma Indigent Defense System Board for purposes of
24 discussing negotiating strategies in connection with making possible

1 counteroffers to offers to contract to provide legal representation
2 to indigent criminal defendants and indigent juveniles in cases for
3 which the System must provide representation pursuant to the
4 provisions of the Indigent Defense Act;

5 13. The Quality Investment Committee for purposes of discussing
6 applications and confidential materials pursuant to the terms of the
7 Oklahoma Quality Investment Act;

8 14. The Oklahoma Municipal Power Authority established pursuant
9 to Section 24-101 et seq. of Title 11 of the Oklahoma Statutes and
10 in its role as an electric utility regulated by the federal
11 government, for purposes of discussing security plans and procedures
12 including, but not limited to, cybersecurity matters; ~~and~~

13 15. The Oklahoma Tax Commission for purposes of discussing
14 confidential taxpayer matters as provided in Section 205 of Title 68
15 of the Oklahoma Statutes, and in compliance with subsection E of
16 this section; and

17 16. The Oklahoma Economic Development, Growth, and Expansion
18 Board, as provided for in Section 5 of this act.

19 D. Except as otherwise specified in this subsection, an
20 executive session for the purpose of discussing the purchase or
21 appraisal of real property shall be limited to members of the public
22 body, the attorney for the public body and the immediate staff of
23 the public body. No landowner, real estate salesperson, broker,
24 developer or any other person who may profit directly or indirectly

1 by a proposed transaction concerning real property which is under
2 consideration may be present or participate in the executive
3 session, unless they are operating under an existing agreement to
4 represent the public body.

5 E. No public body may go into an executive session unless the
6 following procedures are strictly complied with:

7 1. The proposed executive session is noted on the agenda as
8 provided in Section 311 of this title;

9 2. The executive session is authorized by a majority vote of a
10 quorum of the members present and the vote is a recorded vote; and

11 3. Except for matters considered in executive sessions of the
12 ~~State~~ Banking Board and the Oklahoma Tax Commission, and which are
13 required by state or federal law to be confidential, any vote or
14 action on any item of business considered in an executive session
15 shall be taken in public meeting with the vote of each member
16 publicly cast and recorded.

17 F. A willful violation of the provisions of this section shall:

18 1. Subject each member of the public body to criminal sanctions
19 as provided in Section 314 of this title; and

20 2. Cause the minutes and all other records of the executive
21 session including tape recordings, to be immediately made public.

22 SECTION 7. AMENDATORY 51 O.S. 2021, Section 24A.10, as
23 amended by Section 3, Chapter 307, O.S.L. 2022 (51 O.S. Supp. 2023,
24 Section 24A.10), is amended to read as follows:

1 Section 24A.10. A. Any information, records or other material
2 heretofore voluntarily supplied to any state agency, board or
3 commission shall be subject to full disclosure pursuant to Section
4 24A.1 et seq. of this title.

5 B. If disclosure would give an unfair advantage to competitors
6 or bidders, a public body may keep confidential records relating to:

7 1. Bid specifications for competitive bidding prior to
8 publication by the public body;

9 2. Contents of sealed bids prior to the opening of bids by a
10 public body;

11 3. Computer programs or software but not data thereon;

12 4. Appraisals relating to the sale or acquisition of real
13 estate by a public body prior to award of a contract; or

14 5. The prospective location of a private business or industry
15 prior to public disclosure of such prospect except for records
16 otherwise open to inspection such as applications for permits or
17 licenses.

18 C. Except as set forth hereafter, the Oklahoma Department of
19 Commerce, the Division on Economic Development, Growth, and
20 Expansion within the Department of Commerce, the Oklahoma Department
21 of Career and Technology Education, the technology center school
22 districts, the Oklahoma Film and Music Office, institutions within
23 the Oklahoma State System of Higher Education and the Department of
24 Corrections may keep confidential:

1 1. Business plans, feasibility studies, financing proposals,
2 marketing plans, financial statements or trade secrets submitted by
3 a person or entity seeking economic advice, business development or
4 customized training from such Departments or school districts;

5 2. Proprietary information of the business submitted to the
6 Department or school districts for the purpose of business
7 development or customized training, and related confidentiality
8 agreements detailing the information or records designated as
9 confidential; and

10 3. Information compiled by such Departments or school districts
11 in response to those submissions.

12 The Oklahoma Department of Commerce, the Oklahoma Department of
13 Career and Technology Education, the technology center school
14 districts, the Oklahoma Film and Music Office, institutions within
15 the Oklahoma State System of Higher Education and the Department of
16 Corrections may not keep confidential that submitted information
17 when and to the extent the person or entity submitting the
18 information consents to disclosure.

19 D. Although they must provide public access to their records
20 including records of the address, rate paid for services, charges,
21 consumption rates, adjustments to the bill, reasons for adjustment,
22 the name of the person that authorized the adjustment and payment
23 for each customer, public bodies that provide utility services to
24 the public shall keep confidential and shall redact from any record,

1 personal email addresses, credit information, credit card numbers,
2 telephone numbers, social security numbers, bank account information
3 for individual customers and any portion of any record that contains
4 the name or any other identifier of the occupants of any residential
5 structure. Public bodies that provide utility services to the
6 public may keep confidential utility supply and utility equipment
7 supply contracts for any industrial customer with a connected
8 electric load in excess of two thousand five hundred (2,500)
9 kilowatts if public access to such contracts would give an unfair
10 advantage to competitors of the customer; provided that, where a
11 public body performs billing or collection services for a utility
12 regulated by the Corporation Commission pursuant to a contractual
13 agreement, any customer or individual payment data obtained or
14 created by the public body in performance of the agreement shall not
15 be a record for purposes of the Oklahoma Open Records Act.

16 SECTION 8. AMENDATORY 74 O.S. 2021, Section 85.5A, is
17 amended to read as follows:

18 Section 85.5A. A. Except for the state fleet card, the state
19 purchase card program administered by the Purchasing Division is the
20 only card program authorized for use by state agencies.

21 B. On a monthly basis the State Purchasing Director and
22 institutions of higher education shall provide to the Director of
23 the Office of Management and Enterprise Services (OMES) a complete
24 listing in electronic format of all transactions paid by a state

1 purchase card. The list shall contain the name of the purchaser and
2 purchasing agency, amount of purchase and all available descriptions
3 of items purchased.

4 C. Upon receipt of the list described in subsection B of this
5 section, the Director of the OMES shall allow the public access to
6 the list in searchable format through its website defined in Section
7 46 of Title 62 of the Oklahoma Statutes.

8 D. The State Purchasing Director may authorize the use of a
9 state purchase card for acquisitions within the following
10 parameters:

11 1. No limit on the amount of the transaction for the following:

12 a. purchases from statewide contracts and from contracts
13 awarded by the State Purchasing Director for the
14 benefit of a state agency,

15 b. utilities,

16 c. interagency payments,

17 d. emergency acquisitions; provided, requirements to
18 establish an emergency pursuant to Section 5 of this
19 act or other applicable statute or rule have been met,
20 and

21 e. professional services as defined in Section 803 of
22 Title 18 of the Oklahoma Statutes; and

23 2. For any other transaction with a state purchase card, the
24 transaction shall not exceed the greater of Five Thousand Dollars

1 (\$5,000.00) or the limit determined by the State Purchasing
2 Director, not to exceed the fair and reasonable acquisition
3 threshold amount.

4 E. The State Purchasing Director may authorize personnel of the
5 Oklahoma Department of Commerce, including the Division on Economic
6 Development, Growth, and Expansion within the Department of
7 Commerce, upon a finding by the Secretary of Commerce that such
8 personnel have a legitimate need therefore, to utilize a state
9 purchase card for acquisitions for programs, functions or services
10 essential to the mission of the agency while traveling on Department
11 of Commerce business in foreign locations with transaction limits
12 not to exceed Thirty-five Thousand Dollars (\$35,000.00). The
13 purchase cardholders are required to sign a purchase card agreement
14 prior to becoming a cardholder and to attend purchase card procedure
15 training. The Department of Commerce ~~will,~~ including the Director
16 of the Division, shall conduct quarterly internal auditing on all
17 purchase card transactions associated with business and travel in
18 foreign locations.

19 SECTION 9. AMENDATORY 74 O.S. 2021, Section 500.2, as
20 amended by Section 1, Chapter 63, O.S.L. 2022 (74 O.S. Supp. 2023,
21 Section 500.2), is amended to read as follows:

22 Section 500.2. A. Officials and employees of the state,
23 traveling on authorized state business, may be reimbursed for
24 expenses incurred in such travel in accordance with the provisions

1 of the State Travel Reimbursement Act and existing statutes relating
2 to state travel. Persons who are not state employees, but who are
3 performing substantial and necessary services to the state which
4 have been directed or approved by the appropriate department
5 official, shall enjoy the protection of the sovereign immunity of
6 the state to the same extent as a paid employee. Such persons may
7 be reimbursed for expenses incurred during authorized official
8 travel under these same statutory provisions; provided, it is
9 indicated on the claim the person is not a state employee, a
10 description of services performed is entered, and the agency head by
11 approval of the claim certifies such services were substantial and
12 necessary, and germane to the duties and functions of the
13 reimbursing agency. Travel expenses incurred by a person during the
14 course of seeking employment with a state agency, unless such travel
15 is performed at the request of the employing agency, shall not be
16 considered expenses incurred in performing substantial and necessary
17 services to the state and shall not be reimbursed under the
18 provisions of the State Travel Reimbursement Act.

19 B. The chief administrative officer of the Department of Public
20 Safety, the Oklahoma State Bureau of Investigation, the Oklahoma
21 State Bureau of Narcotics and Dangerous Drugs Control, the Military
22 Department of the State of Oklahoma, the Department of Corrections,
23 the Office of Management and Enterprise Services, the Alcoholic
24 Beverage Laws Enforcement Commission, the Oklahoma Department of

1 Agriculture, Food, and Forestry, the Oklahoma Department of
2 Emergency Management, the State Fire Marshal, and the State
3 Department of Health may arrange for and charge meals and lodging
4 for a contingent of state personnel moved into an area for the
5 purpose of preserving the public health, safety, or welfare or for
6 the protection of life or property. The cost for meals or lodging
7 so charged shall not exceed the amount authorized in the State
8 Travel Reimbursement Act. The chief administrative officer of each
9 agency involved in such an operation shall require the vendor
10 furnishing meals, lodging, or both meals and lodging to submit an
11 itemized statement for payment. When a claim for lodging is made
12 for a contingent of state personnel, individual members of the
13 contingent may not submit a claim for lodging. When a claim for
14 meals is made for a contingent of state personnel, individual
15 members of the contingent may not submit a claim for meals.

16 C. 1. The Oklahoma Department of Commerce, the Division on
17 Economic Development, Growth, and Expansion within the Department of
18 Commerce, the Oklahoma Center for the Advancement of Science and
19 Technology, and the Oklahoma Department of Agriculture, Food, and
20 Forestry are hereby authorized to enter into contracts and
21 agreements for the payment of food, lodging, meeting facility and
22 beverage expenses as may be necessary for sponsoring seminars and
23 receptions relating to economic development and science and
24 technology issues. Such expenses may be paid directly to the

1 contracting agency or business establishment. The Director of the
2 Oklahoma Department of Commerce, the Director of the Division, the
3 President of the Oklahoma Center for the Advancement of Science and
4 Technology, and the Commissioner of Agriculture shall each provide a
5 quarterly report of such expenditures to the Governor, the Speaker
6 of the House of Representatives and the President Pro Tempore of the
7 Senate.

8 2. The Division is hereby authorized to pay for the cost of
9 food, lodging, or other expenses as necessary for required travel
10 outside of the United States.

11 D. The Native American Cultural and Educational Authority is
12 hereby authorized to enter into contracts and agreements for the
13 payment of food, lodging, and meeting facility as may be necessary
14 to pursue the promotion of fundraising, marketing, and development
15 of Native American educational programs and cultural projects, or to
16 sponsor luncheons, seminars, and receptions relating to Native
17 American educational, cultural, museum, and economic development
18 issues. Such expenses may be paid directly to the contracting
19 agency or business establishment. The Executive Director of the
20 Native American Cultural and Educational Authority shall provide a
21 monthly report of expenditures to the Native American Cultural and
22 Educational Authority Board.

23 E. For purposes of this section:
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1 1. "State agency" means any constitutionally or statutorily
2 created state board, commission, or department, including the
3 Legislature and the Courts;

4 2. State agencies are authorized to enter into contracts and
5 agreements for the payment of food and lodging expenses as may be
6 necessary for employees or other persons who are performing
7 substantial and necessary services to the state by attending
8 official conferences, meetings, seminars, workshops, or training
9 sessions or in the performance of their duties. Such expenses may
10 be paid directly to the contracting agency or business
11 establishment; provided the meeting qualifies for overnight travel
12 for the employees and the cost for food and lodging for each
13 employee shall not exceed the total daily rate as provided in the
14 State Travel Reimbursement Act;

15 3. State agencies are authorized to enter into contracts and
16 agreements for the payment of conference registration expenses as
17 may be necessary for employees or other persons who are performing
18 substantial and necessary services to the state by attending
19 official conferences, meetings, seminars, workshops, or training
20 sessions. Such expenses may be paid directly to the contracting
21 agency or business establishment; and

22 4. State agencies are authorized to enter into contracts and
23 agreements for the payment of food and lodging expenses as may be
24 necessary for employees attending an official course of instruction

1 or training conducted or sponsored by any state agency. Expenses
2 may be paid directly to the contracting agency or business
3 establishment. The cost for food and lodging for each employee
4 shall not exceed the total daily rate as provided in the State
5 Travel Reimbursement Act.

6 F. State agencies are authorized to make direct purchases of
7 commercial airline tickets for use by employees in approved out-of-
8 state travel. Each claim or invoice submitted to the Director of
9 the Office of Management and Enterprise Services for the payment of
10 the purchase shall bear the airline identifying ticket number, the
11 name of the airline, total cost of each ticket purchased, class of
12 accommodation and name of the employee for whom the ticket was
13 purchased and shall be filed on claim forms as prescribed by the
14 Director of the Office of Management and Enterprise Services. The
15 employee shall sign an affidavit stating that the employee used a
16 direct purchase commercial airline ticket received for his or her
17 approved out-of-state travel, or in lieu of the affidavit, the
18 employee may file a travel claim in connection with said airline
19 flight.

20 G. 1. The Director of the Office of Management and Enterprise
21 Services is hereby authorized to enter into contracts and agreements
22 for the payment of food, lodging, and other authorized expenses as
23 may be necessary to host, conduct, sponsor, or participate in
24 conferences, meetings, or training sessions. The Director may

1 establish accounts as necessary for the collection and distribution
2 of funds, including funds of sponsors and registration fees, related
3 to such conferences, meetings, and training sessions. Expenses
4 incurred may be paid directly to the contracting agency or business
5 establishment.

6 2. The cost of food for persons attending any conferences,
7 meetings, and training sessions that do not require overnight travel
8 shall not exceed the total daily rate as provided in the State
9 Travel Reimbursement Act.

10 H. 1. The Commissioner of the Department of Mental Health and
11 Substance Abuse Services is hereby authorized to enter into
12 contracts and agreements for the payment of food, lodging, and other
13 authorized expenses as may be necessary to host, conduct, sponsor,
14 or participate in conferences, meetings, or training sessions. The
15 Commissioner may establish accounts as necessary for the collection
16 and distribution of funds, including funds of sponsors and
17 registration fees, related to such conferences, meetings, and
18 training sessions. Any expenses incurred may be paid directly to
19 the contracting agency or business establishment.

20 2. The cost of food for persons attending any conferences,
21 meetings, and training sessions that do not require overnight travel
22 shall not exceed the total daily rate as provided in the State
23 Travel Reimbursement Act.

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1 I. The Oklahoma Indigent Defense System is hereby authorized to
2 enter into contracts and agreements for the payment of lodging as
3 necessary for employees to carry out their duties in representing
4 any client whom the System has been properly appointed to represent.
5 Such expenses may be paid directly to the contracting agency or
6 business establishment. The cost for lodging for each employee
7 shall not exceed the daily rate as provided in the State Travel
8 Reimbursement Act.

9 J. The Oklahoma Tourism and Recreation Department is hereby
10 authorized to enter into contracts and agreements for the payment of
11 food, lodging, and meeting facility and beverage expenses as may be
12 necessary for seminars and receptions relating to familiarization
13 tours and tourism development. The expenses may be paid directly to
14 the contracting agency or business establishment. The Executive
15 Director of the Oklahoma Tourism and Recreation Department shall
16 provide a monthly report of any such expenditures to the Oklahoma
17 Tourism and Recreation Commission.

18 K. The Oklahoma Tourism and Recreation Department is hereby
19 authorized to enter into contracts and agreements for the payment of
20 exhibitor fees and display space charges at expositions to promote
21 the Department's recreational facilities and the tourism and
22 recreation industry. The expenses may be paid directly to the
23 contracting agency or business establishment; provided that no
24

1 payment shall be made prior to the event unless it conveys a
2 property right to the state for future availability and use.

3 L. 1. The Oklahoma Highway Safety Office of the Department of
4 Public Safety is hereby authorized to enter into contracts and
5 agreements for the payment of food, lodging, and other authorized
6 expenses as may be necessary to host, conduct, sponsor, or
7 participate in highway-safety-related conferences, workshops,
8 seminars, meetings, or training sessions. The payments shall be for
9 all persons in attendance, including, but not limited to, employees
10 of political subdivisions or employees of the state or federal
11 government. For purposes specified in this paragraph, only federal
12 highway safety funds may be used in accordance with federal
13 guidelines and regulations, and no appropriated state funds shall be
14 used.

15 2. The cost of food for persons attending any highway safety
16 conferences, workshops, seminars, meetings, and training sessions
17 that do not require overnight travel shall not exceed the total
18 daily rate as provided in the State Travel Reimbursement Act.

19 M. 1. The Director of the Oklahoma State Bureau of
20 Investigation is hereby authorized to enter into contracts and
21 agreements for the payment of food, lodging and other authorized
22 expenses as may be necessary to host, conduct, sponsor or
23 participate in any conference, meeting, training session or
24 initiative to promote the mission and purposes of the Bureau. The

1 payments may be for all persons in attendance, including, but not
2 limited to, employees of political subdivisions or employees of the
3 state or federal government.

4 2. The cost of food for persons that do not require overnight
5 travel shall not exceed the total daily rate as provided in the
6 State Travel Reimbursement Act.

7 N. The Oklahoma Homeland Security Director is hereby authorized
8 to enter into contracts and agreements for the payment of food,
9 lodging and other authorized expenses as may be necessary to host,
10 conduct, sponsor, or participate in homeland-security-related
11 conferences, meetings, workshops, seminars, exercises or training
12 sessions. The expenses may be paid directly to the contracting
13 agency or business establishment.

14 O. The State Department of Education is hereby authorized to
15 enter into contracts and agreements for the payment of food, lodging
16 and other authorized expenses as may be necessary to host, conduct,
17 sponsor or participate in conferences, meetings or training
18 sessions. The State Department of Education may establish accounts
19 as necessary for the collection and distribution of funds, including
20 funds of sponsors and registration fees, related to such
21 conferences, meetings and training sessions. Any expenses incurred
22 may be paid directly to the contracting agency or business
23 establishment.

24

1 P. 1. The Insurance Commissioner of the Insurance Department
2 of the State of Oklahoma is hereby authorized to enter into
3 contracts and agreements for the payment of food, lodging, and other
4 authorized expenses as may be necessary to host, conduct, sponsor,
5 or participate in conferences, meetings, or training sessions. The
6 Commissioner may establish accounts as necessary for the collection
7 and distribution of funds, including funds of sponsors and
8 registration fees, related to such conferences, meetings, and
9 training sessions. Any expenses incurred may be paid directly to
10 the contracting agency or business establishment.

11 2. The cost of food for persons attending any conferences,
12 meetings, and training sessions that do not require overnight travel
13 shall not exceed the total daily rate as provided in the State
14 Travel Reimbursement Act.

15 Q. 1. The State Regents for Higher Education is hereby
16 authorized to enter into contracts and agreements for the payment of
17 food, lodging, and other authorized expenses as may be necessary to
18 host, conduct, sponsor, or participate in conferences, meetings, or
19 training sessions. The State Regents for Higher Education may
20 establish accounts as necessary for the collection and distribution
21 of funds, including funds of sponsors and registration fees, related
22 to such conferences, meetings, and training sessions. Any expenses
23 incurred may be paid directly to the contracting agency or business
24 establishment.

1 2. The cost of food for persons attending any conferences,
2 meetings, and training sessions that do not require overnight travel
3 shall not exceed the total daily rate as provided in the State
4 Travel Reimbursement Act.

5 R. 1. The Office of Educational Quality and Accountability is
6 hereby authorized to enter into contracts and agreements for the
7 payment of food, lodging, and other authorized expenses as may be
8 necessary to host, conduct, sponsor, or participate in conferences,
9 meetings, or training sessions. The Office of Educational Quality
10 and Accountability may establish accounts as necessary for the
11 collection and distribution of funds, including funds of sponsors
12 and registration fees, related to such conferences, meetings, and
13 training sessions. Any expenses incurred may be paid directly to
14 the contracting agency or business establishment.

15 2. The cost of food for persons attending any conferences,
16 meetings, and training sessions that do not require overnight travel
17 shall not exceed the total daily rate as provided in the State
18 Travel Reimbursement Act.

19 S. 1. The Department of Securities is hereby authorized to
20 enter into contracts and agreements for the payment of food,
21 lodging, meeting facility, facilitator fees and travel expenses,
22 exhibitor fees and other authorized expenses as may be necessary to
23 host, conduct, sponsor or participate in conferences, meetings,
24 training sessions or initiatives promoting or otherwise relating to

1 investor education. The Department of Securities may establish
2 accounts as necessary for the collection and distribution of funds,
3 including funds of sponsors and registration fees, related to such
4 conferences, meetings, training sessions or initiatives. The
5 payments may be for all persons in attendance, including, but not
6 limited to, employees of the state or federal government or
7 employees of political subdivisions of the state, including
8 employees of boards of public education. Expenses incurred may be
9 paid directly to the contracting agency or business establishment.

10 2. The cost of food for persons attending any conferences,
11 meetings and training sessions that do not require overnight travel
12 shall not exceed the total daily rate as provided in the State
13 Travel Reimbursement Act.

14 3. The Department of Securities is hereby authorized to pay
15 stipends to teachers participating in the investor education program
16 and monetary achievement awards to select participating students.
17 No appropriated state funds shall be used.

18 T. 1. The Oklahoma Department of Veterans Affairs is hereby
19 authorized to enter into contracts and agreements for the payment of
20 food, lodging, meeting facility, beverage and other authorized
21 expenses as may be necessary to host, conduct, sponsor or
22 participate in seminars, receptions, conferences, meetings or
23 training sessions related to the support of veterans and the
24 development of veterans' services. Expenses incurred may be paid

1 directly to the contracting agency or business establishment. The
2 Executive Director of the Oklahoma Department of Veterans Affairs
3 shall provide a monthly report of any such expenditures to the
4 Oklahoma Veterans Commission.

5 2. The cost of food for persons attending any conferences,
6 meetings and training sessions that do not require overnight travel
7 shall not exceed the total daily rate as provided in the State
8 Travel Reimbursement Act.

9 U. Whenever possible it shall be the policy of each state
10 agency to prepay airline fares and lodging expenses using a purchase
11 card issued to the agency. This policy shall apply to instances
12 where employees of the agency are traveling on behalf of state
13 government.

14 SECTION 10. NEW LAW A new section of law to be codified
15 in the Oklahoma Statutes as Section 5090.5 of Title 74, unless there
16 is created a duplication in numbering, reads as follows:

17 A. 1. The Oklahoma Economic Development, Growth, and Expansion
18 Board shall appoint a Director for the Division on Economic
19 Development, Growth, and Expansion within the Oklahoma Department of
20 Commerce to serve at the pleasure of the Board and carry out such
21 powers and duties conferred upon him or her as prescribed by the
22 Board. The Director shall be a nonvoting member of the Board.

23 2. The Board shall select a Director with experience that
24 includes, but is not limited to:

- a. economic development program leadership,
- b. business development leadership,
- c. senior-level board management and leadership,
- d. senior-level business and political engagement,
- e. leading business development or business recruitment teams,
- f. creating and implementing sector development strategies,
- g. branding and marketing leadership experience, and
- h. a track record in recruiting companies to a state or community.

3. The Board shall determine the Director's salary and other compensation such that the Board is nationally competitive in consistently employing a talented and experienced economic development professional in the position.

B. The Director shall consult with the Board regarding the administration of the affairs of the Division. The Board is authorized and empowered to require from the Director complete reports and information relative to the affairs of the Division in the time and manner the Board may deem advisable.

C. In addition to the other powers and duties prescribed by law, the Board shall:

1. Prescribe rules and policies for the transaction of its business and the control of the Division;

- 1 2. Review and approve the budget and amend to make supplemental
2 appropriations;
- 3 3. Advise in the appointment and compensation of officers,
4 agents, and employees of the Division;
- 5 4. Establish performance-based incentive compensation
6 structures to enhance organizational and individual performance,
7 both for the Director and his or her employees;
- 8 5. Supervise the letting of all contracts and purchases for the
9 Division, with all purchases of personal property to be made through
10 the Office of Management and Enterprise Services;
- 11 6. Form committees, which may include representatives who are
12 not members of the Board, to undertake more extensive study and
13 discussion on the issues before the Board; and
- 14 7. Annually report to the Governor and the Legislature
15 electronically on the complete operation, activities, and plans of
16 the Division, together with such recommendations for future
17 activities as the Board may deem to be in the best interest of the
18 state.

19 SECTION 11. NEW LAW A new section of law to be codified
20 in the Oklahoma Statutes as Section 5090.6 of Title 74, unless there
21 is created a duplication in numbering, reads as follows:

22 A. Immediately upon the appointment of the Director, he or she
23 shall become vested with the duties and powers of the management and
24 control of the Division on Economic Development, Growth, and

1 Expansion within the Oklahoma Department of Commerce under such
2 provisions, orders, rules, and regulations as may be prescribed by
3 the Oklahoma Economic Development, Growth, and Expansion Board, and,
4 in addition thereto, shall have the following specific powers and
5 duties:

6 1. To manage and control all economic investment projects in
7 this state, under the supervision of the Board;

8 2. To appoint and employ such assistants, administrative
9 leadership, clerical help, and other employees as the Board may deem
10 necessary, subject to the approval of the Board. The Director shall
11 fix and determine the salaries and wages to be paid under and
12 subject to the rules and regulations as promulgated by the Board;
13 and

14 3. To exercise such powers and duties relating to the direction
15 of the state's economic development efforts conferred upon the
16 Division as may be delegated to him or her by the Board.

17 B. The Director shall determine the strategic plans and
18 programs necessary to accomplish the duties and responsibilities of
19 this section and those prescribed by the Board and may perform
20 functions in coordination with the Director of the Department of
21 Commerce.

22 SECTION 12. NEW LAW A new section of law to be codified
23 in the Oklahoma Statutes as Section 5090.7 of Title 74, unless there
24 is created a duplication in numbering, reads as follows:

1 A. The Division on Economic Development, Growth, and Expansion
2 within the Oklahoma Department of Commerce is granted all powers
3 necessary for the carrying out of its statutory purposes including
4 the power to:

5 1. Administer the provisions of this act or any duty as
6 directed by the state;

7 2. Establish a presence for the Division in a location housed
8 within the Oklahoma Department of Commerce;

9 3. Administer funds from the Economic Development, Growth, and
10 Expansion Revolving Fund created in Section 15 of this act;

11 4. Promulgate rules to carry out the provisions of this act;

12 5. Enter into contracts or agreements for studies, professional
13 services, grant administration and procurement, research projects,
14 supplies, or any other services the Division deems necessary to
15 carry out its purpose;

16 6. Cooperate with any private, local, state, or national
17 commission, organization, agency, or group and to make contracts and
18 agreements for joint programs beneficial to Oklahoma's economic
19 development;

20 7. Hire outside legal counsel as provided in Section 250.4 of
21 Title 75 of the Oklahoma Statutes;

22 8. Accept donations, grants, contributions, and gifts from any
23 public or private sources and deposit such in the Economic
24

1 Development, Growth, and Expansion Revolving Fund created in Section
2 15 of this act;

3 9. Provide input and authorize an annual plan of work and
4 marketing plan;

5 10. Provide guidance, approve objectives, and conduct frequent
6 reviews of the organization's progress to ensure that the focus
7 remains on its mission;

8 11. Render advice and assistance and provide services to state
9 agencies, local and regional economic development entities, private
10 firms, and the other person providing services or facilities for
11 economic development; and

12 12. Develop, undertake, and provide programs, alone or in
13 conjunction with any person, for economic research, industrial
14 development research, and all other research that may lead to
15 economic development.

16 B. It shall be the duty of the Division to encourage,
17 stimulate, and support the development and expansion of the economy
18 of Oklahoma. The Division is charged with the duty and
19 responsibility to:

20 1. Create and implement a strategic economic development plan,
21 including identifying critical industries;

22 2. Create and implement effective economic development
23 marketing and promotional programming;

24

1 3. Make available, in conjunction and cooperation with
2 localities, chambers of commerce, industrial authorities, and other
3 public and private groups, to prospective new businesses, basic
4 information and pertinent factors of interest and concern to such
5 businesses;

6 4. Formulate, promulgate, and advance programs throughout the
7 state for encouraging the location of new businesses in the state
8 and the retention and growth of existing businesses;

9 5. Encourage and solicit private sector involvement, support,
10 and funding for economic development in this state;

11 6. Encourage the coordination of economic development efforts
12 of public institutions, regions, communities, and private industry
13 and collect and maintain data on the development and utilization of
14 economic development capabilities;

15 7. Encourage the export of products and services; and

16 8. Advise the Oklahoma Workforce Commission and its educational
17 and instructional partners of increased workforce needs for
18 particular industries or skills in accordance with the Division's
19 strategic plan and economic development activities.

20 C. The Division shall annually update and modify its economic
21 development strategic plan for this state in consultation with the
22 Governor, Lieutenant Governor, and the Legislature. The Division
23 shall prepare a report on the economic development strategic plan by
24 December 30 each year to be electronically distributed to the

1 Governor, the President Pro Tempore of the Senate, the Speaker of
2 the House of Representatives, and the fiscal directors of their
3 respective legislative chambers. The Division shall post the report
4 on its website.

5 SECTION 13. AMENDATORY 75 O.S. 2021, Section 250.4, as
6 amended by Section 37, Chapter 310, O.S.L. 2023 (75 O.S. Supp. 2023,
7 Section 250.4), is amended to read as follows:

8 Section 250.4. A. 1. Except as is otherwise specifically
9 provided in this subsection, each agency is required to comply with
10 Article I of the Administrative Procedures Act.

11 2. The Corporation Commission shall be required to comply with
12 the provisions of Article I of the Administrative Procedures Act
13 except for subsections A, B, C and E of Section 303 of this title
14 and Section 306 of this title. To the extent of any conflict or
15 inconsistency with Article I of the Administrative Procedures Act,
16 pursuant to Section 35 of Article IX of the Oklahoma Constitution,
17 it is expressly declared that Article I of the Administrative
18 Procedures Act is an amendment to and alteration of Sections 18
19 through 34 of Article IX of the Oklahoma Constitution.

20 3. The ~~Oklahoma~~ Military Department of the State of Oklahoma
21 shall be exempt from the provisions of Article I of the
22 Administrative Procedures Act to the extent it exercises its
23 responsibility for military affairs. Military publications, as
24 defined in Section 801 of Title 44 of the Oklahoma Statutes, shall

1 be exempt from the provisions of Article I and Article II of the
2 Administrative Procedures Act, except as provided in Section 251 of
3 this title.

4 4. The Oklahoma Ordnance Works Authority, the Northeast
5 Oklahoma Public Facilities Authority, the ~~Oklahoma~~ Office of
6 Homeland Security and the Board of Trustees of the Oklahoma College
7 Savings Plan shall be exempt from Article I of the Administrative
8 Procedures Act.

9 5. The Transportation Commission and the Department of
10 Transportation shall be exempt from Article I of the Administrative
11 Procedures Act to the extent they exercise their authority in
12 adopting standard specifications, special provisions, plans, design
13 standards, testing procedures, federally imposed requirements and
14 generally recognized standards, project planning and programming,
15 and the operation and control of the State Highway System.

16 6. The Oklahoma State Regents for Higher Education shall be
17 exempt from Article I of the Administrative Procedures Act with
18 respect to:

- 19 a. prescribing standards of higher education,
- 20 b. prescribing functions and courses of study in each
21 institution to conform to the standards,
- 22 c. granting of degrees and other forms of academic
23 recognition for completion of the prescribed courses,
- 24 d. allocation of state-appropriated funds, and

1 e. fees within the limits prescribed by the Legislature.

2 7. Institutional governing boards within The Oklahoma State
3 System of Higher Education shall be exempt from Article I of the
4 Administrative Procedures Act.

5 8. a. The Commissioner of Public Safety and the Executive
6 Director of Service Oklahoma shall be exempt from
7 Sections 303.1, 304, 307.1, 308 and 308.1 of this
8 title insofar as it is necessary to promulgate rules
9 pursuant to the Oklahoma Motor Carrier Safety and
10 Hazardous Materials Transportation Act, to maintain a
11 current incorporation of federal motor carrier safety
12 and hazardous material regulations.

13 b. Such rules may be adopted by the Commissioner and
14 shall be deemed promulgated twenty (20) days after
15 notice of adoption is published in "The Oklahoma
16 Register". Such publication need not set forth the
17 full text of the rule but may incorporate the federal
18 rules and regulations by reference.

19 c. Such copies of promulgated rules shall be filed with
20 the Secretary of State as required by Section 251 of
21 this title.

22 d. For any rules for which the Commissioner has
23 discretion to allow variances, tolerances or
24 modifications from the federal rules and regulations,

1 the Commissioner shall fully comply with Article I of
2 the Administrative Procedures Act.

3 9. The Council on Judicial Complaints shall be exempt from
4 Section 306 of ~~Article I of the Administrative Procedures Act~~ this
5 title, with respect to review of the validity or applicability of a
6 rule by an action for declaratory judgment, or any other relief
7 based upon the validity or applicability of a rule, in the district
8 court or by an appellate court. A party aggrieved by the validity
9 or applicability of a rule made by the Council on Judicial
10 Complaints may petition the Court on the Judiciary to review the
11 rules and issue opinions based upon them.

12 10. The Department of Corrections, State Board of Corrections,
13 county sheriffs and managers of city jails shall be exempt from
14 Article I of the Administrative Procedures Act with respect to:

- 15 a. prescribing internal management procedures for the
16 management of the state prisons, county jails and city
17 jails and for the management, supervision and control
18 of all incarcerated prisoners, and
- 19 b. prescribing internal management procedures for the
20 management of the probation and parole unit of the
21 Department of Corrections and for the supervision of
22 probationers and parolees.

23 11. The State Board of Education shall be exempt from Article I
24 of the Administrative Procedures Act with respect to prescribing

1 subject matter standards as provided for in Section 11-103.6a of
2 Title 70 of the Oklahoma Statutes.

3 B. As specified, the following agencies or classes of agency
4 activities are not required to comply with the provisions of Article
5 II of the Administrative Procedures Act:

6 1. The Oklahoma Tax Commission, except as provided in
7 subsection G of Section 1140 of Title 47 of the Oklahoma Statutes;

8 2. The Commission for Human Services;

9 3. The Oklahoma Ordnance Works Authority;

10 4. The Corporation Commission;

11 5. The Pardon and Parole Board;

12 6. The Midwestern Oklahoma Development Authority;

13 7. The Grand River Dam Authority;

14 8. The Northeast Oklahoma Public Facilities Authority;

15 9. The Council on Judicial Complaints;

16 10. The Board of Trustees of the Oklahoma College Savings Plan;

17 11. The supervisory or administrative agency of any penal,
18 mental, medical or eleemosynary institution, only with respect to
19 the institutional supervision, custody, control, care or treatment
20 of inmates, prisoners or patients therein; provided, that the
21 provisions of Article II shall apply to and govern all

22 administrative actions of the Oklahoma Alcohol Prevention, Training,
23 Treatment and Rehabilitation Authority;

24

1 12. The Board of Regents or employees of any university,
2 college, or other institution of higher learning;

3 13. The Oklahoma Horse Racing Commission, its employees or
4 agents only with respect to hearing and notice requirements on the
5 following classes of violations which are an imminent peril to the
6 public health, safety and welfare:

- 7 a. any rule regarding the running of a race,
- 8 b. any violation of medication laws and rules,
- 9 c. any suspension or revocation of an occupation license
10 by any racing jurisdiction recognized by the
11 Commission,
- 12 d. any assault or other destructive acts within
13 Commission-licensed premises,
- 14 e. any violation of prohibited devices, laws and rules,
15 or
- 16 f. any filing of false information;

17 14. The Commissioner of Public Safety and the Executive
18 Director of Service Oklahoma only with respect to driver license
19 hearings and hearings conducted pursuant to the provisions of
20 Section 2-115 of Title 47 of the Oklahoma Statutes;

21 15. The Administrator of the Oklahoma Department of Securities
22 only with respect to hearings conducted pursuant to provisions of
23 the Oklahoma Take-over Disclosure Act of 1985;

24

1 16. Hearings conducted by a public agency pursuant to Section
2 ~~962~~ 903A of Title 47 of the Oklahoma Statutes;

3 17. The ~~Oklahoma~~ Military Department of the State of Oklahoma;

4 18. The University Hospitals Authority, including all hospitals
5 or other institutions operated by the University Hospitals
6 Authority;

7 19. The Oklahoma Health Care Authority Board and the
8 Administrator of the Oklahoma Health Care Authority; ~~and~~

9 20. The ~~Oklahoma~~ Office of Homeland Security; and

10 21. The Division on Economic Development, Growth, and Expansion
11 within the Oklahoma Department of Commerce created in Section 4 of
12 this act only to the extent of hiring outside legal counsel.

13 SECTION 14. NEW LAW A new section of law to be codified
14 in the Oklahoma Statutes as Section 5090.8 of Title 74, unless there
15 is created a duplication in numbering, reads as follows:

16 A. It is the intent of the Legislature that the creation of the
17 Legislative Evaluation and Development Committee shall review
18 financing for individual incentive packages including, but not
19 limited to, packages offering tax incentives, funds for economic
20 development, and when the annual investment exceeds Seventy-five
21 Million Dollars (\$75,000,000.00) for any business, new or existing
22 currently in Oklahoma, or when one or more of the incentives in the
23 incentive package is not authorized under current law or an
24 amendment by the Legislature is being sought to one or more

1 currently existing incentives included in the incentive package. In
2 addition to the required review of certain incentive packages as
3 prescribed by this section, the Committee may, in its discretion,
4 also review potential economic development projects presented by
5 private sector businesses or state or other political subdivision
6 authorities which would be financed by public funds.

7 B. There is hereby created within the Legislature the
8 Legislative Evaluation and Development Committee to evaluate and
9 propose economic projects provided by the Division on Economic
10 Development, Growth, and Expansion within the Oklahoma Department of
11 Commerce. The Committee shall consist of:

12 1. Four members of the Senate to be appointed by the President
13 Pro Tempore of the Senate; and

14 2. Four members of the House of the Representatives to be
15 appointed by the Speaker of the House of Representatives.

16 The President Pro Tempore of the Senate and the Speaker of the
17 House of Representatives shall serve as co-chairs for the Committee.

18 C. The quorum of the Committee shall consist of at least five
19 members. Meetings of the Committee shall be governed by joint rules
20 of the Legislature. Members of the Committee may receive
21 reimbursement from the Legislative Service Bureau for actual and
22 necessary expenses incurred in connection with their duties as
23 members of the Committee in accordance with other provisions of law
24 relating to travel reimbursement for members of the Legislature.

1 Members serving on this Committee shall submit to nondisclosure
2 agreements and adhere to the confidentiality of the material
3 discussed in meetings that affect the economic development of this
4 state.

5 SECTION 15. NEW LAW A new section of law to be codified
6 in the Oklahoma Statutes as Section 5090.9 of Title 74, unless there
7 is created a duplication in numbering, reads as follows:

8 A. There is hereby created in the State Treasury a revolving
9 fund for the Division on Economic Development, Growth, and Expansion
10 within the Oklahoma Department of Commerce to be designated the
11 "Economic Development, Growth, and Expansion Revolving Fund". The
12 fund shall be a continuing fund, not subject to fiscal year
13 limitations, and shall consist of all monies received by the
14 Division from appropriations and donations, grants, contributions,
15 or gifts from any public or private source. All monies accruing to
16 the credit of the fund are hereby appropriated and may be budgeted
17 and expended by the Division for the purpose of attracting,
18 retaining, and recruiting new business to Oklahoma, advancing the
19 purposes of the Division, or any other purpose proposed by the
20 Division and consented to by the Oklahoma Economic Development,
21 Growth, and Expansion Board. Expenditures from the fund shall be
22 made upon warrants issued by the State Treasurer against claims
23 filed as prescribed by law with the Director of the Office of
24 Management and Enterprise Services for approval and payment.

1 B. Notwithstanding any other provision of law, and until the
2 fiscal year ending in 2034, income and earnings on the fund shall
3 accrue to the fund and may be used for the purposes provided for in
4 this section.

5 SECTION 16. It being immediately necessary for the preservation
6 of the public peace, health or 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 COMMITTEE REPORT BY: COMMITTEE ON APPROPRIATIONS
10 February 28, 2024 - DO PASS AS AMENDED BY CS

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