

1 STATE OF OKLAHOMA

2 2nd Session of the 59th Legislature (2024)

3 HOUSE BILL 3252

By: Osburn and Bashore

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6 AS INTRODUCED

7 An Act relating to state government; amending 74 O.S.
8 2021, Sections 5003.2, 5003.3, 5003.4, 5003.7, 5003.8
9 and 5003.10, which relate to the Oklahoma Department
10 of Commerce; modifying statement of needs; modifying
11 mission statement; modifying provisions related to
12 certain five-year plan; modifying provisions related
13 to annual report; modifying provisions related to
14 authority of agency; providing an effective date; and
15 declaring an emergency.

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

17 SECTION 1. AMENDATORY 74 O.S. 2021, Section 5003.2, is
18 amended to read as follows:

19 Section 5003.2 A. Recognizing the geographic diversity of this
20 state, Oklahoma needs ~~one central, primary public-sector economic~~
21 ~~development agency for the state in order to manage or coordinate~~
22 ~~all public sector economic development activity~~ a focus on long-term
23 development of local communities to increase competitiveness and
24 enhance economic opportunities.

Oklahoma needs an agency to work at the community ~~and firm~~ level
to:

1 1. Create new and higher quality jobs for the people of this
2 state through the ~~expansion, creation, restructuring and recruitment~~
3 ~~of export-oriented Oklahoma firms which produce value-added goods,~~
4 ~~services and processes~~ long-term development of local communities;

5 2. Encourage statewide economic diversification and stability;

6 3. Maintain a two-way flow of information between the ~~central~~
7 state economic development agency and ~~firms, farms and~~ communities
8 through regional organization and representation;

9 4. Implement the strategic economic development five-year plan
10 developed by the state economic development entity; and

11 5. Carry out policy development and research in support of
12 ~~Oklahoma Futures~~ the long-term competitiveness of Oklahoma;

13 6. Provide technical assistance to local communities in
14 securing federal funding, incentive availability, and community
15 development;

16 7. Provide assistance and funding in development of potential
17 sites for economic development;

18 8. Coordinate with other state agencies deploying federal and
19 state funds for infrastructure development including, but not
20 limited to, the Oklahoma Department of Transportation, the Oklahoma
21 Water Resources Board, and the Oklahoma Broadband Office; and

22 9. Assist in compliance with the laws and regulations of
23 economic incentives and economic development initiatives.

1 B. The Oklahoma Department of Commerce is hereby constituted an
2 agency of state government.

3 C. Whenever the terms "Department of Economic Development" or
4 "Department of Economic and Community Affairs" appear in the
5 Oklahoma Statutes they shall mean and refer to the Oklahoma
6 Department of Commerce.

7 SECTION 2. AMENDATORY 74 O.S. 2021, Section 5003.3, is
8 amended to read as follows:

9 Section 5003.3 The mission of the Oklahoma Department of
10 Commerce shall be to support ~~firms', farms' and local communities'~~
11 ~~growth, diversification, expansion and ability to compete in export~~
12 ~~markets in order to create new and better jobs for Oklahomans~~
13 ~~throughout the state~~ community development and allow communities to
14 compete effectively in economic development opportunities.

15 SECTION 3. AMENDATORY 74 O.S. 2021, Section 5003.4, is
16 amended to read as follows:

17 Section 5003.4 As used in the Oklahoma Department of Commerce
18 Act:

- 19 1. "Department" means the Oklahoma Department of Commerce;
- 20 2. "Director" means the ~~director~~ Director of the Department of
21 Commerce;
- 22 3. "Enterprise" means a ~~firm~~ business with its principal place
23 of ~~business~~ operations in Oklahoma;

1 4. "Economic Information System" means a comprehensive
2 statewide data collection, analysis and distribution system which
3 makes available current and thorough information on Oklahoma
4 economic trends and future Oklahoma economic opportunities to
5 communities, ~~firms, farms and individuals in the state; firms and~~
6 ~~individuals outside the state considering location in Oklahoma; and~~
7 ~~Oklahoma Futures,~~ the Governor, the Legislature and all other state
8 agencies and institutions; and

9 5. "Economic Innovation System" means a decentralized statewide
10 system that responsively and innovatively coordinates technical
11 assistance, grant and loan programs with local, state, federal and
12 private sector activities into a single statewide Economic
13 Innovation System.

14 SECTION 4. AMENDATORY 74 O.S. 2021, Section 5003.7, is
15 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 and
19 the state executive and legislative branches, a five-year ~~economic~~
20 ~~development~~ infrastructure and community development plan and annual
21 updates for the State of Oklahoma.

22 1. The purpose of the plan shall be to identify significant
23 economic, social, and demographic trends and development
24 opportunities which may have both short-term and long-term impacts
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1 on the state and local economy and to present strategies and
2 recommendations that the state and local political subdivisions
3 might adopt to improve or stabilize the economy.

4 2. The goals of the plan shall include the development of a
5 diversified state economy, increasing employment, the maximum use of
6 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 for
11 infrastructure investment to encourage intergovernmental cooperation
12 and public and private cooperation.

13 4. Copies of the plan and the annual updates shall be submitted
14 to the ~~Oklahoma Advisory Committee on Intergovernmental Relations~~
15 state economic development entity, the Governor, the Speaker of the
16 House of Representatives, the President Pro Tempore of the Senate
17 ~~and the chairmen of the standing committees on economic development~~
18 ~~of the Senate and of the House of Representatives~~ on the first day
19 of each legislative session.

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

3 6. The Department shall convene a working group of Oklahoma
4 state agencies who invest state and federal funds to develop
5 infrastructure to better coordinate and maximize deployment of
6 funds. Agencies included in the working group shall include, but
7 not be limited to, the Oklahoma Department of Transportation, the
8 Oklahoma Water Resources Board, and the Oklahoma Broadband Office.

9 7. The Department shall provide technical assistance to local
10 communities seeking to pursue federal funding opportunities.

11 Technical assistance may include identification of federal funding
12 opportunities, grant writing support, data collection, and
13 identifying funds to meet matching funds requirements.

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

22 C. The Director shall develop an annual business plan for the
23 Department. The business plan shall include the need and mission of
24 each division of the Department created by law or the Director and
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1 an analysis of past costs and benefits and future projected costs
2 and benefits to the state of the programs of each division of the
3 Department. ~~The business plan shall be consistent with the goals of~~
4 ~~the recurring five-year plan specified in this section. The~~
5 ~~Director shall distribute copies of the business plan by such means~~
6 ~~that will make it widely available to communities, firms and local~~
7 ~~economic development managers throughout this state.~~

8 SECTION 5. AMENDATORY 74 O.S. 2021, Section 5003.8, is
9 amended to read as follows:

10 Section 5003.8 In order to ensure that the Oklahoma Department
11 of Commerce is effectively implementing its mission, purpose and
12 objectives, the Department shall publish an annual report setting
13 forth in detail the operations and programs conducted by it pursuant
14 to this act or to other legislation. The report shall review both
15 statewide progress and departmental progress according to several
16 measures including objective measures listed in the Department's
17 five-year plan. The Department shall present this report to the
18 Governor and the Legislature. The annual report shall specifically
19 account for ways in which the needs, mission and programs of the
20 Department described in this act have been carried out and
21 recommendations shall specifically note what changes in the
22 activities of the Department and the programs it administers and of
23 state government are necessary to better address the mission
24 described in this act. ~~The Department shall distribute its annual~~
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1 ~~report by such means that will make it widely available to~~
2 ~~communities, firms and local economic development managers~~
3 ~~throughout this state.~~

4 SECTION 6. AMENDATORY 74 O.S. 2021, Section 5003.10, is
5 amended to read as follows:

6 Section 5003.10 The Oklahoma Department of Commerce shall have
7 the authority to:

8 1. ~~Disseminate~~ Maintain information concerning the industrial,
9 commercial, governmental, educational, cultural, agricultural,
10 business and other advantages and attractions of the state;

11 2. Assist public and private agencies in the preparation of
12 ~~informational and publicity programs designed to attract or retain~~
13 ~~business and industry for the state~~ plans for the development of
14 local communities;

15 3. Obligate and expend funds for services performed by local
16 political subdivisions of the state, state agencies, including
17 universities and colleges within and without the state, and federal
18 agencies for research and training in conformity with the general
19 state laws governing such activity; and apply for, accept,
20 administer and expend grants from the federal government and any
21 other public or private sources for research and training purposes;

22 4. Conduct, publish and disseminate or encourage research
23 designed to further new and more extensive uses of the natural and
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1 other resources of the state and designed to develop and
2 commercialize new products and commercial processes;

3 5. Study trends and developments in the industries of the state
4 and analyze the reasons underlying such trends; study costs within
5 the state; and make recommendations regarding circumstances
6 promoting or hampering business and industrial development;

7 6. Generally gather, compile and make available economic
8 analyses and statistical information relating to business, trade,
9 commerce, industry, transportation, communication, natural
10 resources, population and other like subjects in this state, with
11 authority to call upon other agencies, universities and colleges of
12 the state for statistical data and results obtained by them, and to
13 arrange and compile such economic analyses and statistical
14 information in such a manner as it deems advisable;

15 7. Study such other scientific, industrial, financial and
16 economic issues as, in the judgment of the Department, shall be
17 deemed of value to the people of the state;

18 8. Support and assist the efforts of state, regional and local
19 development organizations, industrial committees, chambers of
20 commerce, agricultural organizations, labor organizations and other
21 similar public and private agencies to obtain new and to foster
22 expansion of existing service, industrial and manufacturing
23 facilities, businesses and enterprises; and to foster community
24 improvements in leadership, expertise, human development,
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1 infrastructure, public facilities and quality of life; and to expand
2 data availability and utilization opportunities;

3 9. Maintain a continuing evaluation of the sources available
4 for the financing of the development or expansion of industrial,
5 agricultural and commercial facilities in this state through both
6 public and private agencies;

7 10. Assist in obtaining financing for the development and
8 expansion of industrial, agricultural and commercial facilities in
9 the state;

10 11. ~~Serve as the state's official liaison agency between~~
11 ~~persons interested in locating new economic enterprises in Oklahoma~~
12 ~~and state and local groups seeking new enterprises. In this~~
13 ~~respect, the Department shall aid communities in organizing for and~~
14 ~~obtaining new businesses and expanding existing businesses and shall~~
15 ~~process requests which reflect interest in locating economic~~
16 ~~enterprises in the state~~ resource for local communities by providing
17 technical assistance for funding opportunities and community
18 development;

19 12. ~~Promote the sale and facilitate the marketing of Oklahoma~~
20 ~~products including agricultural and value added products in the~~
21 ~~international market;~~

22 13. ~~Encourage the location of foreign manufacturing plants and~~
23 ~~other industries in Oklahoma;~~

1 ~~14. Coordinate the international efforts of the various state~~
2 ~~agencies without violating the individual authority given those~~
3 ~~agencies by statute;~~

4 ~~15. Coordinate and serve as liaison to the private sector as~~
5 ~~needed;~~

6 16. Establish, subject to an annual appropriation or private
7 gifts, offices outside the state boundaries. The offices may be
8 operated by the state or may be operated pursuant to contract which
9 shall not be subject to the competitive bid laws of the State of
10 Oklahoma. The Department shall prepare an annual report concerning
11 the activities of the offices and submit it to the Governor and the
12 Legislature. The Director of the Oklahoma Department of Commerce
13 shall notify in writing the Governor, the President Pro Tempore of
14 the Senate and the Speaker of the House of Representatives that the
15 Department intends to establish a new office pursuant to this
16 paragraph at least thirty (30) days prior to the establishment of
17 the new office or execution of a contract;

18 ~~17.~~ 13. Establish a system of not less than six geographic
19 regions for providing technical assistance and support to local
20 communities in promoting new or existing businesses, assisting in
21 the expansion of small and medium sized manufacturers through a
22 modernization program, creating new jobs, and assisting local
23 businesses, political subdivisions or other entities to better
24 utilize the services of the Department;

1 ~~18.~~ 14. Solicit, accept and expend donations and contributions
2 from any source, whether public or private, in order to advertise,
3 promote or disseminate information which may assist in the
4 ~~recruitment of companies, firms or jobs to~~ development of
5 communities in Oklahoma, including but not limited to the Oklahoma
6 Quality Jobs Program Act, and any other acts which the Department
7 administers or which may assist the Department in the performance of
8 its mission. The Department shall deposit any funds collected
9 pursuant to this paragraph in the "Oklahoma Department of Commerce
10 Revolving Fund" created by Section 5012 of this title; and

11 ~~19.~~ 15. Enter into contracts at fair market value for the rental
12 of office space in any facility under its control to entities
13 engaged in activities related to the ~~export of goods produced in~~
14 development of Oklahoma. The Department shall deposit any funds
15 collected pursuant to this paragraph in the "Oklahoma Department of
16 Commerce Revolving Fund" created by Section 5012 of this title.

17 SECTION 7. This act shall become effective July 1, 2024.

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

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