

ENGROSSED

ENGROSSED SENATE

1 BILL NO. 772 By: Jolley of the Senate
 2 and
 3 Shannon of the House
 4 [~~licensed professions creating the Office of~~]
 5 [~~Business and Professional Facilitation within the~~]
 6 [~~Department of Commerce codification~~]
 7 [~~noncodification effective date~~]
 8 [~~emergency~~]

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

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

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

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

22 A. The Office of Business and Professional Facilitation is
 23 hereby created within the Department of Commerce to continue until
 24 July 1, 2015, in accordance with the provisions of the Oklahoma

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

25 B. The Under Secretary of Commerce of the Office of
26 Business and Professional Facilitation shall be appointed by the
27 Governor, with the advice and consent of the Senate. The Under

1 Secretary of Commerce shall serve at the pleasure of the Governor
2 who shall set the salary of the Under Secretary of Commerce in
3 accordance with the salary range of commensurate positions
4 established by the Office of Personnel Management. The Under
5 Secretary of Commerce position shall be an unclassified and at-
6 will employment. The Under Secretary of Commerce shall have the
7 power, duty and responsibility to provide oversight and to
8 supervise and administer all industries, trades, occupations, and
9 professions transferred in accordance with the provisions of this
10 act.

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

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

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

1 A. On the effective date of this act, all unexpended funds,
2 property, furnishings, equipment, supplies, records, personnel,
3 and outstanding financial obligations and encumbrances relating to
4 the designated transfer specified in this act are hereby
5 transferred to the Office of Business and Professional
6 Facilitation within the Department of Commerce for the continuing
7 performance of its duties. No funds may be spent on anything
8 other than for the performance of duties and responsibilities as
9 directed and required by statute.

10 B. 1. All transferred personnel may retain their
11 employment position and status as unclassified or classified
12 employees and shall become employees of the Department of Commerce
13 on the date such employee is transferred pursuant to this act.
14 All transferred employees shall serve at the pleasure of the Under
15 Secretary of Commerce who shall have authority to hire, assign and
16 terminate employees under his or her authority.

17 2. All transferred contract personnel and any written
18 contracts or agreements, or portions thereof, relating to any
19 transferred personnel or any right, obligation, responsibility,
20 duty or authority subject to the transfer specified in subsection
21 A of this section, shall remain in full force and effect upon
22 transfer.

23 3. All board and commission members subject to the transfer
24 provided by the provisions of this act shall retain such
25 selection, appointment, assignment or membership term as provided
26 by law, except when the Board or Commission or any membership

27 position thereof is lawfully abolished or amended by law.

4

1 C. All licenses, registrations, certifications and
2 accreditations shall remain in full force and effect upon the
3 transfer of the issuing agency's, board's, or commission's
4 authority to the Under Secretary of Commerce.

5 D. The Office of Business and Professional Facilitation
6 within the Department of Commerce may rent office space, continue
7 current office space arrangements, or shall assign office space
8 through the Department of Central Services pursuant to Section 94
9 of Title 74 of the Oklahoma Statutes as may be necessary.

10 E. The Director of State Finance is hereby directed to
11 coordinate the transfer of funds, allotments, purchase orders, and
12 outstanding financial obligations, or encumbrances, provided for
13 by the provisions of this act.

14 F. The Director of State Finance is hereby directed to
15 affix a cap on the current licensing fees for each agency being
16 transferred subject to this act. The Director shall establish the
17 criteria by which shared services are billed to each revolving
18 fund transferred pursuant to this act. The Director shall then
19 lower the amount of each licensing fee upon savings being
20 certified by the Office of State Finance for the respective
21 professions and trades transferred pursuant to this act.

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

24 A. The Oklahoma Department of Commerce shall conduct a
25 study concerning ways to revitalize the rural communities of this
26 state that lack the resources to implement infrastructure

27 improvements, broadband technology, and health care needs. The

5

1 study shall be for the benefit of those rural communities with a
2 population of not more than ten thousand (10,000) persons.

3 B. In addition to other items deemed appropriate by the
4 Department, the study shall include the feasibility of
5 revitalizing these types of communities by combining resources of
6 the public and private sectors to assist in the repairing,
7 rebuilding, and restoring of the social, economic, and
8 governmental fabric of the communities. The Department shall work
9 with ancillary groups whose main purpose is to assist in the
10 revitalization of these underserved and underdeveloped
11 communities.

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

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

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

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

22

23 Presiding Officer of the Senate

24 Passed the House of Representatives the ____ day of
25 _____, 2011.

26

27 Presiding Officer of the House

6

1 of Representatives

2 Req. No. *Req. No.*\Page 1

3 ENGR. S. B. NO. 772Page 2

