

1 STATE OF OKLAHOMA

2 2nd Session of the 57th Legislature (2020)

3 SENATE BILL 1503

By: Dugger

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5
6 AS INTRODUCED

7 An Act relating to the Incentive Evaluation
8 Commission; amending Section 3, Chapter 182, O.S.L.
9 2015 (62 O.S. Supp. 2019, Section 7003), which
10 relates to Commissioners; modifying terms of certain
11 Commissioners; modifying date upon which terms begin;
12 and declaring an emergency.

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

14 SECTION 1. AMENDATORY Section 3, Chapter 182, O.S.L.
15 2015 (62 O.S. Supp. 2019, Section 7003), is amended to read as
16 follows:

17 Section 7003. A. There is hereby established the Incentive
18 Evaluation Commission consisting of:

19 1. A certified public accountant appointed by the Oklahoma
20 Accountancy Board whose term shall expire on ~~June 30, 2019~~ December
21 31, 2024;

22 2. The president of the Oklahoma Professional Economic
23 Development Council or his or her designee who is also a member of
24 the Oklahoma Professional Economic Development Council who shall

1 serve during his or her term of office as president of the Oklahoma
2 Professional Economic Development Council;

3 3. An auditor who is employed as an internal auditor by a
4 company or who is employed by a private auditing firm appointed by
5 the Governor whose term shall expire on ~~June 30, 2019~~ December 31,
6 2024;

7 4. An economist from an Oklahoma college or university
8 appointed by the President Pro Tempore of the Oklahoma State Senate
9 whose term shall expire on ~~June 30, 2020~~ December 31, 2020;

10 5. A lay person who is not an elected official appointed by the
11 Speaker of the Oklahoma House of Representatives whose term shall
12 expire ~~June 30, 2020~~ December 31, 2020;

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

16 7. The Director of the Office of Management and Enterprise
17 Services or his or her designee who is an employee of the Office of
18 Management and Enterprise Services which shall be an ex officio and
19 nonvoting position; and

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

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

4 C. No person shall serve on the Commission or be appointed to
5 the Commission who is employed by a company that receives any
6 incentive or who holds a substantial interest in ownership in a
7 company that receives any incentive. As used in this subsection,
8 "substantial interest" shall mean the ownership, directly or
9 indirectly, of more than fifty percent (50%) of the equity interest
10 with voting rights for any lawfully recognized business entity.

11 D. No person shall be appointed to the Commission who at the
12 time of his or her appointment is an elected official. Any person
13 who is appointed to the Commission who subsequently becomes an
14 elected official during his or her term on the Commission shall be
15 required to vacate his or her position on the Commission.

16 E. The Office of Management and Enterprise Services shall
17 provide staff and administrative support to the Incentive Evaluation
18 Commission. The Oklahoma Department of Commerce and the Oklahoma
19 Tax Commission shall assist the Office of Management and Enterprise
20 Services as needed in providing staff and administrative support to
21 the Commission.

22 F. The Incentive Approval Committee is hereby created as a
23 subcommittee of the Incentive Evaluation Commission and shall
24 consist of the Director of the Office of Management and Enterprise
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1 Services or his or her designee, the Secretary of Commerce or his or
2 her designee, and the Chairman of the Tax Commission or his or her
3 designee. It shall be the duty of the Committee to determine:

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

11 2. If an establishment would have been defined as a "basic
12 industry" prior to the amendments to Section 3603 of Title 68 of the
13 Oklahoma Statutes to convert from SIC Codes to NAICS Codes. If the
14 Committee so determines, the establishment shall be considered as a
15 "basic industry" for purposes of the Oklahoma Quality Jobs Program
16 Act; and

17 3. If employees of an establishment as defined in division (10)
18 of subparagraph a of paragraph 1 of subsection A of Section 3603 of
19 Title 68 of the Oklahoma Statutes meet the requirements to be
20 considered employed in new direct jobs as specified in paragraph 3
21 of subsection A of Section 3603 of Title 68 of the Oklahoma
22 Statutes.

23 G. For an establishment defined as a "basic industry" pursuant
24 to division (4) of subparagraph a of paragraph 1 of subsection A of

1 Section 3603 of Title 68 of the Oklahoma Statutes, the Incentive
2 Approval Committee shall consist of the members provided by
3 subsection A of this section and the Executive Director of the
4 Oklahoma Center for the Advancement of Science and Technology, or a
5 designee from the Center appointed by the Executive Director.

6 SECTION 2. It being immediately necessary for the preservation
7 of the public peace, health or safety, an emergency is hereby
8 declared to exist, by reason whereof this act shall take effect and
9 be in full force from and after its passage and approval.

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