

1 ENGROSSED HOUSE AMENDMENT

TO

2 ENGROSSED SENATE BILL NO. 1400

By: Pugh of the Senate

3 and

4 Osburn (Mike) of the House

5

6 An Act relating to state government; consolidating  
7 the Oklahoma Department of Commerce and the Office of  
8 the Lieutenant Governor; transferring certain duties  
9 and responsibilities, personnel, funds, records,  
10 encumbrances, equipment and other items; providing  
11 requirements pertaining to the transfer of employees;  
12 amending 74 O.S. 2011, Section 5003.2, which relates  
13 to the Oklahoma Department of Commerce, modifying the  
14 Oklahoma Department of Commerce to a division of the  
15 Office of the Lieutenant Governor; stating that  
16 existing rules shall remain in effect; amending 74  
17 O.S. 2011, Section 5003.5, which relates to the  
18 Oklahoma Department of Commerce; specifying that the  
19 Director shall be appointed by the Lieutenant  
20 Governor and with the advice and consent of the  
21 Senate; specifying that the Lieutenant Governor shall  
22 serve as the Secretary of Commerce and shall not be  
23 entitled to compensation for service as a cabinet  
24 secretary; amending 74 O.S. 2011, Section 5012, as  
amended by Section 1027, Chapter 304, O.S.L. 2012 (74  
O.S. Supp. 2017, Section 5012), which relates to the  
Oklahoma Department of Commerce Revolving Fund;  
modifying entity authorized for the administration of  
certain revolving funds; creating within the Oklahoma  
Department of Commerce the Oklahoma Board of  
Commerce; providing appointing authority;  
establishing membership requirements; establishing  
rights and duties of the board; providing for  
codification; and providing an effective date.

21

22 AUTHOR: Add the following House Coauthor: Taylor

23 AMENDMENT NO. 1. Replace the title, enacting clause and entire bill  
and insert

24

1 "An Act relating to state government; consolidating  
2 the Oklahoma Department of Commerce and the Office  
3 of the Lieutenant Governor; transferring certain  
4 duties and responsibilities, personnel, funds,  
5 records, encumbrances, equipment and other items;  
6 providing requirements pertaining to the transfer of  
7 employees; amending 74 O.S. 2011, Section 5003.2,  
8 which relates to the Oklahoma Department of  
9 Commerce; modifying the Oklahoma Department of  
10 Commerce to a division of the Office of the  
11 Lieutenant Governor; stating that existing rules  
12 shall remain in effect; amending 74 O.S. 2011,  
13 Section 5003.5, which relates to the Oklahoma  
14 Department of Commerce; specifying that the Director  
15 shall be appointed by the Lieutenant Governor and  
16 with the advice and consent of the Senate;  
17 specifying that the Lieutenant Governor shall serve  
18 as the Secretary of Commerce and shall not be  
19 entitled to compensation for service as a cabinet  
20 secretary; amending 74 O.S. 2011, Section 5012, as  
21 amended by Section 1027, Chapter 304, O.S.L. 2012  
22 (74 O.S. Supp. 2017, Section 5012), which relates to  
23 the Oklahoma Department of Commerce Revolving Fund;  
24 modifying entity authorized for the administration  
of certain revolving funds; creating within the  
Oklahoma Department of Commerce the Oklahoma Board  
of Commerce; providing appointing authority;  
establishing membership requirements; establishing  
rights and duties of the Board; providing for  
codification; and providing an effective date.

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

SECTION 1. NEW LAW A new section of law to be codified  
in the Oklahoma Statutes as Section 5003.1a of Title 74, unless  
there is created a duplication in numbering, reads as follows:

A. Upon the effective date of this act, the Oklahoma Department  
of Commerce is hereby consolidated with the Office of the Lieutenant  
Governor.

1 B. All assets, funds, liabilities, allotments, purchase orders,  
2 outstanding financial obligations, encumbrances, records, vehicles,  
3 equipment and other property of the Oklahoma Department of Commerce  
4 shall be transferred to the Office of the Lieutenant Governor.

5 C. Personnel employed by the Oklahoma Department of Commerce on  
6 the effective date of this act shall be transferred to the Office of  
7 the Lieutenant Governor.

8 D. The classified and unclassified employees who are  
9 transferred pursuant to this section shall be subject to the  
10 following provisions:

11 1. Classified employees shall remain subject to the provisions  
12 of the Merit Protection System of Personnel Administration, as  
13 provided in the Oklahoma Personnel Act;

14 2. Unclassified employees transferred to the Office of the  
15 Lieutenant Governor shall remain in the unclassified service and  
16 shall serve at the pleasure of the Lieutenant Governor;

17 3. All employees who are transferred pursuant to this act shall  
18 retain leave, sick and annual time earned and any retirement and  
19 longevity benefits which have accrued during their employment with  
20 the state. The salaries of employees who are transferred shall not  
21 be reduced as a direct and immediate result of the transfer;

22 4. If the Office of the Lieutenant Governor should implement a  
23 reduction in force, all employees transferred pursuant to this act  
24

1 shall be credited for the time they were employed by the Oklahoma  
2 Department of Commerce; and

3 5. The transfer of employees shall be coordinated with the  
4 Office of the Lieutenant Governor.

5 SECTION 2. AMENDATORY 74 O.S. 2011, Section 5003.2, is  
6 amended to read as follows:

7 Section 5003.2 A. Recognizing the geographic diversity of this  
8 state, Oklahoma needs one central, primary public-sector economic  
9 development agency for the state in order to manage or coordinate  
10 all public sector economic development activity.

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

13 1. Create new and higher quality jobs for the people of this  
14 state through the expansion, creation, restructuring and recruitment  
15 of export-oriented Oklahoma firms which produce value-added goods,  
16 services and processes;

17 2. Encourage statewide economic diversification and stability;

18 3. Maintain a two-way flow of information between the central  
19 state economic development agency and firms, farms and communities;

20 4. Implement the strategic economic development five-year plan;  
21 and

22 5. Carry out policy development and research in support of  
23 Oklahoma Futures.

24

1 B. The Oklahoma Department of Commerce is hereby ~~constituted an~~  
2 ~~agency of state government~~ a division of the Office of the  
3 Lieutenant Governor.

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

8 D. Rules promulgated prior to the effective date of this act by  
9 the Oklahoma Department of Commerce shall remain in full force and  
10 effect.

11 SECTION 3. AMENDATORY 74 O.S. 2011, Section 5003.5, is  
12 amended to read as follows:

13 Section 5003.5 A. The Director of the Department of Commerce  
14 shall be appointed by the Lieutenant Governor with the advice and  
15 consent of the Senate. The Director shall serve at the pleasure of  
16 the Lieutenant Governor, and shall continue to serve until a  
17 successor is duly appointed and qualified, and shall report to the  
18 Lieutenant Governor. The salary of the Director shall be set by  
19 law.

20 B. The Director shall be qualified for such position by  
21 character, personality, ability, education, training and successful  
22 administrative experience in the public or private sector.

23 C. The Director shall employ such persons as are necessary to  
24 implement the powers and duties of the Department. Because many of

1 the powers and duties of the Department involve working closely with  
2 the private sector, certain employee positions of the Department  
3 must be governed, classified and compensated in a manner that  
4 compares equally to similar positions in the private sector.  
5 Therefore, in the annual business plan, the Director shall list,  
6 describe and justify all such positions and their compensation and  
7 shall designate and place them in unclassified status, exempt from  
8 the provisions of the Oklahoma Personnel Act. All other employees  
9 and positions shall be classified and subject to the provisions of  
10 the Merit System of Personnel Administration as provided in the  
11 Oklahoma Personnel Act. Provided, nothing in this section shall be  
12 construed to limit the authority of the Legislature to specify the  
13 status of positions otherwise by law. Neither shall the Director  
14 have the authority to circumvent, disregard or otherwise disobey  
15 specific provisions of law regarding positions in the Department.

16 D. The Director shall serve on the board of:

- 17 1. The Oklahoma Industrial Finance Authority;
- 18 2. The Oklahoma Science and Technology Research and Development  
19 Board;
- 20 3. The Oklahoma Development Finance Authority;
- 21 4. The Executive Bond Oversight Commission; and
- 22 5. The Oklahoma Ordnance Works Authority.

23 E. The Director may serve as administrator of any interlocal  
24 agreement or compact to pursue economic development and to assign

1 any employees of the Department or employee personnel to carry out  
2 duties or obligations pursuant to any interlocal agreement or  
3 compact for economic development.

4 F. The Director, at his or her discretion, may approve payment  
5 for affiliations or memberships of the Department or, if necessary,  
6 associate memberships for individual employees in international,  
7 national, or state economic development councils, professional  
8 organizations, or governmental associations.

9 G. The Lieutenant Governor shall serve as the Secretary of  
10 Commerce and Tourism and shall not be entitled to any additional  
11 compensation for service as a cabinet secretary.

12 SECTION 4. AMENDATORY 74 O.S. 2011, Section 5012, as  
13 amended by Section 1027, Chapter 304, O.S.L. 2012 (74 O.S. Supp.  
14 2017, Section 5012), is amended to read as follows:

15 Section 5012. ~~A.~~ There is hereby created the "Oklahoma  
16 Department of Commerce Revolving Fund" for the division within the  
17 Office of the Lieutenant Governor known as the Oklahoma Department  
18 of Commerce. The fund shall consist of all monies, other than  
19 appropriated monies, received by the division of the Office of the  
20 Lieutenant Governor known as the Oklahoma Department of Commerce  
21 which are not directed to be placed into another fund. The fund  
22 shall be a continuing fund not subject to fiscal year limitations  
23 and shall be subject to the administrative direction of the ~~Oklahoma~~  
24 ~~Department of Commerce~~ Office of the Lieutenant Governor.

1 Expenditures from the fund shall be made upon warrants issued by the  
2 State Treasurer against claims submitted to the Director of the  
3 Office of Management and Enterprise Services. Monies in the fund  
4 may be expended for the operating expenses of the Department and  
5 shall be made pursuant to the laws of this state.

6 ~~B. On July 1, 1986, any unallotted cash balance in the funds  
7 created in Sections 678 and 2008 of this title shall be transferred  
8 to the Oklahoma Department of Commerce Revolving Fund. All  
9 outstanding financial obligations and encumbrances of the funds  
10 created in Sections 678 and 2008 of this title are hereby  
11 transferred to the Oklahoma Department of Commerce. After November  
12 15, 1986, any unexpended balance in the funds created in Sections  
13 678 and 2008 of this title shall be transferred to the Oklahoma  
14 Department of Commerce Revolving Fund.~~

15 SECTION 5. NEW LAW A new section of law to be codified  
16 in the Oklahoma Statutes as Section 5003.3a of Title 74, unless  
17 there is created a duplication in numbering, reads as follows:

18 A. There is hereby created within the Oklahoma Department of  
19 Commerce the Oklahoma Board of Commerce, hereinafter referred to as  
20 the "Board".

21 B. The Board shall consist of six (6) members who shall serve a  
22 term of six (6) years. No more than one Board member shall be from  
23 any one county. The Lieutenant Governor shall serve as an ex  
24 officio voting member of the Board.



1 C. Two members shall be appointed by the President Pro Tempore  
2 of the Senate.

3 D. Two members shall be appointed by the Speaker of the House  
4 of Representatives.

5 E. Two members shall be appointed by the Executive Director of  
6 the Oklahoma Department of Commerce.

7 F. Whenever a vacancy on the Board occurs by death,  
8 resignation, or otherwise, the Lieutenant Governor shall fill the  
9 same by appointment, with the advice and consent of the Senate, and  
10 the appointee shall hold office during the unexpired term. Each  
11 member shall hold office until a successor has been appointed and  
12 qualified. Four members of the Board shall constitute a quorum, and  
13 the vote of the majority of members present shall be necessary for  
14 any action to be taken by the Board. No vacancy in the membership  
15 of the Board shall impair the rights of a quorum to exercise and  
16 perform all the rights and duties of the Board.

17 G. Each member of the Board, before serving on the Board, shall  
18 take and subscribe to the constitutional and statutory oaths of  
19 office and file the oaths with the Secretary of State. Members of  
20 the Board shall be reimbursed for travel expenses to Board meetings  
21 as provided in the State Travel Reimbursement Act of the Oklahoma  
22 Statutes.

23 H. The Board shall be organized by the Lieutenant Governor who  
24 shall appoint from the Board the chair, the vice chair, and the

1 secretary. The Board is authorized and directed to adopt rules  
2 pursuant to the provisions of the Administrative Procedures Act to  
3 execute the powers and duties of the Board and Department.

4 I. The Board may meet monthly and shall meet at least  
5 quarterly. The Board may meet at such other times as it deems  
6 necessary for effectively performing its duties and  
7 responsibilities. Special meetings may be called by the chair or by  
8 any three members of the Board. The meetings of the Board shall be  
9 subject to the Oklahoma Open Meeting Act.

10 J. The Board is hereby declared to be a governmental agency and  
11 instrumentality of the State of Oklahoma with authority to exercise,  
12 in addition to those it now has, the rights, privileges and  
13 functions hereinafter specified.

14 SECTION 6. NEW LAW A new section of law to be codified  
15 in the Oklahoma Statutes as Section 5003.3b of Title 74, unless  
16 there is created a duplication in numbering, reads as follows:

17 There are hereby granted to and imposed in the Board, and in any  
18 commission or body which may hereafter succeed to the powers, rights  
19 and duties of the Board, the following additional powers, rights and  
20 duties:

- 21 1. Sue and be sued;
- 22 2. Adopt, use and alter an official seal;
- 23 3. Make bylaws for the management and regulation of its  
24 affairs;

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4. Appoint, prescribe the duties and fix the compensation for officers, agents and employees;

5. Make contracts and execute instruments as in the judgment of the Board are necessary or convenient to the exercise of the powers conferred upon it by law; and

6. Promulgate rules and policies necessary and convenient to the exercise of the powers conferred upon it by law.

SECTION 7. This act shall become effective November 1, 2026."

Passed the House of Representatives the 26th day of April, 2018.

\_\_\_\_\_  
Presiding Officer of the House of  
Representatives

Passed the Senate the \_\_\_\_ day of \_\_\_\_\_, 2018.

\_\_\_\_\_  
Presiding Officer of the Senate

1 ENGROSSED SENATE  
2 BILL NO. 1400

By: Pugh of the Senate

and

Osburn (Mike) of the House

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5  
6 An Act relating to state government; consolidating  
7 the Oklahoma Department of Commerce and the Office of  
8 the Lieutenant Governor; transferring certain duties  
9 and responsibilities, personnel, funds, records,  
10 encumbrances, equipment and other items; providing  
11 requirements pertaining to the transfer of employees;  
12 amending 74 O.S. 2011, Section 5003.2, which relates  
13 to the Oklahoma Department of Commerce, modifying the  
14 Oklahoma Department of Commerce to a division of the  
15 Office of the Lieutenant Governor; stating that  
16 existing rules shall remain in effect; amending 74  
17 O.S. 2011, Section 5003.5, which relates to the  
18 Oklahoma Department of Commerce; specifying that the  
19 Director shall be appointed by the Lieutenant  
20 Governor and with the advice and consent of the  
21 Senate; specifying that the Lieutenant Governor shall  
22 serve as the Secretary of Commerce and shall not be  
23 entitled to compensation for service as a cabinet  
24 secretary; amending 74 O.S. 2011, Section 5012, as  
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rights and duties of the board; providing for  
codification; and providing an effective date.

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

1           SECTION 8.           NEW LAW           A new section of law to be codified  
2 in the Oklahoma Statutes as Section 5003.1a of Title 74, unless  
3 there is created a duplication in numbering, reads as follows:

4           A. Upon the effective date of this act, the Oklahoma Department  
5 of Commerce is hereby consolidated with the Office of the Lieutenant  
6 Governor.

7           B. All assets, funds, liabilities, allotments, purchase orders,  
8 outstanding financial obligations, encumbrances, records, vehicles,  
9 equipment and other property of the Oklahoma Department of Commerce  
10 shall be transferred to the Office of the Lieutenant Governor.

11           C. Personnel employed by the Oklahoma Department of Commerce on  
12 the effective date of this act, shall be transferred to the Office  
13 of the Lieutenant Governor.

14           D. The classified and unclassified employees who are  
15 transferred pursuant to this section shall be subject to the  
16 following provisions:

17           1. Classified employees shall remain subject to the provisions  
18 of the Merit Protection System of Personnel Administration, as  
19 provided in the Oklahoma Personnel Act;

20           2. Unclassified employees transferred to the Office of the  
21 Lieutenant Governor shall remain in the unclassified service and  
22 shall serve at the pleasure of the Lieutenant Governor;

23           3. All employees who are transferred pursuant to this act shall  
24 retain leave, sick and annual time earned and any retirement and

1 longevity benefits which have accrued during their employment with  
2 the state. The salaries of employees who are transferred shall not  
3 be reduced as a direct and immediate result of the transfer;

4 4. If the Office of the Lieutenant Governor should implement a  
5 reduction in force, all employees transferred pursuant to this act  
6 shall be credited for the time they were employed by the Oklahoma  
7 Department of Commerce; and

8 5. The transfer of employees shall be coordinated with the  
9 Office of the Lieutenant Governor.

10 SECTION 9. AMENDATORY 74 O.S. 2011, Section 5003.2, is  
11 amended to read as follows:

12 Section 5003.2. A. Recognizing the geographic diversity of  
13 this state, Oklahoma needs one central, primary public-sector  
14 economic development agency for the state in order to manage or  
15 coordinate all public sector economic development activity.

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

18 1. Create new and higher quality jobs for the people of this  
19 state through the expansion, creation, restructuring and recruitment  
20 of export-oriented Oklahoma firms which produce value-added goods,  
21 services and processes;

22 2. Encourage statewide economic diversification and stability;

23 3. Maintain a two-way flow of information between the central  
24 state economic development agency and firms, farms and communities;

1 4. Implement the strategic economic development five-year plan;  
2 and

3 5. Carry out policy development and research in support of  
4 Oklahoma Futures.

5 B. The Oklahoma Department of Commerce is hereby ~~constituted an~~  
6 ~~agency of state government~~ a division of the Office of the  
7 Lieutenant Governor.

8 C. Whenever the terms "Department of Economic Development" or  
9 "Department of Economic and Community Affairs" appear in the  
10 Oklahoma Statutes they shall mean and refer to the Oklahoma  
11 Department of Commerce.

12 D. Rules promulgated prior to the effective date of this act by  
13 the Oklahoma Department of Commerce shall remain in full force and  
14 effect.

15 SECTION 10. AMENDATORY 74 O.S. 2011, Section 5003.5, is  
16 amended to read as follows:

17 Section 5003.5. A. The Director of the Department of Commerce  
18 shall be appointed by the Lieutenant Governor with the advice and  
19 consent of the Senate. The Director shall serve at the pleasure of  
20 the ~~Governor~~ the Lieutenant Governor, and shall continue to serve  
21 until a successor is duly appointed and qualified, and shall report  
22 to the Lieutenant Governor. The salary of the Director shall be set  
23 by law.

24

1 B. The Director shall be qualified for such position by  
2 character, personality, ability, education, training and successful  
3 administrative experience in the public or private sector.

4 C. The Director shall employ such persons as are necessary to  
5 implement the powers and duties of the Department. Because many of  
6 the powers and duties of the Department involve working closely with  
7 the private sector, certain employee positions of the Department  
8 must be governed, classified and compensated in a manner that  
9 compares equally to similar positions in the private sector.

10 Therefore, in the annual business plan, the Director shall list,  
11 describe and justify all such positions and their compensation and  
12 shall designate and place them in unclassified status, exempt from  
13 the provisions of the Oklahoma Personnel Act. All other employees  
14 and positions shall be classified and subject to the provisions of  
15 the Merit System of Personnel Administration as provided in the  
16 Oklahoma Personnel Act. Provided, nothing in this section shall be  
17 construed to limit the authority of the Legislature to specify the  
18 status of positions otherwise by law. Neither shall the Director  
19 have the authority to circumvent, disregard or otherwise disobey  
20 specific provisions of law regarding positions in the Department.

21 D. The Director shall serve on the board of:

22 1. The Oklahoma Industrial Finance Authority;

23 2. The Oklahoma Science and Technology Research and Development  
24 Board;



1 3. The Oklahoma Development Finance Authority;

2 4. The Executive Bond Oversight Commission; and

3 5. The Oklahoma Ordnance Works Authority.

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

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

14 G. The Lieutenant Governor shall serve as the Secretary of  
15 Commerce and Tourism, and shall not be entitled to any additional  
16 compensation for service as a cabinet secretary.

17 SECTION 11. AMENDATORY 74 O.S. 2011, Section 5012, as  
18 amended by Section 1027, Chapter 304, O.S.L. 2012 (74 O.S. Supp.  
19 2017, Section 5012), is amended to read as follows:

20 Section 5012. ~~A.~~ There is hereby created the "Oklahoma  
21 Department of Commerce Revolving Fund" for the division within the  
22 Office of the Lieutenant Governor known as the Oklahoma Department  
23 of Commerce. The fund shall consist of all monies, other than  
24 appropriated monies, received by the division of the Office of the

1 Lieutenant Governor known as the Oklahoma Department of Commerce  
2 which are not directed to be placed into another fund. The fund  
3 shall be a continuing fund not subject to fiscal year limitations  
4 and shall be subject to the administrative direction of the ~~Oklahoma~~  
5 ~~Department of Commerce~~ Office of the Lieutenant Governor.  
6 Expenditures from the fund shall be made upon warrants issued by the  
7 State Treasurer against claims submitted to the Director of the  
8 Office of Management and Enterprise Services. Monies in the fund  
9 may be expended for the operating expenses of the Department and  
10 shall be made pursuant to the laws of this state.

11 ~~B. On July 1, 1986, any unallotted cash balance in the funds~~  
12 ~~created in Sections 678 and 2008 of this title shall be transferred~~  
13 ~~to the Oklahoma Department of Commerce Revolving Fund. All~~  
14 ~~outstanding financial obligations and encumbrances of the funds~~  
15 ~~created in Sections 678 and 2008 of this title are hereby~~  
16 ~~transferred to the Oklahoma Department of Commerce. After November~~  
17 ~~15, 1986, any unexpended balance in the funds created in Sections~~  
18 ~~678 and 2008 of this title shall be transferred to the Oklahoma~~  
19 ~~Department of Commerce Revolving Fund.~~

20 SECTION 12. NEW LAW A new section of law to be codified  
21 in the Oklahoma Statutes as Section 5003.3a of Title 74, unless  
22 there is created a duplication in numbering, reads as follows:  
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24

1       A. There is hereby created within the Oklahoma Department of  
2 Commerce the Oklahoma Board of Commerce, hereinafter referred to as  
3 the "Board".

4       B. The Board shall consist of six (6) members who shall serve a  
5 term of six (6) years. No more than one Board member shall be from  
6 any one county. The Lieutenant Governor shall serve as an ex  
7 officio voting member of the Commission.

8       C. Two members shall be appointed by the President Pro Tempore  
9 of the Senate.

10       D. Two members shall be appointed by the Speaker of the House  
11 of Representatives.

12       E. Two members shall be appointed by the Executive Director of  
13 the Oklahoma Department of Commerce.

14       F. Whenever a vacancy on the Board occurs by death,  
15 resignation, or otherwise, the Lieutenant Governor shall fill the  
16 same by appointment, with the advice and consent of the Senate, and  
17 the appointee shall hold office during the unexpired term. Each  
18 member shall hold office until a successor has been appointed and  
19 qualified. Four members of the Board shall constitute a quorum, and  
20 the vote of the majority of members present shall be necessary for  
21 any action to be taken by the Board. No vacancy in the membership  
22 of the Board shall impair the rights of a quorum to exercise and  
23 perform all the rights and duties of the Board.

24

1 G. Each member of the Board, before serving on the Board, shall  
2 take and subscribe to the constitutional and statutory oaths of  
3 office and file the oaths with the Secretary of State. Members of  
4 the Board shall be reimbursed for travel expenses to Board meetings  
5 as provided in the State Travel Reimbursement Act of the Oklahoma  
6 Statutes.

7 H. The Board shall be organized by the Lieutenant Governor who  
8 shall appoint from the Board the Chair, the Vice Chair, and the  
9 Secretary. The Board is authorized and directed to adopt rules  
10 pursuant to the provisions of the Administrative Procedures Act to  
11 execute the powers and duties of the Board and Department.

12 I. The Board may meet monthly and shall meet at least  
13 quarterly. The Board may meet at such other times as it deems  
14 necessary for effectively performing its duties and  
15 responsibilities. Special meetings may be called by the Chair or by  
16 any three members of the Board. The meetings of the Board shall be  
17 subject to the Oklahoma Open Meeting Act.

18 J. The Board is hereby declared to be a governmental agency and  
19 instrumentality of the State of Oklahoma with authority to exercise,  
20 in addition to those it now has, the rights, privileges and  
21 functions hereinafter specified.

22 SECTION 13. NEW LAW A new section of law to be codified  
23 in the Oklahoma Statutes as Section 5003.3b of Title 74, unless  
24 there is created a duplication in numbering, reads as follows:

1        There are hereby granted to and imposed in the Board, and in any  
2 commission or body which may hereafter succeed to the powers, rights  
3 and duties of the Board, the following additional powers, rights and  
4 duties:

- 5        1. Sue and be sued;
- 6        2. Adopt, use and alter an official seal;
- 7        3. Make bylaws for the management and regulation of its  
8 affairs;
- 9        4. Appoint, prescribe the duties and fix the compensation for  
10 officers, agents and employees;
- 11       5. Make contracts and execute instruments as in the judgment of  
12 the Board are necessary or convenient to the exercise of the powers  
13 conferred upon it by law; and
- 14       6. Promulgate rules and policies necessary and convenient to  
15 the exercise of the powers conferred upon it by law.

16       SECTION 14. This act shall become effective November 1, 2018.

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