

**INCENTIVE EVALUATION COMMISSION  
REGULAR MEETING MINUTES  
DEC. 8, 2022; 10 a.m.  
OKLAHOMA STATE CAPITOL  
SENATE CONFERENCE ROOM 4S.9  
OKLAHOMA CITY, OK 73105**

**MEMBERS PRESENT:**

Lyle Roggow, President, Designee of the OK Professional Economic Development Council  
Carlos Johnson, Certified Public Accountant  
Mandy Fuller, CPA, Auditor of Private Company  
Earl Sears, Bartlesville, OK  
Mark Wood, Chairman, Tax Commission, Ex-Officio; Non-Voting  
Brent Kisling, Director, Department of Commerce, Ex-Officio; Non-Voting

**MEMBERS ABSENT:**

Dr. Robert Dauffenbach, Economist  
Dana Webb, OMES designee, Ex-Officio; Non-Voting

**STAFF/GUESTS:**

Beverly Hicks, OMES	Andrea Frymire, Midwest Housing
Randall Bauer, PFM	Megan Holden, OTC
Jon Chiappi, ODOC	Corbin Wright, Governor's Office
Lyle Walters, OCAST	John Riesenber, Governor's Office
Shawn Ashley, Quorum Call	

**1. Call to order and establish a quorum. [Lyle Roggow, chairman]:**

Chairman Roggow called this regular meeting to order at 10:05 a.m. A roll call was taken, and a quorum was established. A meeting notice was filed with the Secretary of State, and the agenda was posted in accordance with the Open Meeting Act.

**2. Approval of minutes from the November 17, 2022, Commission meeting:**

Mandy Fuller moved to approve the meeting minutes for November. Rep. Earl Sears seconded the motion. The following votes were recorded, and the motion passed:

Ms. Fuller, aye; Mr. Roggow, aye; Mr. Sears, aye.

**3. Discussion and possible action to approve Year 8, 2023, Schedule for evaluating incentives and schedule for 2023 – 2026:**

Mr. Bauer informed the Commission that per the statute, the Commission is required to develop a four-year schedule of incentives to be evaluated. Based on how the statute is currently written, the Commission is limited in its flexibility of moving incentives between years. It is the hope that the Legislature changes the statute to allow for better placement of an incentive.

Mr. Baur said he reached out to Jon Chiappe at the Department of Commerce for an update on incentives approved by the Legislature and signed by the Governor in 2021-2022. Mr. Chiappe gave him a list of six new incentives to be added to the four-year schedule.

*Filmed in Oklahoma Act* – SB 608 passed in 2021. Scheduled for review in 2024.  
68 O.S. § 3631 to 68 O.S. § 3641

*Invest in Oklahoma Act* – SB 922 passed in 2021. Scheduled for review in 2025.  
62 O.S. § 2400 to 62 O.S. § 2403

*Tax Deduction for Eligible Investors* – SB 915 passed in 2021. Scheduled for review in 2025.  
68 O.S. § 2358.110

*Oklahoma Rural Jobs Act* – HB 4085 passed in 2022. Scheduled for review in 2026.  
68 O.S. § 3930 to 68 O.S. § 3937

*LEAD Act* – HB 4454 AND HB 4455 passed in 2022. Scheduled for review in 2025.  
68 O.S. § 3645.1 to 68 O.S. § 3645.6

*Strategic Industrial Development Enhancement Act* – HB 3081 passed in 2022. Scheduled for review in 2026.  
68 O.S. § 2357.105

Mr. Bauer noted that when reviewing these new incentives, the *Filmed in Oklahoma Act* is an extension/augmentation of the existing film credit. Additionally, two repealed programs that no longer meet the statutory definition of being eligible for review were removed.

*Production Enhancement Rebate (Gross Production)*. Repealed in 2020.  
*Reestablished Production Rebate (Gross Production)*. Repealed in 2020.

As part of the discussion, Commissioner Kisling questioned whether the *Invest in Oklahoma Act* and the *Rural Jobs Act* needs to be reviewed. He would also like to see the LEAD Act moved further down the list for review due to the timing of receiving data, as well as the timing of receiving payment.

He also reported that the Pooled Finance Program to be reviewed by the Commission this year, 2023, is the Department of Commerce's best incentive program for existing businesses looking to grow. The program is administered (bonds) through the Oklahoma Development Finance Authority. Some of their programs, like the infrastructure and training programs, come out of that same bond, and they plan to review four different programs that fall within the same parameter as the pooled finance program. Mr. Bauer said PFM supports the flexibility that makes the most use of a program.

Chairman Roggow stated that each incentive the Commission reviews must meet a specific dollar threshold in order to be reviewed, along with the schedule requirements dictated by the statute. He also explained how the tax incentive process works involving data collection.

Rep. Earl Sears moved that the Commission accept the schedule placed before us for approval and that all the suggestions and ideas made by the Department of Commerce Director Kisling be incorporated, discussed, reviewed, and looked at with his concerns and ideas considered with the new schedule. Mandy Fuller seconded the motion. The following votes were recorded, and the motion passed:

Mr. Johnson, aye; Ms. Fuller, aye; Mr. Roggow, aye; Mr. Sears, aye.

*Commissioner Johnson entered the meeting at 10:11 a.m.*

**4. Discussion and possible action on issuance of the final report containing the results of each incentive evaluated in 2022:**

Rep. Earl Sears moved to accept the final report to be sent to the Governor, Speaker of the House, and the President Pro Temp of the Senate. Mandy Fuller seconded the motion. The following votes were recorded, and the motion passed:

Mr. Johnson, aye; Ms. Fuller, aye; Mr. Roggow, aye; Mr. Sears, aye.

**5. Discussion and possible action on the option to renew the consultant contract with Public Financial Management (PFM) for an additional one-year period of 01/01/2023 – 12/31/2023:**

Mandy Fuller moved to approve the renewal of PFM's contract for the year ending 12/31/2023. Rep. Earl Sears seconded the motion. The following votes were recorded, and the motion passed:

Mr. Johnson, aye; Ms. Fuller, aye; Mr. Roggow, aye; Mr. Sears, aye.

**6. Adjournment**

There being no further business, Rep. Earl Sears made the motion to adjourn. Mandy Fuller seconded the motion. Seeing no opposition, the Chair adjourned the meeting at 10:36 a.m.