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## **Title 51. Officers**

### Chapter 1 - General Provisions

#### **§51-6. Officers and deputies not to hold other offices - Exemptions.**

A. Except as may be otherwise provided, no person holding an office under the laws of the state and no deputy of any officer so holding any office shall, during the person's term of office, hold any other office or be the deputy of any officer holding any office, under the laws of the state.

The provisions of this section shall not apply to:

1. Notaries public;
2. Members of the State Textbook Committee;
3. County free fair board members;
4. Municipal and county law enforcement officers serving in positions as law enforcement officers of both such governmental entities upon such terms and conditions as are mutually approved by resolutions adopted by the board of county commissioners and governing body of the municipality employing such officers;
5. Any person holding a county or municipal office or position, or membership on any public trust authority, who is a member of a board or commission that relates to federal, state, county or municipal government and is created by the United States Government, the State of Oklahoma or a political subdivision of the state, except where the duties of the offices or positions conflict;
6. Any elected municipal officers and school board members who are appointed to a state board, commission, or similar entity if there is no compensation for such services other than reimbursement for necessary travel expenses pursuant to the provisions of the State Travel Reimbursement Act;
7. Any trustee of a public trust, who is appointed as a trustee of a different public trust or any trustee of the Tulsa County Public Facilities Authority who may also be employed by the Department of Transportation;
8. Law enforcement officers employed by municipal or county law enforcement departments or agencies, other than those law enforcement officers elected or appointed as sheriff, chief of police or some similar position in which they are the head of a county or municipal law enforcement agency, who are elected to local boards of education; provided, the provisions of this paragraph shall not prohibit any law enforcement officer employed by a municipality having a population of ten thousand (10,000) or fewer people from serving as a member of a local board of education;
9. Any member of the Oklahoma Highway Patrol Division of the Department of Public Safety who is elected to a local board of education;
10. Any District Supervisor, Assistant District Supervisor, Team Supervisor, Parole Officer 1 or Parole Officer 2 of the Department of Corrections who is elected or appointed to a city council;
11. Any trustee or director of a rural electric cooperative, or port authority who is appointed or elected to a state, county or municipal board, commission or similar entity;
12. County employees who are elected as members of town or city councils;

13. Municipal, county, state or tribal law enforcement or peace officers operating under cross-deputization agreements with an Indian tribe or branch of the federal government;
14. Municipal or county law enforcement or peace officers serving in positions as campus police officers or campus public safety officers pursuant to the provisions of the Oklahoma Campus Security Act, upon such terms and conditions as are mutually approved by resolution adopted by the governing body of the municipality or county and the governing board of the institution of higher education;
15. State law enforcement or peace officers serving in positions as campus police officers or campus public safety officers pursuant to the provisions of the Oklahoma Campus Security Act, upon such terms and conditions as are mutually approved by written agreement between the Commissioner of Public Safety and the governing board of the institution of higher education;
16. Municipal and county law enforcement officers serving in positions as part-time rangers under the Oklahoma Tourism and Recreation Department;
17. The Administrator of a Scenic Rivers Commission serving in the position of a park ranger under the Oklahoma Tourism and Recreation Department;
18. Members of the University Hospitals Authority;
19. Any person holding a state office or position who is a reserve force deputy sheriff or a reserve municipal police officer;
20. Any person holding a state office or position who serves as a special assistant district attorney without compensation;
21. Any elected or appointed member of a local school board who is a member of a municipal planning commission;
22. Any elected or appointed member of a local school board who is a member or an officer of a volunteer fire department;
23. Directors or officers of a rural water district and chiefs of municipal fire departments or rural fire districts who are appointed or elected to an unsalaried office in a state, county, municipal, school, or technology center school board, commission, or similar entity, except where the duties of the office would create a conflict of interest;
24. Any person who is a dispatcher or confinement officer at a municipal or county jail who is a noncompensated reserve municipal police officer or a reserve deputy sheriff;
25. Any person who is an assistant district attorney serving as a municipal judge or prosecutor;
26. Any park ranger under the Oklahoma Tourism and Recreation Department who is elected or appointed to a local board of education or to a municipal board, commission or similar entity;
27. Members of the Oklahoma State University Medical Center Authority or the Oklahoma State University Medical Trust;
28. Any member of the state Legislature or any state officer who serves on the board of trustees of the Oklahoma School for the Visual and Performing Arts; and
29. Members of the Council on Judicial Complaints.

The provisions of this section shall not prohibit any person holding an office under the laws of the state or any deputy of any officer so holding any office from serving upon the board of Oklahoma Futures or upon the board of directors of the Oklahoma Center for the Advancement of Science and Technology. The provisions of this section shall not prohibit a member of the board of directors of the Oklahoma Center for the Advancement of Science and Technology from serving upon the board of Oklahoma Futures.

B. Any salaries, emoluments or benefits that would otherwise be paid by the agency or political subdivision to a loaned employee or officer shall instead be paid to the regular employer of such employee. The loaned employee shall in turn be paid regular salary and benefits the same as if continuing regular employment with the permanent employer.

R.L. 1910, § 4274; Amended by Laws 1929, HB 282, c. 255, p. 363, § 1; Amended by Laws 1939, SB 283, c. 20, art. 1, p. 22, § 1, emerg. eff. April 27, 1939; Amended by Laws 1981, HB 1022, c. 47, § 1, emerg. eff. April 13, 1981; Amended by Laws 1986, HB 1944, c. 207, § 54, emerg. eff. July 1, 1986; Amended by Laws 1987, HB 1444, c. 222, § 116, emerg. eff. July 1, 1987; Amended by Laws 1987, HB 1473, c. 236, § 128, emerg. eff. July 20, 1987; Amended by Laws 1989, SB 114, c. 357, § 1, emerg. eff. June 3, 1989; Amended by Laws 1990, SB 539, c. 230, § 1, eff. September 1, 1990; Amended by Laws 1991, HB 1409, c. 202, § 1, emerg. eff. May 17, 1991; Amended by Laws 1991, SB 111, c. 298, § 9, emerg. eff. July 1, 1991; Amended by Laws 1992, HB 1804, c. 2, § 2, emerg. eff. March 18, 1992 (repealed by Laws 1992, HB 2500, c. 373, § 22, eff. July 1, 1992); Amended by Laws 1992, HB 2371, c. 43, § 1, eff. September 1, 1992; Amended by Laws 1992, HB 2500, c. 373, § 11, emerg. eff. July 1, 1992; Amended by Laws 1993, SB 423, c. 330, § 22 (repealed by Laws 1994, HB 2299, c. 2, § 34, emerg. eff. March 2, 1994); Amended by Laws 1993, HB 1160, c. 331, § 3, emerg. eff. July 1, 1993; Amended by Laws 1994, HB 2299, c. 2, § 18, emerg. eff. March 2, 1994; Amended by Laws 1995, HB 1248, c. 127, § 1, emerg. eff. April 27, 1995; Amended by Laws 1996, HB 2918, c. 24, § 5, emerg. eff. April 3, 1996; Amended by Laws 1997, SB 331, c. 317, § 1, emerg. eff. May 29, 1997; Amended by Laws 1998, SB 789, c. 184, § 1, emerg. eff. July 1, 1998; Amended by Laws 2000, SB 1132, c. 162, § 1, eff. November 1, 2000; Amended by Laws 2001, SB 620, c. 19, § 1, eff. November 1, 2001 (repealed by Laws 2001, SB 814, c. 414, § 16, eff. November 1, 2001); Amended by Laws 2001, HB 1214, c. 33, § 39, emerg. eff. July 1, 2001; Amended by Laws 2001, SB 814, c. 414, § 6, eff. November 1, 2001; Amended by Laws 2002, SB 1368, c. 389, § 2, emerg. eff. June 4, 2002; Amended by Laws 2003, SB 531, c. 378, § 4, eff. June 4, 2003; Amended by Laws 2004, HB 2530, c. 51, § 1, emerg. eff. April 1, 2004; Amended by Laws 2007, HB 1384, c. 170, § 1, emerg. eff. May 31, 2007; Amended by Laws 2009, HB 1737, c. 453, § 4; Amended by Laws 2010, SB 499, c. 43, § 1, eff. November 1, 2010.

NOTE: Laws 1992, c. 2, § 2 repealed by Laws 1992, c. 373, § 22, eff. July 1, 1992. Laws 1993, c. 330, § 22 repealed by Laws 1994, c. 2, § 34, emerg. eff. March 2, 1994. Laws 2001, c. 19, § 1 repealed by Laws 2001, c. 414, § 16, eff. Nov. 1, 2001.

## **Title 62. Public Finance**

### Taxpayer Transparency Act

#### **§62-46.3. Transfer of surplus funds accruing to General Revenue Fund for 2007.**

A. On July 1, 2007, or as soon thereafter as feasible, the Office of State Finance shall transfer the following amounts of surplus funds which accrue to the General Revenue Fund of the State of Oklahoma for the fiscal year ending June 30, 2007, over and above that which is placed in the Constitutional Reserve Fund pursuant to Section 23 of Article X of the Constitution of the State of Oklahoma for the fiscal year ending June 30, 2007:

1. The first Ten Million Dollars (\$10,000,000.00) to the following entities in order to provide funding for the incremental revenues necessary to fund the employer contribution rate increases prescribed by Section 17-108.1 of Title 70 of the Oklahoma Statutes resulting from the enactment of Enrolled Senate Bill No. 357 of the 1st Session of the 51st Oklahoma Legislature:

- a. Six Million Six Hundred Twenty-one Thousand Four Hundred Sixty-eight Dollars (\$6,621,468.00) to the State Board of Education to transfer to the appropriate dispensing fund,
- b. Two Million Eight Hundred Twenty-one Thousand Ninety-three Dollars (\$2,821,093.00) to the State Regents Revolving Fund (210) of the Oklahoma State Regents for Higher Education,
- c. Five Hundred Thirty-one Thousand Eight Hundred Fifteen Dollars (\$531,815.00) to the State Career Technology Revolving Fund of the Oklahoma Department of Career and Technology Education,
- d. Two Thousand Nine Hundred Twenty-two Dollars (\$2,922.00) to the Oklahoma Department of Corrections Revolving Fund of the Oklahoma Department of Corrections,
- e. Eleven Thousand Seven Hundred Eighty Dollars (\$11,780.00) to the Oklahoma School of Science and Mathematics Revolving Fund of the Oklahoma School of Science and Mathematics, and
- f. Ten Thousand Nine Hundred Twenty-two Dollars (\$10,922.00) to the School for the Blind/Deaf Revolving Fund (205) for the Department of Rehabilitation Services;

2. The next Ten Million Dollars (\$10,000,000.00) to the State Emergency Fund;

3. The next Twenty-two Million Dollars (\$22,000,000.00) to be allocated to the following entities for purposes of a teacher salary increase:

- a. Nineteen Million Nine Hundred Fifty-three Thousand One Hundred Thirty-three Dollars (\$19,953,133.00) to the State Board of Education to transfer to the appropriate dispensing fund for teacher salary increases as provided for in Enrolled House Bill No. 1134 of the 1st Session of the Oklahoma Legislature. These funds shall be distributed in the same manner as funds appropriated to the State Board of Education for the financial support of public schools,
- b. One Million Seventy-three Thousand Six Hundred Four Dollars (\$1,073,604.00) to the State Board of Education to transfer to the appropriate dispensing fund shall be used to implement the Science and Mathematics Advanced Recruiting Technique Program which shall provide incentives for the employment of persons in the common schools of the state who have advanced degrees in science, mathematics or both such disciplines,

- c. Eight Hundred Forty-five Thousand Seven Hundred Seventy-eight Dollars (\$845,778.00) to the State Career Technology Revolving Fund of the Oklahoma Department of Career and Technology Education,
- d. Seventy-three Thousand Seven Hundred Twelve Dollars (\$73,712.00) to the Department of Corrections Revolving Fund to implement the teacher salary increase for those employees eligible for such increase, and
- e. Fifty-three Thousand Seven Hundred Seventy-three Dollars (\$53,773.00) to the School for the Blind/Deaf Revolving Fund (205) for the State Department of Rehabilitation Services to implement the teacher salary increase for those employees eligible for such increase;
4. The next Twenty Million Dollars (\$20,000,000.00) to the State Regents Revolving Fund of the Oklahoma State Regents for Higher Education for operational expenses within The Oklahoma State System for Higher Education;
5. The next Sixteen Million Five Hundred Thousand Dollars (\$16,500,000.00) to the State Regents Revolving Fund of the Oklahoma State Regents for Higher Education in order to fund capital improvements to be allocated as follows:
  - a. Five Million Five Hundred Thousand Dollars (\$5,500,000.00) for the University of Oklahoma,
  - b. Five Million Five Hundred Thousand Dollars (\$5,500,000.00) for Oklahoma State University, and
  - c. Five Million Five Hundred Thousand Dollars (\$5,500,000.00) for the regional universities and two-year colleges within The Oklahoma State System of Higher Education;
6. The next Fifteen Million Dollars (\$15,000,000.00) to the Oklahoma Capitol Complex and Centennial Commemoration Commission Revolving Fund;
7. The next Five Million Five Hundred Thousand Dollars (\$5,500,000.00) to the Department of Public Safety Revolving Fund for a study of the feasibility of implementing a statewide interoperable communications system and for capital expenditures necessary to upgrade and maintain the existing statewide emergency communications system;
8. The next Four Million Dollars (\$4,000,000.00) to the State Regents Revolving Fund of the Oklahoma State Regents for Higher Education for the construction of a forensics building on the campus of the University of Central Oklahoma;
9. The next Five Hundred Thousand Dollars (\$500,000.00) to the Research Support Revolving Fund of the Oklahoma Center for the Advancement of Science and Technology for the purpose of providing funding for seed capital;
10. The next Six Million Dollars (\$6,000,000.00) to the Research Support Revolving Fund of the Oklahoma Center for the Advancement of Science and Technology to provide funding for an Oklahoma Bioenergy Center involving collaborative efforts among Oklahoma State University, the University of Oklahoma and a private foundation. The amount authorized by this paragraph shall be allocated equally between the two universities;
11. The next One Million Eight Hundred Thousand Dollars (\$1,800,000.00) to the State Regents Revolving Fund of the Oklahoma State Regents for Higher Education for purposes of

capital expenditures for the Langston University campus if such amount is utilized to match federal monies available through the United States Department of Agriculture;

12. The next Two Million Five Hundred Thousand Dollars (\$2,500,000.00) to the Rural Fire Equipment Grant Revolving Fund;

13. The next Six Million Five Hundred Thousand Dollars (\$6,500,000.00) to the Conservation Commission Infrastructure Revolving Fund of the Conservation Commission for purposes of matching funds available through federally authorized programs for the rehabilitation of flood control structures;

14. The next Five Million Dollars (\$5,000,000.00) to the Private Prison and Halfway House Capacity Development Revolving Fund for the purposes authorized by Section 2 of this act;

15. The next Five Million Dollars (\$5,000,000.00) to the State Board of Education to transfer to the appropriate dispensing fund for the Educare Program if the funds are used in connection with a matching program with a private foundation;

16. The next One Million Dollars (\$1,000,000.00) to the Oklahoma Department of Agriculture, Food, and Forestry to the Agriculture Revolving Fund for the Justin Whitefield Memorial Youth Expo Endowment;

17. The next Two Million Dollars (\$2,000,000.00) to the Oklahoma Space Industry Development Authority Revolving Fund for the construction of a security fence and other capital assets;

18. The next Two Hundred Fifty Thousand Dollars (\$250,000.00) to the Oklahoma Department of Agriculture, Food, and Forestry to the Agriculture Revolving Fund for equipment expenses of the agriculture laboratory;

19. The next One Million Dollars (\$1,000,000.00) to the Department of Public Safety Revolving Fund of the Department of Public Safety for vehicle replacement costs;

20. The next Two Million Dollars (\$2,000,000.00) to the School for the Deaf/Blind Revolving Fund of the State Department of Rehabilitation Services for capital improvements to the Oklahoma School for the Deaf and the Oklahoma School for the Blind;

21. The next One Million Two Hundred Thousand Dollars (\$1,200,000.00) to the Career Technology Revolving Fund of the Oklahoma Department of Career and Technology Education for an aerospace industries training program to be offered at the MetroTech campus facility;

22. The next Two Million Dollars (\$2,000,000.00) to the Department of Mental Health Revolving Fund of the Department of Mental Health and Substance Abuse Services for the "Smart on Crime" initiative; and

23. The next Fifty Thousand Dollars (\$50,000.00) to the Office of Juvenile Affairs Revolving Fund of the Office of Juvenile Affairs for the Oklahoma Statewide Gang Intervention Steering Committee as created pursuant to Enrolled House Bill No. 1760 of the 1st Session of the 51st Oklahoma Legislature.

B. The transfers authorized pursuant to the provisions of paragraphs 1 through 23 of subsection A of this section shall not be subject to fiscal year 2008 agency category or budget limits.

Added by Laws 2007, c. 204, § 1, eff. July 1, 2007.

## **Title 74. State Government**

### Chapter 17 - Travel and Moving Expenses

#### State Travel Reimbursement Act

##### **§74-500.2. Reimbursable expenses of state officials, employees and certain others.**

A. Officials and employees of the state, traveling on authorized state business, may be reimbursed for expenses incurred in such travel in accordance with the provisions of the State Travel Reimbursement Act and existing statutes relating to state travel. Persons who are not state employees, but who are performing substantial and necessary services to the state which have been directed or approved by the appropriate department official shall enjoy the protection of the sovereign immunity of the state to the same extent as a paid employee. Such persons may be reimbursed for expenses incurred during authorized official travel under these same statutory provisions, provided it is indicated on the claim the person is not a state employee, a description of services performed is entered, and the agency head by approval of the claim certifies such services were substantial and necessary, and germane to the duties and functions of the reimbursing agency. Travel expenses incurred by a person during the course of seeking employment with a state agency, unless such travel is performed at the request of the employing agency, shall not be considered expenses incurred in performing substantial and necessary services to the state and shall not be reimbursed under the provisions of the State Travel Reimbursement Act.

B. The chief administrative officer of the Department of Public Safety, the Oklahoma State Bureau of Investigation, the Oklahoma State Bureau of Narcotics and Dangerous Drugs Control, the Military Department of the State of Oklahoma, the Department of Corrections, the Department of Central Services, the Alcoholic Beverage Laws Enforcement Commission, the Oklahoma Department of Agriculture, Food, and Forestry, the Oklahoma Department of Emergency Management, the State Fire Marshal, and the State Department of Health may arrange for and charge meals and lodging for a contingent of state personnel moved into an area for the purpose of preserving the public health, safety, or welfare or for the protection of life or property. The cost for meals or lodging so charged shall not exceed the amount authorized in the State Travel Reimbursement Act. The chief administrative officer of each agency involved in such an operation shall require the vendor furnishing meals, lodging, or both meals and lodging to submit an itemized statement for payment. When a claim for lodging is made for a contingent of state personnel, individual members of the contingent may not submit a claim for lodging. When a claim for meals is made for a contingent of state personnel, individual members of the contingent may not submit a claim for meals.

C. The Oklahoma Department of Commerce, the Oklahoma Center for the Advancement of Science and Technology, and the Oklahoma Department of Agriculture, Food, and Forestry are hereby authorized to enter into contracts and agreements for the payment of food, lodging, meeting facility and beverage expenses as may be necessary for sponsoring seminars and receptions relating to economic development and science and technology issues. Such expenses may be paid directly to the contracting agency or business establishment. The Director of the Oklahoma Department of Commerce, the President of the Oklahoma Center for the Advancement of Science and Technology, and the Commissioner of Agriculture shall each provide a quarterly report of such expenditures to the Governor, the Speaker of the House of Representatives and the President Pro Tempore of the Senate.

D. The Native American Cultural and Educational Authority is hereby authorized to enter into contracts and agreements for the payment of food, lodging, and meeting facility as may be necessary to pursue the promotion of fund-raising, marketing, and development of Native American educational programs and cultural projects, or to sponsor luncheons, seminars, and receptions relating to Native American educational, cultural, museum, and economic development issues. Such expenses may be paid directly to the contracting agency or business establishment. The Executive Director shall provide a monthly report of expenditures to the Board.

E. For purposes of this section:

1. "State agency" means any constitutionally or statutorily created state board, commission, or department, including the Legislature and the Courts;

2. State agencies are authorized to enter into contracts and agreements for the payment of food and lodging expenses as may be necessary for employees or other persons who are performing substantial and necessary services to the state by attending official conferences, meetings, seminars, workshops, or training sessions or in the performance of their duties. Such expenses may be paid directly to the contracting agency or business establishment, provided the meeting qualifies for overnight travel for the employees and the cost for food and lodging for each employee shall not exceed the total daily rate as provided in the State Travel Reimbursement Act;

3. State agencies are authorized to enter into contracts and agreements for the payment of conference registration expenses as may be necessary for employees or other persons who are performing substantial and necessary services to the state by attending official conferences, meetings, seminars, workshops, or training sessions. Such expenses may be paid directly to the contracting agency or business establishment; and

4. State agencies are authorized to enter into contracts and agreements for the payment of food and lodging expenses as may be necessary for employees attending an official course of instruction or training conducted or sponsored by any state agency. Expenses may be paid directly to the contracting agency or business establishment. The cost for food and lodging for each employee shall not exceed the total daily rate as provided in the State Travel Reimbursement Act.

F. State agencies are authorized to make direct purchases of commercial airline tickets for use by employees in approved out-of-state travel. Each claim or invoice submitted to the Director of State Finance for the payment of the purchase shall bear the airline identifying ticket number, the name of the airline, total cost of each ticket purchased, class of accommodation, social security number, and name of the employee for whom the ticket was purchased, and shall be filed on claim forms as prescribed by the Director of State Finance. The employee shall sign an affidavit stating that the employee did use any direct purchase commercial airline ticket received for his or her approved out-of-state travel.

G. 1. The Administrator of the Office of Personnel Management is hereby authorized to enter into contracts and agreements for the payment of food, lodging, and other authorized expenses as may be necessary to host, conduct, sponsor, or participate in conferences, meetings, or training sessions. The Administrator may establish accounts as necessary for the collection and distribution of funds, including funds of sponsors and registration fees, related to such conferences, meetings, and training sessions. Expenses incurred may be paid directly to the contracting agency or business establishment.

2. The cost of food for persons attending any conferences, meetings, and training sessions that do not require overnight travel shall not exceed the total daily rate as provided in the State Travel Reimbursement Act.

H. 1. The Commissioner of the Department of Mental Health and Substance Abuse Services is hereby authorized to enter into contracts and agreements for the payment of food, lodging, and other authorized expenses as may be necessary to host, conduct, sponsor, or participate in conferences, meetings, or training sessions. The Commissioner may establish accounts as necessary for the collection and distribution of funds, including funds of sponsors and registration fees, related to such conferences, meetings, and training sessions. Any expenses incurred may be paid directly to the contracting agency or business establishment.

2. The cost of food for persons attending any conferences, meetings, and training sessions that do not require overnight travel shall not exceed the total daily rate as provided in the State Travel Reimbursement Act.

I. The Oklahoma Indigent Defense System is hereby authorized to enter into contracts and agreements for the payment of lodging as necessary for employees to carry out their duties in representing any client whom the System has been properly appointed to represent. Such expenses may be paid directly to the contracting agency or business establishment. The cost for lodging for each employee shall not exceed the daily rate as provided in the State Travel Reimbursement Act.

J. The Oklahoma Tourism and Recreation Department is hereby authorized to enter into contracts and agreements for the payment of food, lodging, and meeting facility and beverage expenses as may be necessary for seminars and receptions relating to familiarization tours and tourism development. The expenses may be paid directly to the contracting agency or business establishment. The Executive Director of Oklahoma Tourism and Recreation Department shall provide a monthly report of any such expenditures to the Oklahoma Tourism and Recreation Commission.

K. The Oklahoma Tourism and Recreation Department is hereby authorized to enter into contracts and agreements for the payment of exhibitor fees and display space charges at expositions to promote the Department's recreational facilities and the tourism and recreation industry. The expenses may be paid directly to the contracting agency or business establishment; provided that no payment shall be made prior to the event unless it conveys a property right to the state for future availability and use.

L. 1. The Oklahoma Highway Safety Office of the Department of Public Safety is hereby authorized to enter into contracts and agreements for the payment of food, lodging, and other authorized expenses as may be necessary, to host, conduct, sponsor, or participate in highway-safety-related conferences, workshops, seminars, meetings, or training sessions. The payments shall be for all persons in attendance, including, but not limited to, employees of political subdivisions or employees of the state or federal government. For purposes specified in this paragraph, only federal highway safety funds may be used in accordance with federal guidelines and regulations, and no appropriated state funds shall be used.

2. The cost of food for persons attending any highway safety conferences, workshops, seminars, meetings, and training sessions that do not require overnight travel shall not exceed the total daily rate as provided in the State Travel Reimbursement Act.

M. 1. The Director of the Oklahoma State Bureau of Investigation is hereby authorized to enter into contracts and agreements for the payment of food, lodging and other authorized expenses as may be necessary to host, conduct, sponsor or participate in any conference, meeting, training session or initiative to promote the mission and purposes of the Bureau. The payments may be for all persons in attendance, including, but not limited to, employees of political subdivisions or employees of the state or federal government.

2. The cost of food for persons that do not require overnight travel shall not exceed the total daily rate as provided in the State Travel Reimbursement Act.

N. The Oklahoma Homeland Security Director is hereby authorized to enter into contracts and agreements for the payment of food, lodging and other authorized expenses as may be necessary to host, conduct, sponsor, or participate in homeland security related conferences, meetings, workshops, seminars, exercises or training sessions. The expenses may be paid directly to the contracting agency or business establishment.

O. 1. The Insurance Commissioner of the Insurance Department of the State of Oklahoma is hereby authorized to enter into contracts and agreements for the payment of food, lodging, and other authorized expenses as may be necessary to host, conduct, sponsor, or participate in conferences, meetings, or training sessions. The Commissioner may establish accounts as necessary for the collection and distribution of funds, including funds of sponsors and registration fees, related to such conferences, meetings, and training sessions. Any expenses incurred may be paid directly to the contracting agency or business establishment.

2. The cost of food for persons attending any conferences, meetings, and training sessions that do not require overnight travel shall not exceed the total daily rate as provided in the State Travel Reimbursement Act.

P. 1. The State Regents for Higher Education is hereby authorized to enter into contracts and agreements for the payment of food, lodging, and other authorized expenses as may be necessary to host, conduct, sponsor, or participate in conferences, meetings, or training sessions. The State Regents for Higher Education may establish accounts as necessary for the collection and distribution of funds, including funds of sponsors and registration fees, related to such conferences, meetings, and training sessions. Any expenses incurred may be paid directly to the contracting agency or business establishment.

2. The cost of food for persons attending any conferences, meetings, and training sessions that do not require overnight travel shall not exceed the total daily rate as provided in the State Travel Reimbursement Act.

Added by Laws 1972, HB 1695, c. 123, § 2, emerg. eff. July 1, 1972; Amended by Laws 1978, HB 1551, c. 177, § 5, emerg. eff. April 11, 1978; Amended by Laws 1980, HB 1719, c. 119, § 1, emerg. eff. April 14, 1980; Amended by Laws 1981, HB 1260, c. 108, § 1, emerg. eff. July 1, 1981; Amended by Laws 1981, SB 65, c. 340, § 24, emerg. eff. June 30, 1981; Amended by Laws 1982, HB 1401, c. 23, § 1, emerg. eff. July 1, 1982; Amended by Laws 1984, SB 340, c. 244, § 1, emerg. eff. May 29, 1984; Amended by Laws 1985, SB 44, c. 347, § 15, emerg. eff. July 31, 1985; Amended by Laws 1986, HB 1944, c. 207, § 65, emerg. eff. July 1, 1986; Amended by Laws 1986, SB 395, c. 301, § 33, emerg. eff. July 1, 1986; Amended by Laws 1989, HB 1571, c. 351, § 2, eff. November 1, 1989; Amended by Laws 1990, SB 506, c. 175, § 1, emerg. eff. May 3, 1990; Amended by Laws 1991, SB 416, c. 216, § 17, emerg. eff. July 1,

1991; Amended by Laws 1991, SB 109, c. 297, § 7, emerg. eff. July 1, 1991; Amended by Laws 1993, HB 1209, c. 129, § 4, emerg. eff. July 1, 1993; Amended by Laws 1993, SB 581, c. 360, § 14, emerg. eff. July 1, 1993; Amended by Laws 1995, HB 1366, c. 128, § 2, emerg. eff. July 1, 1995; Amended by Laws 1995, SB 672, c. 358, § 9, emerg. eff. July 1, 1995; Amended by Laws 1996, HB 2293, c. 33, § 1, eff. November 1, 1996; Amended by Laws 1997, SB 407, c. 92, § 1, emerg. eff. July 1, 1997; Amended by Laws 1997, HB 1147, c. 286, § 1, eff. July 1, 1997; Amended by Laws 1997, SB 90, c. 354, § 1, emerg. eff. July 1, 1997; Amended by Laws 1998, HB 3348, c. 5, § 27, emerg. eff. March 4, 1998; Amended by Laws 1998, HB 2932, c. 233, § 2, eff. November 1, 1998; Amended by Laws 1998, SB 1246, c. 408, § 1, emerg. eff. July 1, 1998; Amended by Laws 1999, HB 1845, c. 1, § 33, emerg. eff. February 24, 1999; Amended by Laws 1999, SB 508, c. 289, § 15, emerg. eff. July 1, 1999; Amended by Laws 2000, HB 2711, c. 6, § 24, emerg. eff. March 20, 2000; Amended by Laws 2001, SB 748, c. 355, § 3, emerg. eff. June 1, 2001; Amended by Laws 2004, HB 2444, c. 130, § 11, emerg. eff. April 20, 2004; Amended by Laws 2005, SB 8, c. 396, § 1, emerg. eff. June 6, 2005 (repealed by Laws 2006, HB 3139, c. 16, § 83, emerg. eff. March 29, 2006); Amended by Laws 2005, HB 1318, c. 223, § 4, eff. November 1, 2005; Amended by Laws 2006, HB 3139, c. 16, § 82, emerg. eff. March 29, 2006; Amended by Laws 2007, HB 1960, c. 125, § 34, emerg. eff. July 1, 2007; Amended by Laws 2007, HB 1581, c. 256, § 1; Amended by Laws 2008, HB 2242, c. 321, § 1, emerg. eff. July 1, 2008; Amended by Laws 2009, SB 677, c. 76, § 1, emerg. eff. April 21, 2009.

## Oklahoma Science and Technology Research and Development Act

### **§74-5060.1. Short title.**

This act shall be known and may be cited as the “Oklahoma Science and Technology Research and Development Act”.

Added by Laws 1987, c. 222, § 16, operative July 1, 1987. Amended by Laws 2002, c. 484, § 1, eff. July 1, 2002.

### **§74-5060.1a. Goals - Oklahoma Science and Technology Research and Development Board.**

A. Recognizing the vast, underutilized human and capital resources, both urban and rural, in the State of Oklahoma and the opportunity for economic development through technological advancement, the Legislature and the Governor hereby adopt the following goals:

1. Establishing Oklahoma as a premier information technology and biotechnology center for the twenty-first century;
2. Enhancing the lives of, and expanding opportunities for, all Oklahomans through growth of information technology, biotechnology, nanotechnology and sensors industries and infrastructure throughout the urban and rural areas of the state;
3. Expanding and diversifying Oklahoma’s economy and providing new and higher quality jobs for Oklahomans; and
4. Creating public-private partnerships to provide opportunities for development, expansion, and retention of, funding and financing for, and investment in, technology-oriented enterprises in Oklahoma.

B. To further the goals set forth in the Oklahoma Science and Technology Research and Development Act, there is hereby created the Oklahoma Science and Technology Research and Development Board. The Board shall be responsible for the administration and governance of the Oklahoma Center for the Advancement of Science and Technology and the Oklahoma Institute of Technology.

Added by Laws 2002, SB 1391, c. 484, § 2, emerg. eff. July 1, 2002; Amended by Laws 2004, SB 1537, c. 63, § 1, eff. November 1, 2004; Amended by Laws 2010, SB 1426, c. 464, § 1, emerg. Eff

#### **§74-5060.2. Statement of need - Institutions created.**

A. In order to attain the goals as set forth in the Oklahoma Science and Technology Research and Development Act, Oklahoma enterprises need institutions that combine the resources of the public and private sectors to encourage the development of new products, new processes and whole new industries in Oklahoma. The institutions are needed to:

1. Support the development of new or expanded technologies;
2. Provide basic and applied research capital to move innovation to commercial application;
3. Encourage the transfer of technology to firms and farms throughout the geographic regions of the state;
4. Stimulate seed-capital investment in firms that will use innovation, new technologies, or technological advances in profitable commercial applications;
5. Foster competitiveness, productivity and modernization in Oklahoma firms and farms; and
6. Establish public-private partnerships to provide opportunities for development, expansion, and retention of, funding and financing for, and investment in, technology-oriented enterprises in Oklahoma.

B. There is hereby created the Oklahoma Center for the Advancement of Science and Technology. The Oklahoma Center for the Advancement of Science and Technology is hereby constituted an instrumentality of the state and the exercise of the authority and powers conferred by law shall be deemed and held to be the performance of an essential governmental function.

C. There is hereby created the Oklahoma Institute of Technology as an institute within the Oklahoma Center for the Advancement of Science and Technology. The Oklahoma Science and Technology Research and Development Board and the Oklahoma Center for the Advancement of Science and Technology are hereby directed to support the Oklahoma Institute of Technology and to include the Institute in the Center's budget work program submitted each fiscal year to the Office of State Finance.

Added by Laws 1987, HB 1444, c. 222, § 17, emerg. eff. July 1, 1987; Amended by Laws 1992, HB 2137, c. 230, § 1, emerg. eff. July 1, 1992; Amended by Laws 2002, SB 1391, c. 484, § 3, emerg. eff. July 1, 2002 (superseded document available); Amended by Laws 2010, SB 1426, c. 464, § 2, emerg. eff. July 1, 2010 (superseded document available).

#### **§74-5060.3. Mission and purposes of institutions.**

A. The mission of the Oklahoma Center for the Advancement of Science and Technology shall be to foster innovation in existing and developing businesses by supporting basic and applied research, by facilitating technology transfer between research laboratories and firms and farms, and by providing seed-capital for innovative and technology-oriented firms and their products. The Oklahoma Center for the Advancement of Science and Technology also shall have the authority to foster enhanced competitiveness in the national and international markets by small and medium-sized manufacturing firms located in Oklahoma by stimulating productivity and modernization of such firms.

B. The mission and purposes of the Oklahoma Institute of Technology shall include:

1. Attracting, retaining, and stimulating the development of information technology, biotechnology, genetics, and emerging technologies;
2. Providing leadership development programs to prepare rural residents for leadership in a technologically enhanced economy;
3. Upgrading and enhancing rural technology to grow or attract high technology companies;
4. Facilitating joint public-private technology research and development projects using resources and facilities of public higher education institutions or private entities;
5. Providing engineering or management assistance to new or existing businesses in bringing improved or innovative products or services to market; and
6. Establishing public-private partnerships to provide opportunities for development, expansion, and retention of, funding and financing for, and investment in, technology-oriented enterprises in Oklahoma.

Added by Laws 1987, HB 1444, c. 222, § 18, emerg. eff. July 1, 1987; Amended by Laws 1992, HB 2137, c. 230, § 2, emerg. eff. July 1, 1992; Amended by Laws 2002, SB 1391, c. 484, § 4, emerg. eff. July 1, 2002; Amended by Laws 2010, SB 1426, c. 464, § 3, emerg. eff. July 1, 2010.

#### **§74-5060.4. Definitions.**

As used in the Oklahoma Science and Technology Research and Development Act:

1. “COEAT” means Center of Excellence for Aerospace Technology, an initiative within the Oklahoma Aerospace Institute that undertakes applied research, development and technology transfer that has long-term potential for commercial development;
2. “CASQ” means Center of Aerospace Supplier Quality, an initiative within the Oklahoma Aerospace Institute that serves as a conduit between Oklahoma’s military installations and the aerospace industry;
3. “Applied research” means those research activities occurring at institutions of higher education, nonprofit research foundations, and in private enterprises which have potential commercial application;
4. “Basic research” means any original investigation for the advancement of scientific knowledge not having a specific commercial objective, but having potential long-range value to commercial interests;
5. “Board” means the Oklahoma Science and Technology Research and Development Board;

6. “Center” or “OCAST” means the Oklahoma Center for the Advancement of Science and Technology;
7. “Commercialization Center” means a private, nonprofit corporation contracting with and funded in part by OCAST to:
  - a. attract to, and retain in, Oklahoma technology and technology-based enterprises,
  - b. promote and assist with the development and expansion of scientific and technology-based industry in the state,
  - c. facilitate the development of incubators for technology-oriented enterprises,
  - d. assist technology-based enterprises in developing and expanding their businesses, obtaining financing and funding, attracting capital, including seed capital and venture capital, and attracting and retaining key management personnel, scientists, and skilled labor, and
  - e. develop, operate, and manage programs to facilitate entrepreneurial activity with respect to technology, scientific-based, biomedical, biomedical-technical, and technology-oriented enterprises in this state;
8. “Enterprise” means a firm with its principal place of business in Oklahoma;
9. “Health research project” means a specific examination, experimentation or investigation, or initiative to provide research resources oriented principally toward basic, applied, and developmental scientific inquiry related to the causes, diagnosis, prevention, and treatment of human diseases and disabilities and mental health and emotional disorders, and the rehabilitation of persons afflicted with such diseases, disabilities, and disorders; new knowledge, better understanding, and innovative methods to improve the processes by which health care services are made available and how they may be provided more efficiently, more effectively and at a lower cost, for all the citizens of this state; and the development of new products and services which shall form the basis of new high-technology health research and care industry for this state;
10. “Industrial Extension System” means a coordinated network of public and private manufacturing modernization resources, the purpose of which is to stimulate the competitiveness of Oklahoma small and medium-sized manufacturing firms;
11. “Institute” means the Oklahoma Institute of Technology;
12. “Institutional Review Board” means a committee composed of investigators, lay representatives, and legal counsel, which is established at each institution of higher learning and each nonprofit research institution receiving funds from a health research project, for the express purpose of determining the appropriateness of any research involving human subjects;
13. “Institutions of higher education” means public and private colleges and universities in the state;
14. “Investigator” means a person who proposes research projects and is primarily responsible for the execution of the proposed projects and is employed by or affiliated with an institution of higher education, a nonprofit research institution in this state, or a private enterprise;

15. “Nanotechnology” means technology development at the molecular range (1nm to 100nm) to create and use structures, devices, and systems that have novel properties because of their small size;
16. “New technology” means methods, products, processes and procedures developed through science or research;
17. “Nonprofit research institution” means any not-for-profit public or private facility in this state which has the capabilities for research projects and which is not a subsidiary of any corporation, partnership, or association organized for profit, nor is its stock or assets owned or controlled by a corporation, partnership, or association organized for profit;
18. “OAI” means Oklahoma Aerospace Institute, a strategic partnership that will focus available resources to promote cooperation and collaboration among Oklahoma businesses, manufacturers, military installations, commercial aviation, higher education institutions, nonprofit research institutions, and state government;
19. “OAME” means the Oklahoma Alliance for Manufacturing Excellence, Inc., a corporation to be formed pursuant to the provisions of Title 18 of the Oklahoma Statutes and Section 5060.26 of this title;
20. “ONAP” means the Oklahoma Nanotechnology Applications Project;
21. “OSTRaD” means the Oklahoma Science and Technology Research and Development Act;
22. “Person” means any individual, partnership, corporation or joint venture carrying on business or proposing to carry on business within the state;
23. “Plant science research” means those research activities occurring at institutions of higher education, nonprofit research institutions, and in private enterprises, which have potential commercial application and concern plant productivity, renewable biomass, plant-based environmental applications and chemical platforms, plant-based solutions to improve nutrition, human and/or animal health or performance, process applications, and seed management and the development of new products and services that shall form the basis of new, high-technology plant science/agriculture industry for this state;
24. “Product” means any outcome, device, technique or process, which is or may be developed or marketed commercially and which has advanced beyond the theoretical stage and is in a prototype or practice stage;
25. “Professional service contract” means a written agreement providing funds for the performance of a research project; for salaries and fringe benefits of personnel associated with research programs; for research equipment; for operating expenses associated with a research program; or for services provided in connection with the evaluation of applications submitted to the Center;
26. “Qualified security” means any public or private financial arrangement, involving any note, security, debenture, evidence of indebtedness, certificate of interest or participation in any profit-sharing agreement, preorganization certificate or subscription, transferable security, investment contract, certificate of deposit for a security, certificate of interest or participation in a patent or application therefor, or in royalty or other payments under such a patent or application, or, in general, any interest or instrument commonly known as a “security” or any certificate for, receipt

for, guarantee of, or option, warrant or right to subscribe to or purchase any of the foregoing to the extent allowed by law;

27. “Seed-capital” means funding, capital, and financing that is provided and made available for the creation, development, validation, refinement, protection, manufacturing, marketing, and commercialization of a product, process, concept, invention, or innovation, whether for the startup of a new enterprise or for the expansion, growth, or restructuring of an existing enterprise; and

28. “Technology transfer” means a two-way process by which ideas or inventions for processes or products (developed in research programs usually on a laboratory or pilot-plant scale) are converted to commercial use.

Added by Laws 1987, HB 1444, c. 222, § 19, emerg. eff. July 1, 1987; Amended by Laws 1992, HB 2137, c. 230, § 3, emerg. eff. July 1, 1992; Amended by Laws 1994, SB 1042, c. 288, § 6, emerg. eff. July 1, 1994; Amended by Laws 1995, SB 194, c. 279, § 1, emerg. eff. July 1, 1995; Amended by Laws 2002, SB 1391, c. 484, § 5, emerg. eff. July 1, 2002; Amended by Laws 2006, HB 2356, c. 76, § 1, emerg. eff. July 1, 2006; Amended by Laws 2006, HB 2819, c. 263, § 2, emerg. eff. July 1, 2006; Amended by Laws 2006, HB 2185, c. 297, § 1, eff. November 1, 2006 (repealed by Laws 2007, HB 2195, c. 1, § 80, emerg. eff. February 22, 2007); Amended by Laws 2007, HB 2195, c. 1, § 79, emerg. eff. February 22, 2007; Amended by Laws 2010, SB 1426, c. 464, § 4, emerg. eff. July 1, 2010.

NOTE: Laws 1994, c. 287, § 7 repealed by Laws 1995, c. 279, § 9, eff. July 1, 1995. Laws 2006, c. 297, § 1 repealed by Laws 2007, c. 1, § 80, emerg. eff. Feb. 22, 2007.

#### **§74-5060.5. Relationship with Oklahoma Futures and Department of Commerce.**

In order to fulfill its missions as provided in Section 5060.3 of this title, the Oklahoma Center for the Advancement of Science and Technology shall be subject to the policy development of Oklahoma Futures.

1. Oklahoma Futures shall in no way interfere with the day to day administration of the Center, but shall provide long term oversight by reviewing and approving the Center’s five year plan and annual oversight by reviewing and approving the Center’s annual business plan to ensure the Center fulfills the legislative purpose for which it is created.

2. Notwithstanding other provisions of law, the Oklahoma Department of Commerce shall have the authority to expend funds to administer and operate the programs of the Oklahoma Center for the Advancement of Science and Technology until such time as designated by Oklahoma Futures.

Added by Laws 1987, c. 222, § 20, operative July 1, 1987. Amended by Laws 1992, c. 230, § 4, eff. July 1, 1992.

**§74-5060.6. Board of directors.**

. The board of directors for the Oklahoma Science and Technology Research and Development (OSTRaD) Board shall consist of nine (9) members and shall be comprised as follows:

1. Four members appointed by the Governor as follows:

a. two members representing a higher education institution technology transfer office within this state or a scientist or engineer with extensive experience managing applied scientific or technological research, and

b. two members who are or who have served as executive officers in industries of life sciences, biotech, autonomous systems, aerospace, energy, information technology, other emerging technologies or finance;

2. Two members appointed by the President Pro Tempore of the Senate who are or who have served as executive officers in industries of life sciences, biotech, autonomous systems, aerospace systems, aerospace, energy, information technology, other emerging technologies or finance, one of whom resides within this state in a current U.S. Census Bureau metropolitan statistical area containing at least five hundred thousand (500,000) residents according to the most recent Federal Decennial Census and one of whom resides within this state and outside the metropolitan statistical areas described in this paragraph;

3. Two members appointed by the Speaker of the House of Representatives who are or who have served as executive officers in industries of life sciences, biotech, autonomous systems, aerospace systems, aerospace, energy, information technology, other emerging technologies or finance, one of whom resides within this state in a current U.S. Census Bureau metropolitan statistical area containing at least five hundred thousand (500,000) residents according to the most recent Federal Decennial Census and one of whom resides within this state and outside the metropolitan statistical areas described in this paragraph; and

4. The Secretary of Science and Innovation.

B. The Secretary of Science and Innovation, or a designee of the Governor, shall serve as chair.

C. In making appointments to the Oklahoma Science and Technology Research and Development Board, appropriate consideration shall be given to representation upon the Board by race, gender and geographical area.

D. With the exception of the Secretary of Science and Innovation, all members shall serve a four-year term at the pleasure of their appointing authority.

E. The Board shall meet at least once each calendar quarter and at such other times:

1. Upon call of the chair;

2. Upon call of the chief executive officer of the OSTRaD or the Institute; or

3. Upon written request of a majority of the board members.

F. Five voting members of the Board shall constitute a quorum. A quorum of the Board shall be necessary to transact business. All actions of the board members shall be made by a majority of the quorum present.

G. The members of the Board shall not be subject to the dual-office-holding prohibitions set forth in [Section 6](#) of Title 51 of the Oklahoma Statutes.

### *Historical Data*

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Laws 1987, HB 1444, c. 222, § 21, emerg. eff. July 1, 1987; Amended by Laws 1988, SB 445, c. 269, § 1; Amended by Laws 2002, SB 1391, c. 484, § 6, emerg. eff. July 1, 2002; Amended by Laws 2004, SB 1206, c. 217, § 1, eff. November 1, 2004; Amended by Laws 2005, HB 1832, c. 82, § 1, emerg. eff. July 1, 2005; Amended by Laws 2010, SB 1609, c. 141, § 1, emerg. eff. July 1, 2010; Amended by Laws 2021, SB 487, c. 463, § 1, emerg. eff. May 10, 2021.

### **§74-5060.7. Executive director and other officers - Meetings - Conflicts of interest - Liability.**

A. The position of president of the Oklahoma Center for the Advancement of Science and Technology is hereby reconstituted as the executive director for the Oklahoma Science and Technology Research and Development Board. The president of the Center upon the effective date of this act shall serve as the executive director for the Board at the pleasure of the Board. Subsequent executive directors shall be selected by the Board and shall serve at the pleasure of the Board. The executive director shall serve as the chief executive officer of the Center and the Institute, and shall direct and supervise the administrative affairs and the general management of the Center and the Institute. The Board shall establish criteria for selecting the executive director taking into consideration national standards. The search for the executive director shall be conducted pursuant to the criteria so established.

B. The executive director:

1. May employ and terminate such other officers and employees as designated by the Board including, if necessary, legal counsel to be chosen through a request for proposal process;
2. Shall attend board meetings;
3. Shall appoint a secretary of the Board to keep a record of all proceedings and maintain and be custodian of all financial and operational records, documents and papers filed with the Center and the Institute and of the minute book of the Center and the Institute; and
4. Before accepting any applications as provided for under this act, shall prepare a business plan which shall include the analysis of funding levels of programs in other states that are shown in the report required in subsection B of Section 5060.22 of this title, and the threshold funding levels specified in subsection C of Section 5060.22 of this title.

C. The meetings of the Board shall be subject to the Open Meeting Act and the Open Records Act. Any information submitted to or compiled by the Center or the Institute with respect to the marketing plans, financial statements, trade secrets, research concepts, methods or products, or any other proprietary information of persons, firms, associations, partnerships, agencies, corporations, institutions of higher education, nonprofit research institutions or other entities shall be confidential, except to the extent that the person or entity which provided such information or which is the subject of such information consents to disclosure. Executive sessions may be held to discuss such materials if deemed necessary by the Board.

D. If a member of the Board, officer, agent or employee of the Center or the Institute has any direct or any indirect interest in any approval, contract or agreement upon which the member, officer, agent or employee may be called upon to act or vote, the board member, officer, agent or employee shall disclose the same to the secretary of the Board prior to the taking of final action by the Board concerning such contract or agreement and shall so disclose the nature and extent of such interest and the acquisition thereof, which disclosure shall be publicly acknowledged by the Board and entered upon the minutes of the Board. A Board member, officer, agent or employee who holds such an interest shall refrain from any further official involvement in regard to such contract or agreement, from voting on any matter pertaining to such contract or agreement, and from communicating with other board members, officers, agents or employees concerning said contract or agreement. Employees of the Center, including employees assigned to the Institute, shall be subject to the provisions of the Ethics Commission rules. Notwithstanding any other provision of law, any contract or agreement entered into in conformity with this subsection shall not be void or invalid by reason of the interest described in this subsection, nor shall any person so disclosing the interest and refraining from further official involvement as provided for in this subsection be guilty of an offense, be removed from office, or be subject to any other penalty on account of such interest. Provided, any approval, contract or agreement made in violation of this section shall give rise to no action against the Board, the Center or the Institute.

Indirect interest shall include pecuniary or competitive advantage which exists or could foreseeably accrue as a result of the act or forbearance of the Board, Center or Institute.

E. No director or any person acting on behalf of the Board, Center or Institute executing any contracts, commitments, or agreements issued pursuant to this act shall be personally liable upon such contracts, commitments, or agreements or be subject to any personal liability or accountability by reason thereof. No director or any person acting on behalf of the Board, Center or Institute shall be personally liable for damage or injury resulting from the performance of duties hereunder.

Added by Laws 1987, c. 222, § 22, operative July 1, 1987. Amended by Laws 2002, c. 484, § 7, eff. July 1, 2002.

#### **§74-5060.9. Power of Center – Exemptions.**

A. The Oklahoma Science and Technology Research and Development Board shall have the power to:

1. Make, amend and repeal bylaws for the management of the Center and the Institute;
2. Sue and be sued;
3. Make contracts and execute all instruments necessary or convenient for carrying out the business of the Center and the Institute;
4. Acquire, own, hold, dispose of and encumber real or personal property of any nature, including tangible, intangible, commercial or intellectual, or any interest therein;
5. Enter into agreements or other transactions with any federal, state, county or municipal agency, authority or other governmental entity and with any individual, corporation, enterprise, association or any other entity involving research and technology;

6. Acquire real property or an interest therein, by purchase or foreclosure, where such acquisition is necessary or appropriate to protect or secure any investment or loan in which the Center has an interest;
7. Sell, transfer and convey any such property to a buyer, and in the event such sale, transfer or conveyance cannot be effected with reasonable promptness or at a reasonable price, to lease such property to a tenant;
8. Invest any funds provided by the state and held in reserve in funds not required for immediate disbursement and invest funds received from gifts, grants, donations and other operations of the Center in such investments as would be lawful for a private corporation having purposes similar to the Center;
9. Borrow money and give guaranties, provided that the indebtedness and other obligations of the Center or Institute shall be payable solely out of the resources of the Center or the Institute, respectively, and shall not constitute a pledge of the full faith and credit of the state or any of its revenues;
10. Appoint officers, consultants, agents and advisors, and prescribe their duties and compensation;
11. Appear on its own behalf or on behalf of the Center or Institute before boards, commissions, departments or other agencies of municipal, county or state government or federal government;
12. Procure insurance against any losses in connection with its properties in such amounts from such insurers as may be necessary or desirable;
13. Consent, subject to the provisions of any contract with note-holders, whenever it considers it necessary or desirable in the fulfillment of the goals and purposes of the Center or Institute, to the modifications, with respect to the rate of interest, time payment or of any installment, of principal and interest or any terms of any contract or agreement of any kind to which the Center or the Institute is a party;
14. Accept any and all donations, grants, bequests and devises, conditional and otherwise, of money, property, services or other things of value which may be received from the United States or any agency thereof, any governmental agency, or any institution, person, firm or corporation, public or private, to be held, used or applied for any or all of the goals and purposes of the Center or the Institute, in accordance with the terms and conditions of any such grant;
15. Trade, buy or sell qualified securities;
16. Own, possess and take license in, patents, copyrights and proprietary processes and negotiate and enter into contracts and establish charges for the use of such patents, copyrights and proprietary processes when such patents and licenses for innovation or inventions result from research sponsored by the Center or Institute in a private enterprise or when the Center or Institute finances a product developed by a private enterprise;
17. Establish policies governing royalty payments to the Center and Institute on patents and licenses for innovations or inventions arising in the course of research sponsored by the Center or Institute at institutions of higher education and nonprofit research foundations; such royalty policies should reflect an appropriate sharing of legal risk as well as financial return between the Center or Institute and such institution or foundation; such patents and licenses shall be in keeping with the patent policies of such institutions or foundations;

18. Conduct studies which are related to economic development, involving product or process innovations;
19. Solicit, study and assist in the preparation of business plans and proposals of new or established enterprises of special importance to the Oklahoma economy;
20. Prepare, publish and distribute such technological studies, reports, bulletins and other materials as it considers appropriate, subject only to the maintenance and responsibility for confidentiality of the client proprietary information, and encourage institutions of higher education to develop and disseminate similar materials;
21. Sponsor, or co-sponsor with both private industry and higher education institutions, special institutes, conferences and demonstrations relating to the stimulation of innovation, science and technologically oriented enterprises;
22. Participate with any state agency or institution of higher education in developing specific goals, programs and performance monitoring systems to assist in the development of basic research, applied research and technology transfer of special importance to the Oklahoma economy;
23. Provide scientific and technological data and information required by the Governor, the Legislature, or its committees, and to state agencies, institutions of higher education and cities, towns, counties and school districts and to private citizens and groups, within the limitations of the resources available to the Center;
24. Provide training and practical experience for Oklahoma researchers in the preparation of applications for peer-reviewed grant competitions;
25. Facilitate public/private partnerships that will support the creation of endowed chairs, scholarships, research grants, and business opportunities;
26. Develop policies and procedures for partnering with and/or between universities offering engineering or technology degrees in Oklahoma to facilitate joint public/private technology research and development projects using resources and facilities of such public higher education institutions or private entities; provided that, the Board shall utilize, and accord lead status to, Rogers State University for coordinating and delivering higher education distance learning opportunities initiated or developed by the Board;
27. Advertise for, accept, and fund proposals from universities, private industries, towns, counties, municipalities, and individuals to achieve its goals and purposes;
28. Collaborate with the various entities to develop initiatives which foster economic development through technological advancement;
29. Create institutes or centers with world-class research teams that support the state's primary economic development thrusts;
30. Expend monies from the income and investment return and principal from the Oklahoma Institute of Technology Trust Fund, upon authorization of the trustees of the trust fund by the required vote as provided in Section 12 of this act; and
31. Exercise any other powers necessary for the operation and functioning of the Center within the purposes authorized in this act.

B. The Center and the Institute shall be exempt from all franchise, corporate business and income taxes levied by the state. The manufacture or sale of any products or processes which are the subject of any agreement made by the Center or the Institute, or any person entering into any agreement with the Center or Institute shall not be exempt from any such taxes or taxes applicable to such manufacture or sale.

C. The Center and Institute shall include in the annual business plan appropriate administrative policies, including but not limited to policies governing the classification, employment, promotion, suspension, disciplinary action or dismissal of Center employees, including employees assigned to the Institute; purchasing; travel; and reimbursement of employees. All actions governed by said administrative policies shall be examined annually in the independent audit required by Section 5060.22 of this title. The Center and Institute shall not be subject to state purchasing laws, except with respect to purchases required for the administrative expenses of the Board, or laws concerning travel or reimbursement of state employees. Professional service contracts executed by the Center or Institute shall not be subject to any requirement of law relating to competitive bidding.

Because many of the powers and duties of the Center and Institute involve working closely with the private sector, certain employee positions of the Center, including employees assigned to the Institute, must be governed, classified and compensated in a manner that compares equally to similar positions in the private sector. Therefore, in the annual business plan, the Board shall list, describe and justify all such positions and their compensation and shall designate and place them in unclassified status, exempt from the provisions of the Oklahoma Personnel Act. All other employees and positions shall be classified and subject to the provisions of the Merit System of Personnel Administration as provided in the Oklahoma Personnel Act. Provided, nothing in this section shall be construed to limit the authority of the Legislature to specify the status of positions otherwise by law. Neither shall the Board have the authority to circumvent, disregard or otherwise disobey specific provisions of law regarding positions in the Center or the Institute.

D. Upon approval of the Board, the Center shall have the authority to exercise the powers enumerated in subsection A of this section.

Added by Laws 1987, c. 222, § 24, operative July 1, 1987; Amended by Laws 2002, SB 1391, c. 484, § 9, emerg. eff. July 1, 2002 (superseded document available).

#### **§74-5060.9a. Advisory Committees.**

The Oklahoma Science and Technology Research and Development Board shall create an advisory committee to the Oklahoma Center for the Advancement of Science and Technology for each program pertaining to research which is operated by the Center and does not have such a committee established by law. The advisory committees shall include representatives of the business, higher education and research communities. No more than two members of the Board may serve on an advisory committee. No member of the Board may serve concurrently on more than one advisory committee.

At least one-third (1/3) of the members of each advisory committee shall be researchers with experience in basic or applied scientific or technological research. The Board shall make every effort to appoint researchers possessing the following qualifications:

1. Tenured appointment as an Associate or Full Professor in one of the following four groups of discipline:
  - a. Life Sciences (Biology, Biochemistry, Botany, Microbiology, Zoology),
  - b. Physical Sciences (Chemistry, Physics, Astronomy, Geology, Meteorology),
  - c. Engineering or Computer Science, or
  - d. Business Administration; and
2. Publication of research papers (excluding abstracts, proceedings or comments) in nationally or internationally refereed journals. A list of such journals shall be determined annually by the Board; or
3. Satisfaction of one of the following two criteria:
  - a. Principal investigator for research grants awarded by the National Science Foundation, the National Institutes of Health, or any such other organization holding external peer reviewed national competitions for the distribution of research funds. A list of qualifying organizations shall be determined annually by the Board. Research grants awarded in exclusively statewide competitions and service contracts or other grants not requiring submission of a research proposal or which are funded on bases other than scientific merit shall not be used to satisfy this requirement, or
  - b. Inventor of one or more products which have had commercial application. Contractual commitments for a product or products shall meet this requirement; and
4. Demonstrated experience in the evaluation of research programs, which shall be satisfied either by review of external proposals from the organizations listed in subparagraph a of paragraph 3 of this section, or by review of proposals in university-wide competitions for internal support of research.

The most highly qualified researchers in this state with a breadth of experience in a variety of disciplines shall be given priority.

Added by Laws 1988, c. 246, § 10, operative July 1, 1988. Amended by Laws 2002, c. 484, § 10, eff. July 1, 2002.

#### **§74-5060.10. Commercial application of results of research as condition of assistance.**

The Oklahoma Center for the Advancement of Science and Technology shall require as a condition to any form of financial or other assistance authorized by this act before such assistance is provided to any person, firm, business enterprise or corporation that any patent, license, copyright, goods, services, proprietary processes or other results of research that result in a commercial application shall be developed or produced by an Oklahoma based firm or that a legitimate effort shall be made to apply the results of financial or other assistance in a manner that has a reasonable potential to create or enhance employment or other factors contributing to economic growth within Oklahoma. The board of directors of the Oklahoma Center for the Advancement of Science and Technology shall prescribe policies and procedures in order to implement the provisions of this section.

Added by Laws 1987, c. 222, § 25, operative July 1, 1987.

**§74-5060.11. Research Support Revolving Fund.**

There is hereby created in the State Treasury a revolving fund for the Oklahoma Center for the Advancement of Science and Technology to be designated the “Research Support Revolving Fund”. The fund shall be a continuing fund, not subject to fiscal year limitations. The fund shall consist of all monies authorized by law for deposit in such fund including, but not limited to, gifts, grants, private donations, fee revenues and funds by government entities authorized to provide funding for the purposes authorized for the use of the fund. Monies deposited or apportioned to the credit of the fund in excess of that required for implementation of the program or programs for which expenditures from the fund are authorized may be transferred to any other fund under the control of the Center. All monies accruing to the credit of said fund are hereby appropriated and may be budgeted and expended by the Oklahoma Center for the Advancement of Science and Technology for purposes authorized by law. Expenditures from said fund shall be made upon warrants issued by the State Treasurer against claims filed as prescribed by law with the Director of State Finance for approval and payment.

Added by Laws 1987, c. 222, § 26, operative July 1, 1987. Amended by Laws 1988, c. 246, § 11, operative July 1, 1988; Laws 1995, c. 279, § 2, eff. July 1, 1995.

**§74-5060.13. Challenge funding of research.**

A. The Center may use monies from the Research Support Revolving Fund for the purposes of this act by awarding competitive funds, through professional service contracts or otherwise, to institutions of higher education, nonprofit research foundations and private enterprises of special importance to the Oklahoma economy.

B. The Center is authorized to provide challenge funding to Oklahoma higher education institutions for the purpose of assisting such institutions to raise funds in research areas where they have achieved or have true promise of attaining a standard of excellence as recognized by national and international peers. The Center may transfer to the Oklahoma State Regents for Higher Education the endowed chairs established pursuant to paragraph 1 of subsection D of this section, with any funds associated with such endowed chairs, for the purposes specified in Section 3952 of Title 70 of the Oklahoma Statutes.

C. Any higher education institution which desires to obtain such challenge funding authorized in subsection B of this section shall submit an application to the Oklahoma Center for the Advancement of Science and Technology. Such application shall specify the total amount of funds such institution will provide to meet the requirements of the challenge funding and the research merits and economic benefits of the proposals as well as any other information which the Center may deem necessary in order to evaluate the application; provided, however, such institution shall not use state appropriated funds for the purpose of meeting the requirements of such challenge funding.

D. Funding shall be awarded on the following basis:

1. For endowed chair professional service contracts or grants, the Center shall match Two Dollars (\$2.00) from the More Oklahoma Science and Technology (MOST) Eminent Scholars and Research Equipment Account for every One Dollar (\$1.00) of interest income generated by

the endowment for such chair; however, the amount of a state professional service contract or grant for any endowed chair shall not be less than Fifty Thousand Dollars (\$50,000.00) for any one fiscal year. Funding awarded to match such interest shall be limited to endowed chairs created after May 27, 1986; and

2. For research professional service contracts or grants, the Center shall match One Dollar (\$1.00) from the More Oklahoma Science and Technology (MOST) Eminent Scholars and Research Equipment Account for every One Dollar (\$1.00) of monies that will be raised by such institution for matching purposes. The minimum amount of a state professional service contract or grant for any research project shall not be less than Ten Thousand Dollars (\$10,000.00) and shall be limited to acquiring research equipment. No applicant for a professional service contract or grant for research equipment under this paragraph shall be required to obtain the mandatory matching funding prior to application to the Center for funding. Applicants selected by the Center for funding shall have up to twelve (12) months from the date of selection to obtain the required matching funds. A selected applicant may request an extension of time not to exceed three (3) months to obtain the necessary matching funds. The period for obtaining matching funds shall not exceed a total of fifteen (15) months from the date of selection.

E. Persons selected to hold such endowed chairs or to receive funding for research as provided for in this section shall be selected pursuant to the procedures of the higher education institution which has been awarded such funding.

F. Approval of any challenge funding proposal shall be based upon the proposal submitted, external peer review and such additional investigation as the staff of the Center shall make.

Added by Laws 1987, c. 222, § 28, operative July 1, 1987. Amended by Laws 1989, c. 312, § 8, operative July 1, 1989; Laws 1992, c. 324, § 27, eff. July 1, 1992; Laws 1995, c. 279, § 4, eff. July 1, 1995.

#### **§74-5060.14. Oklahoma Health Research Committee.**

A. The Oklahoma Center for the Advancement of Science and Technology may use monies from the Research Support Revolving Fund to carry out the purposes of the Oklahoma Center for the Advancement of Science and Technology Act by awarding competitive health research funds, through professional service contracts, to institutions of higher education, nonprofit research foundations and private enterprises of special importance to the Oklahoma economy.

B. There is hereby created within the Oklahoma Center for the Advancement of Science and Technology, the Oklahoma Health Research Committee to be appointed by the Governor which shall consist of nine (9) members, no more than five nor less than three of whom shall be physicians licensed pursuant to the laws of this state. For the initial Committee, three members shall be appointed for a term of two (2) years; three members shall be appointed for a term of four (4) years; and three members shall be appointed for a term of six (6) years. Thereafter members shall be appointed for a term of six (6) years. At all times the Committee shall be composed of at least:

1. One member from the clergy or who has an advanced degree in philosophy from an accredited institution of higher learning;

2. Five members who shall be basic health research scientists each having an established record of basic health science research accomplishment and a demonstrated interest in public service to represent the following areas: Epidemiology, public health or biometrics or psychology; biochemistry, anatomy or nutrition; microbiology, immunology or molecular biology; genetics, pathology, or pharmacology; biology or physiology; and

3. Three members who shall be clinical research scientists having an established record of clinical biomedical science research accomplishment and a demonstrated interest in public service to represent the clinical research disciplines.

The Health Research Committee as constituted prior to the effective date of this act shall be re-created within the Oklahoma Center for the Advancement of Science and Technology. Members of the Committee, formerly within the Oklahoma Department of Commerce, serving terms upon the effective date of this act shall continue to serve such terms.

Upon expiration of any term of office of the Health Research Committee, in making appointments to the Committee appropriate consideration shall be given to representation upon the Committee by race, gender and geographical area.

C. Any vacancy on the Committee shall be filled for the unexpired term within thirty (30) days after the vacancy occurs.

D. No more than three members of the Committee shall have the same primary affiliation with an institution of higher learning or a nonprofit research institution.

E. A basic health research scientist or clinical research scientist shall not be eligible to become a member of the Committee unless said scientist is the inventor of one or more products which have earned more than Two Hundred Thousand Dollars (\$200,000.00) in royalties or other profit within the fifteen (15) years immediately preceding appointment or is the principal investigator for research grants awarded by national health research organizations for at least five (5) years during the fifteen (15) years immediately preceding appointment. Contractual commitments which have been made for a product or products shall qualify in meeting the royalty or profit requirement. Tentative commitments for future funding from national health research organizations shall satisfy the research grant requirement. Research grants awarded by the National Science Foundation, the National Institutes of Health, the American Heart Association, the Lung Association, the American Cancer Society, the Arthritis Foundation, the March of Dimes, and such other organizations that hold a peer-reviewed national competition for the distribution of research funds that the Committee deems acceptable from time to time shall satisfy the research grant requirement. Research grants which only may be awarded to investigators in this state shall not be used to satisfy the research grant time of support requirement. Service contracts or other grants which do not require submission of a research project or which are not funded competitively on the basis of scientific merit of the research project shall not satisfy the research grant time of support requirement.

F. Members of the Committee shall be reimbursed for expenses incurred in the performance of their duties as provided by the board of directors of the Center.

G. The Committee shall elect from its membership a chair to serve a two-year term and such other officers from its membership as deemed necessary for the performance of the duties of the Committee. The Committee shall hold regular meetings not less than once a quarter and such additional meetings as called by the chair as may be required for the proper discharge of the

duties of the Committee. Any action by the Committee shall require the affirmative vote of a majority of its members present. Five members shall constitute a quorum.

Added by Laws 1987, c. 222, § 29, operative July 1, 1987. Amended by Laws 1994, c. 288, § 7, eff. July 1, 1994; Laws 1995, c. 279, § 5, eff. July 1, 1995; Laws 1996, c. 143, § 3, emerg. eff. May 7, 1996; Laws 1998, c. 210, § 7, eff. July 1, 1998.

NOTE: Laws 1994, c. 287, § 8 repealed by Laws 1995, c. 279, § 9, eff. July 1, 1995.

#### **§74-5060.16. Duties of Center relating to health research.**

The Oklahoma Center for the Advancement of Science and Technology, with the advice and consent of the Committee, shall:

1. Establish and operate a state program designed to secure and impartially distribute funds credited to the Research Support Revolving Fund to support professional service contracts for health research projects;
2. Ensure that funding to support health research projects is awarded only on the basis of scientific merit;
3. Design the health research program to ensure the optimum performance of the investigator and the maximum efficiency of the project;
4. Evaluate and approve health research projects to be funded from the Research Support Revolving Fund;
5. Establish a procedure for the referral of proposed health research projects to the Committee for review;
6. Establish procedures for review of proposed health research projects by qualified individuals residing outside this state;
7. Suspend or terminate any professional service contract supporting health research projects for failure by an investigator, institution of higher learning, or nonprofit research institution to comply with the procedures, requirements, or bylaws of the Center; and
8. Enter into contracts to ensure the optimum performance of health research investigators and to ensure the maximum efficiency of proposed health research projects.

Added by Laws 1987, c. 222, § 31, operative July 1, 1987. Amended by Laws 1995, c. 279, § 6, eff. July 1, 1995.

#### **§74-5060.17. Conditions for award of professional service contract to support health research project.**

No professional service contract shall be awarded by the Oklahoma Center for the Advancement of Science and Technology to support a health research project unless:

1. The investigators are residents of this state or become residents of this state before the ninetieth day after a professional service contract, pursuant to which they will be functioning as an investigator, has been funded by the Center;

2. The institutions that administer the professional service contracts are primarily located in this state and are able to assume financial responsibility for professional service contracts;
3. The professional service contract will not be transferred to any other institutions within the state without the approval of the Center and will not be transferred to an institution outside this state at any time; and
4. The funds will not be expended for patient care except if patient care is an intrinsic part of a funded professional service contract.

Added by Laws 1987, c. 222, § 32, operative July 1, 1987.

**§74-5060.18. Annual conference on commercial application of results of health research projects.**

The Oklahoma Center for the Advancement of Science and Technology shall sponsor an annual conference of health research investigators, representatives of institutions of higher learning, nonprofit research institutions, and representatives of industry to accelerate and facilitate the commercial development of new products and services conceived or developed as consequence of professional service contracts supporting health research projects.

Added by Laws 1987, c. 222, § 33, operative July 1, 1987.

**§74-5060.19. Award of Professional Service Contracts.**

A. The Center may use monies from the Research Support Revolving Fund to carry out the purposes of this act by awarding competitive applied research funds, through professional service contracts or otherwise, to institutions of higher education, nonprofit research foundations and private enterprises of special importance to the Oklahoma economy. The Center may use the fund to provide funding for the programs and purposes specified in subsection D of this section.

B. The board shall award funding or professional service contracts only after:

1. Developing, adopting and publishing the criteria it shall use when evaluating research proposals; and
2. Reviewing applied research proposals which present:
  - a. documentation, if the proposal is from an institution of higher education or nonprofit research institutions, that not less than fifty percent (50%) of the total direct cost of the proposed project will be provided by sources other than the Center and other than state-appropriated money; machinery or equipment may be considered as part of the matching funds for the research, but must be accompanied by a statement:
    - (1) that the institution of higher education or nonprofit research institution has received the machinery or equipment and that it is appropriate and useful to the program under review; and either
    - (2) verifying that the equipment or machinery is donated and has only been used in testing to ensure quality control, or used by a wholesaler or retailer for demonstration purposes only and verifying the fair market value of the machinery or equipment on the date of the gift; or

- (3) detailing the price paid by the institution of higher education or nonprofit research institution, with an invoice showing the amount paid for the machinery or equipment;
- b. documentation, if the proposal is from a private enterprise, that not less than fifty percent (50%) of the total direct cost of the proposed project will be provided by sources other than the Center and other than state-appropriated money. No portion of the fifty percent (50%) may be provided by in-kind services performed by the enterprise;
  - c. a description of the potential commercial application of and the industrial sectors that will likely benefit from the applied research project and the potential to enhance employment opportunities in Oklahoma;
  - d. an itemized research budget, time line and research methodology;
  - e. a recommendation from the sponsoring institution of higher education, nonprofit research institution or business enterprise; and
  - f. other information that may be required by the board.
- C. The board may approve such applied research proposals after the board finds, based upon the proposal submitted, external peer review and such additional investigation as the staff of the Center shall make and incorporate in its minutes, that:
- 1. The proposed project is research that leads to innovation, new knowledge or technology and is not training or technical assistance for business firms;
  - 2. The project has a reasonable probability to enhance employment opportunities within Oklahoma; and
  - 3. The project is technically sound and will produce a measurable result.
- D. The Center is directed to develop a small business innovation research (SBIR) matching support program which meets the highest current standards for state matching support to federal SBIR program grants. The Center shall also develop and implement a program to financially support the preparation of SBIR grant proposals by Oklahoma entities. The Center may also develop and implement programs to encourage Oklahoma firms to participate in other federal research and development programs including, but not limited to, the Small Business Technology Transfer (SBTT) program.
- E. Any commercialized research that results from Center funding of applied research shall be subject to negotiations and policies pursuant to the provisions of this act.

Added by Laws 1987, c. 222, § 34, operative July 1, 1987. Amended by Laws 1995, c. 279, § 7, eff. July 1, 1995.

**§74-5060.20. Information clearinghouse - Technical services - Technical information data bases and industrial liaison offices - Minority business assistance.**

- A. The Center may use monies from the Research Support Revolving Fund to carry out the purposes of this section.
- B. The Oklahoma Center for the Advancement of Science and Technology shall establish a clearinghouse to provide technology transfer and technical referral services and may charge reasonable user fees to recover the costs of providing such services. The Center may fund

institutions of higher education to establish technical information data bases and industrial liaison offices which are easily accessible by both private and public sector organizations.

C. The Center shall provide to private enterprises and individuals, services which include, but are not limited to:

1. Disseminating research and technical information;
2. Referring clients to researchers or laboratories for the purpose of testing and evaluating new products, processes or innovations;
3. Assisting persons developing innovations or new technology in locating enterprises or entrepreneurs that may be interested in applying such innovations or new technologies; and
4. Providing managerial assistance to enterprises requesting such assistance, but particularly to those small enterprises of special importance to the Oklahoma economy.

D. The Center shall encourage business enterprises to use such technology transfer and technical support services as provided by institutions of higher education and especially the state's Small Business Development Centers.

E. The Center shall assist minority businesses in obtaining investments or loans or other means of financial assistance. The terms and conditions of such loans or financial assistance, including the charges for interest and other services, will be consistent with the provisions of this act. The Center shall solicit proposed minority business ventures for review and analysis.

Added by Laws 1987, c. 222, § 35, operative July 1, 1987. Amended by Laws 1995, c. 279, § 8, eff. July 1, 1995.

#### **§74-5060.20a. Technology business financing program - Specifications.**

The Oklahoma Center for the Advancement of Science and Technology (OCAST), in conjunction with the Commercialization Center, may develop and implement a technology business financing program to provide funding and financing for and to assist qualified Oklahoma enterprises to commercialize new products, services, technology, innovations, and processes. In order to obtain funding or financing from the technology business financing program, a recipient shall be required to obtain separate private investment or funding, and may also be required to pay royalties, fees, interest, profits, or other payments generated or arising from the sale, lease, licensing, distribution, manufacture, marketing, or development of products, services, technology, innovations, and processes, whether alone or in conjunction with others, or generated or arising from a sale, acquisition, merger, or other transfer or takeover of the enterprise. Any such royalties, fees, interest, profits, or other payments or return of funding and financing shall be retained for use in the program. OCAST, in conjunction with the Commercialization Center, shall establish program specifications OCAST may contract with Commercialization Center or other qualified entity to operate and manage the program. Program funds shall not be used to pay administrative, management, or operating expenses of OCAST.

Added by Laws 1998, SB 528, c. 211, § 4, emerg. eff. July 1, 1998; Amended by Laws 2010, SB 1426, c. 464, § 5, emerg. eff. July 1, 2010.

**§74-5060.20b. Cooperation between technology commercialization center and technology transfer offices.**

It is the intent of the Legislature that the Commercialization Center funded through the Oklahoma Center for the Advancement of Science and Technology (OCAST) and the technology transfer offices within The Oklahoma State System of Higher Education (OSSHE) complement each other's capabilities and work closely to optimize each other's effectiveness. The OSSHE technology transfer offices shall create an entrepreneurial climate on the campuses to maximize opportunities for commercialization of technology resulting from university research. The Commercialization Center shall assist technology-based businesses to start up and grow in Oklahoma.

Added by Laws 1998, SB 398, c. 210, § 5, emerg. eff. July 1, 1998; Amended by Laws 2010, SB 1426, c. 464, § 6, emerg. eff. July 1, 2010.

**§74-5060.21. Seed Capital Revolving Fund - Authorized investments - Investment committee.**

A. There is hereby created in the State Treasury a revolving fund for the Oklahoma Center for the Advancement of Science and Technology to be designated the "Seed-Capital Revolving Fund". The fund shall be a continuing fund, not subject to fiscal year limitations. The fund shall consist of all monies authorized by law for deposit in the fund including but not limited to gifts, grants, private donations and funds by government entities authorized to provide funding for the purposes authorized for use of the fund and with payments on loans made from the fund, rents, dividends paid on shares of stock purchased with monies from the fund, royalty proceeds, or any other form of return on authorized investments made by the Center. All monies accruing to the credit of said fund are hereby appropriated and may be budgeted and expended by the Oklahoma Center for the Advancement of Science and Technology for use as seed-capital for enterprises and for the purposes set forth in this section, and shall not be used for administrative, management, or operating expenses of the Center. Expenditures from said fund shall be made upon warrants issued by the State Treasurer against claims filed as prescribed by law with the Director of State Finance for approval and payment.

B. The Seed-Capital Revolving Fund shall be managed consistent with the long-term goal that revenues earned from investment of the fund be used to cover administrative costs of the fund. The Center may contract with the Commercialization Center or another entity to manage the Seed-Capital Revolving Fund and to carry out the activities set forth in this section.

C. The Center may use the Seed-Capital Revolving Fund to provide seed-capital to enterprises and to carry out the purposes of the Oklahoma Science and Technology Research and Development Act through authorized investments, including:

1. Loans, loans convertible to equity, and equity;
2. Leaseholds;
3. Management or consultant service agreements;
4. Loans with stock subscription or similar warrants that are beneficially owned by the Center;

5. Loans with stock subscription or similar warrants that are beneficially owned by a party other than the Center;

6. Any other contractual arrangement in which the Center is providing scientific and technological services to any federal, state, county or municipal agency, or to any individual, corporation, enterprise, association or any other entity involving science and technology. The Center, in connection with the provision of any form of financial assistance, may enter into royalty agreements with an enterprise;

7. Participation as a general or limited partner in other seed-capital funds or participation as a limited partner in individual cases as authorized by the board of directors;

8. Royalty or other interests in patents, licenses, trade secrets or other technology; and

9. All other seed-capital investments and qualified securities as defined in the Oklahoma Science and Technology Research and Development Act.

D. The Center may use the Seed-Capital Revolving Fund to purchase qualified securities issued by enterprises engaged in new product or process innovations subject to the conditions set forth in this section.

E. The Center may use the Seed-Capital Revolving Fund to make loans for business incubator facilities in exchange for interests in the enterprises.

F. The Center shall make authorized seed-capital investments in enterprises engaged in new product or process innovations only after:

1. Receipt of an application from the enterprise which contains:

a. a business plan including a description of the enterprise and its management, product and market,

b. a statement of the amount, timing and projected use of the capital required,

c. a statement of the potential economic impact of the enterprise, including the number, location and types of jobs expected to be created, and

d. such other information as the Center board of directors shall request.

2. Approval of the investment by the Center. Such approval may be made after the board of directors finds, based upon the application submitted by the enterprise and such additional investigation as the staff of the Center shall make and incorporate in its minutes, or based on the recommendation of the fund manager, if the Center contracts with the Commercialization Center or another entity to manage the Seed-Capital Revolving Fund, that:

a. the proceeds of the investment or financial assistance will be used only to cover the seed-capital needs of the enterprise except as authorized by this section,

b. the enterprise has a reasonable chance of success,

c. the Center's participation is instrumental to the success of the enterprise and will assist in its retention within the state,

d. the Center's investment is leveraged by at least one additional equity or near-equity investor,

e. the enterprise has the reasonable potential to enhance employment opportunities within the state,

- f. the entrepreneur and other founders of the enterprise have already made or are contractually committed to make an appropriate financial and time commitment to the enterprise,
- g. any securities to be purchased are qualified securities,
- h. there is a reasonable possibility that the Center will recoup at least its initial investment or financial commitment, and
- i. binding commitments have been made to the Center by the enterprise for adequate reporting of financial data to the Center, which shall include a requirement for an annual report, or if required by the board, an annual audit of the financial and operational records of the enterprise, and for such control on the part of the Center as the board of directors shall consider prudent over the management of the enterprise, so as to protect the investment or financial commitment of the Center, including in the discretion of the board and without limitation, right of access to financial and other records of the enterprise, and membership or representation on the board of directors of the enterprise.

G. The board of directors shall create an investment committee to assist in evaluating potential investments in qualified securities and provision of other forms of authorized financial assistance. The membership of this investment committee shall serve at the pleasure of the board and shall consist of:

1. no more than two members of the board of directors, neither of whom serves on any advisory committee to the Center; and
2. persons drawn from sources other than the Center who meet standards similar to those applying to the board of directors and who are recognized by their peers for outstanding knowledge and leadership in their fields, all of whom shall serve at the pleasure of the board.

H. The Center shall not make investments in qualified securities issued by enterprises in excess of the amount necessary to own more than forty-nine percent (49%) of qualified securities in any one enterprise at the time such securities are purchased by the Center, after giving effect to the conversion of all outstanding convertible qualified securities of the enterprise; however, in the event of severe financial difficulty of the enterprise, threatening, in the judgment of the board of directors, the investment of the Center therein, a greater percentage of such securities may be owned by the Center.

Added by Laws 1987, HB 1444, c. 222, § 36, emerg. eff. July 1, 1987; Amended by Laws 1988, HB 1548, c. 246, § 12, emerg. eff. July 1, 1988; Amended by Laws 2010, SB 1426, c. 464, § 7, emerg. eff. July 1, 2010.

#### **§74-5060.22. Annual Report.**

A. The Oklahoma Science and Technology Research and Development Board is authorized and instructed to make an annual report no later than November 1 to the Governor, the President Pro Tempore of the Senate, and the Speaker of the House of Representatives that shall describe the accomplishments, the expenditures, and the activities of the prior fiscal year. The report shall include elements the Board identifies as hampering the state's economic progress and recommendations for changes. The report shall include an independent audit in accordance with auditing standards generally accepted in the United States and the standards applicable to financial audits contained in Government Auditing Standards, latest revised edition, issued by

the Comptroller General of the United States, which shall examine, among other things, actions governed by the administrative policies adopted by the Board on behalf of the Oklahoma Center for the Advancement of Science and Technology and the Oklahoma Institute of Technology. The annual report shall specifically account for the ways in which the need, mission and programs of the Center and the Institute have been carried out, including but not limited to a review of the results of the operations and transactions according to objective measures set forth in the business plan. The report shall recommend specific changes in the activities of the Center or Institute which are necessary to better carry out the need and mission described in the Oklahoma Center for the Advancement of Science and Technology Act. The Board shall distribute its annual report by such means that will make it widely available to those innovative enterprises of special importance to the Oklahoma economy.

B. The Board shall annually review and prepare a report showing how and at what level other states fund technology-based economic development programs. The Board shall recommend an appropriate funding level for Oklahoma which will make these programs nationally competitive with those of other states. The Board's findings and recommendations shall be included in the annual report to be submitted to the Governor and the Legislature.

C. The Center shall adopt a threshold funding level for each of the programs provided for by law. The threshold amount shall provide for funding that is great enough to have a significant impact and carry out the intent of the Legislature. If the funding for these programs falls below the threshold, then no funding shall be provided by the Center to the program funded below threshold level.

D. The Board, on behalf of the Center and Institute, shall fund areas of research and development that the Board selects as most likely to stimulate information technology, biotechnology, genetics, meteorology and climate studies, and emerging or developing technology and related jobs; foster patents; result in new patents, copyrights, trademarks, and licenses of value; pursue world-class research teams that support the state's primary economic development thrusts or focus areas; and stimulate private and public investments with the intent to encourage economic development in Oklahoma.

Added by Laws 1987, HB 1444, c. 222, § 37, emerg. eff. July 1, 1987; Amended by Laws 2002, SB 1391, c. 484, § 11, emerg. eff. July 1, 2002; Amended by Laws 2010, HB 2395, c. 413, § 29, emerg. eff. July 1, 2010.

#### **§74-5060.23. Acquiring ownership of corporation or partnership prohibited - Exceptions.**

The Oklahoma Center for the Advancement of Science and Technology shall not be permitted to make an expenditure for purposes of any loan, grant or for purposes of acquiring any form of ownership in a corporation or partnership unless authorized by law including, but not limited to, Section 15 of Article X of the Oklahoma Constitution.

Added by Laws 1987, c. 222, § 38, operative July 1, 1987.

#### **§74-5060.24. Administration and Data Processing Revolving Fund.**

There is hereby created in the State Treasury a revolving fund for the Oklahoma Center for the Advancement of Science and Technology to be designated the "Administration and Data Processing Revolving Fund". The fund shall be a continuing fund, not subject to fiscal year

limitations. The fund shall consist of all monies authorized by law for deposit therein, grants, donations or reimbursements that the President of the Center may direct to be deposited therein, proceeds from the sale of surplus property, insurance payments to the agency, receipts pursuant to the Oklahoma Open Records Act, and transfers from other revolving funds of the Center as the President may direct. Monies accruing to the credit of said fund are hereby appropriated and may be budgeted and expended by the Center for the administrative costs of all programs of the Center, including all personal and other operating expenses. Expenditures from the fund shall be made upon warrants issued by the State Treasurer against claims filed as prescribed by law with the Director of State Finance for approval and payment.

Added by Laws 1988, c. 246, § 13, operative July 1, 1988.

**§74-5060.25. Working with OAME to foster competitiveness in national and international markets.**

In addition to other functions and responsibilities of the Oklahoma Center for the Advancement of Science and Technology, the Center shall have the authority to work in conjunction with OAME, a private, not-for-profit corporation certified by Oklahoma Futures as qualifying pursuant to the provisions of this act, to foster competitiveness in the national and international markets by small and medium-sized manufacturing firms located in Oklahoma, with a special emphasis on minority business enterprises.

Added by Laws 1992, c. 230, § 5, eff. July 1, 1992.

**§74-5060.26. Creation of private, not-for-profit corporation - Powers - Certificate of incorporation and bylaws.**

A. A private, not-for-profit corporation may be organized pursuant to the provisions of Title 18 of the Oklahoma Statutes and the provisions of this act to develop the Industrial Extension System in Oklahoma, with a special emphasis on minority business enterprises. Such corporation, upon certification by Oklahoma Futures, shall be known as and may exercise all of the powers of OAME.

B. In addition to the provisions and requirements of Title 18 of the Oklahoma Statutes, the certificate of incorporation and the bylaws of OAME must be certified by Oklahoma Futures and the certificate of incorporation shall:

1. Designate the name of the corporation as the Oklahoma Alliance for Manufacturing Excellence, Inc.;
2. Provide that the exclusive purposes of OAME are public purposes to assist small and medium- sized manufacturing firms, with a special emphasis on minority business enterprises, to gain the ability, through education, technology transfer, and otherwise, to compete successfully at progressively higher levels of value-added in the national and international economy;
3. Provide for the following three classes of membership in OAME which shall have representation on the Board of Directors of OAME:

- a. one class composed of small and medium-sized manufacturing firms located in Oklahoma, and the certificate of incorporation shall provide for the qualifications for membership in such class,
  - b. one class composed of large corporations, and the certificate of incorporation shall provide for the qualifications for membership in such class, and
  - c. one class composed of state entities, including, but not limited to, the Oklahoma Center for the Advancement of Science and Technology, the Oklahoma Department of Commerce, the Oklahoma Department of Career and Technology Education, and the Oklahoma State Regents for Higher Education;
4. Provide for classes of associate membership which shall not have representation on the Board of Directors of OAME, except as provided in paragraph 5 of this subsection;
  5. Provide that the Board of Directors of OAME shall consist of five representatives of members who shall be individuals elected at the first annual meeting of OAME by members of the class composed of small and medium-sized manufacturing firms, and four representatives of members who shall be individuals elected at the first annual meeting of OAME by members of the class composed of large corporations. The Board of Directors also shall include the President of the Oklahoma Center for the Advancement of Science and Technology, the Executive Director of the Oklahoma Department of Commerce, the Director of the Oklahoma Department of Career and Technology Education and the Chancellor of Higher Education as ex officio members. The bylaws of OAME may provide for designees who may serve in the place of any of the directors and the terms under which any such designation will be made. The Board of Directors shall have the power to elect, from time to time, persons to serve as directors who are associate members or are not affiliated with any entity or firm which qualifies for membership in OAME, provided that no more than three (3) of such persons shall serve on the Board of Directors at any time;
  6. Have the authority to set membership dues in an amount to be determined by the Board of Directors. No participating state entity shall pay membership dues;
  7. Provide for all powers necessary or appropriate to carry out and effectuate its corporate purposes, including, but not limited to, the following:
    - a. to maintain an office at such place or places as it may designate,
    - b. to make and execute contracts with any individual, corporation, association or any other entity and all other instruments necessary or convenient for the performance of its duties and the exercise of its powers and functions under this act,
    - c. to receive funds from any source to carry out the purposes of this act, including, but not limited to, gifts or grants from any department, agency or instrumentality of the United States or of the state for any purpose consistent with the provisions of this act,
    - d. to acquire or sell, convey, lease, exchange, transfer or otherwise dispose of its property or any interest therein,
    - e. to develop plans and policies to assist small and medium-sized manufacturing companies in Oklahoma,

f. to enter into contracts to provide assistance to small and medium-sized manufacturing companies, including, but not limited to, the following categories:

- (1) technology,
- (2) human resources development,
- (3) market planning,
- (4) finance, and
- (5) inter-firm collaboration,

g. to assist other organizations providing general business assistance to small and medium-sized manufacturing enterprises,

h. to establish manufacturing quality and standards certification programs, setting minimum standards and issuing certification to companies meeting such standards,

i. to develop and distribute information about manufacturing modernization and assistance that is available to support efforts to improve the abilities of small and medium-sized firms to produce and market higher value-added products,

j. to establish a system to evaluate the effectiveness and efficiency of services provided to small and medium-sized manufacturing firms,

k. to establish and operate, directly or under contract, an information system designed to access resources that will assist the firms to become more productive,

l. establish a training program for individuals working on behalf of small and medium-sized manufacturing firms, and

m. to establish special educational and informational programs for its members.

Added by Laws 1992, c. 230, § 6, eff. July 1, 1992. Amended by Laws 2001, c. 33, § 179, eff. July 1, 2001.

#### **§74-5060.27. Annual business plan - Annual report.**

OAME shall prepare and submit an annual business plan for approval by the Board of Directors of the Oklahoma Center for the Advancement of Science and Technology. The business plan shall be made a part of the annual business plan of the Center provided for in Section 5060.8 of Title 74 of the Oklahoma Statutes and shall be subject to approval by Oklahoma Futures. OAME shall also prepare an annual report for submission to the Center, which shall include:

1. A synopsis of the activities of OAME during the previous fiscal year; and
2. An examination of quantifiable measures of the results of actions and plans of OAME.

Added by Laws 1992, c. 230, § 7, eff. July 1, 1992.

#### **§74-5060.29. Allocation of funds to technology-business incubator.**

Contingent upon a total annual appropriation of at least Nine Million Dollars (\$9,000,000.00) to the Oklahoma Center for the Advancement of Science and Technology (OCAST), OCAST shall

annually use One Hundred Thousand Dollars (\$100,000.00), or so much of that amount as shall be necessary, in conjunction with the nonprofit Oklahoma Health Center Research Park Corporation to operate a technology-business incubator located in the Oklahoma Health Center Research Park and appropriately equipped to meet the needs of start-up, technology-intensive firms including, but not limited to, bio-technology and bio-medical firms.

Added by Laws 1997, c. 416, § 2, eff. Sept. 1, 1997.

#### **§74-5060.40. Science and Technology Council.**

A. There is hereby created the Science and Technology Council, to continue until July 1, 2007, in accordance with the provisions of the Oklahoma Sunset Law. The Council shall consist of fourteen (14) members, who shall be appointed by the Governor with the advice and consent of the Senate and serve at the pleasure of the Governor, and the Secretary of Science and Technology Development. The Secretary of Science and Technology Development shall chair the Council, preside at meetings of the Council, arrange the Council's agenda, appoint committees as desired, sign official Council documents, and perform such other duties as may be prescribed by the Council. The Council shall elect to annual terms beginning July 1 a vice-chair and such other officers as the Council deems appropriate. The vice-chair shall perform the duties of the chair during the chair's absence or disability and shall perform such other duties as may be prescribed by the Council. The chair or vice-chair and seven other members shall constitute a quorum.

B. The mission and duties of the Council shall be to search for, review, and identify targeted market opportunities for this state. The Council shall rank opportunities identified, by specific area of opportunity, to determine the best prospects for helping this state develop, advance, and gain recognition of, market leadership. The Council's selections shall be presented to the Board of Directors of the Oklahoma Center for the Advancement of Science and Technology (OCAST).

C. The Council shall be subject to the Oklahoma Open Meeting Act and Oklahoma Open Records Act; provided, the chair or vice-chair may at any time and without prior notice call the Council into executive session for the purpose of examining or discussing proprietary or financial information of research or business entities and may determine that related records remain confidential.

D. Staff assistance and meeting space for the work of the Council shall be provided by the office of the Vice President of Technology Development of the University of Oklahoma and further, when requested by the Secretary of Science and Technology Development, the Oklahoma Center for the Advancement of Science and Technology.

E. Expenses of the Council shall be paid from the Science and Technology Council Revolving Fund created by Section 2 of this act and for the purposes set forth therein. Council members shall be reimbursed for actual and necessary travel expenses incurred in the performance of their Council duties in accordance with the State Travel Reimbursement Act.

Added by Laws 2001, c. 420, § 1, eff. July 1, 2001.

#### **§74-5060.41. Science and Technology Council Revolving Fund.**

There is hereby created in the State Treasury a revolving fund for the Science and Technology Council to be designated the Science and Technology Council Revolving Fund. The fund shall be a continuing fund, not subject to fiscal year limitations, and shall consist of monies appropriated to the Oklahoma Center for the Advancement of Science and Technology designated for the Council and of such gifts or other income as may be designated for the use of the Council. All monies accruing to the credit of the fund are hereby appropriated and may be budgeted and expended by the Oklahoma Center for the Advancement of Science and Technology for the Council. Purposes for use of the monies shall include, but not be limited to, salaries and other personnel expenses, travel, contracts for marketing analysis, and expertise and other expenses for business plan development. The Center shall review all uses of the monies and provide for audit of the fund by the State Auditor and Inspector at least once every three (3) years.

Added by Laws 2001, c. 420, § 1, eff. July 1, 2001.

**§74-5060.43. Oklahoma Nanotechnology Applications Project.**

A. The Oklahoma Center for the Advancement of Science and Technology may develop and implement a nanotechnology pilot project to assist qualified Oklahoma companies in the process of applying nanotechnology through research, development, and manufacturing to improve current products or create new, cutting-edge products. The project shall be known as the “Oklahoma Nanotechnology Applications Project” (ONAP). The Oklahoma Center for the Advancement of Science and Technology may employ established program processes to award nanotechnology funds or may contract with other qualified entities to operate this pilot project.

B. The Oklahoma Nanotechnology Applications Project is designed to provide Oklahoma with the ability to respond quickly to opportunities in the following technology focuses:

1. Advanced materials/nanotechnology;
2. Agricultural sciences;
3. Aviation/aerospace;
4. Biotechnology and life sciences;
5. Energy and energy-related;
6. Information technology and telecommunications;
7. Sensors and sensor-related; and
8. Meteorological science.

C. The Board shall award nanotechnology funding or professional service contracts only after finding that:

1. The project is technically sound and will produce measurable results;
2. The project leads to innovation, new knowledge, new devices, new products, or processes with preferences given to applications of nanotechnology leading to commercialization;
3. The project has a reasonable probability to enhance employment opportunities within Oklahoma; and

4. The project will enhance services to Oklahoma manufacturers or Oklahoma companies that are in the process of applying nanotechnology.

D. ONAP awards are designed to enable new and existing applications in nanotechnology and to encourage nanotechnology collaboration between industry, institutions of higher education, and nonprofit research institutions.

Added by Laws 2006, c. 76, § 2, eff. July 1, 2006.

#### **§74-5060.52. Travel Reimbursement.**

Member of the Electronic Commerce Pilot Program Steering Committee created in Section 5060.50 of Title 74 of the Oklahoma Statutes shall receive no compensation for serving on the Committee, but shall receive travel reimbursement as follows:

Legislative members of the Committee shall be reimbursed for their necessary travel expenses incurred in the performance of their duties in accordance with Section 456 of Title 74 of the Oklahoma Statutes from the legislative body in which they serve;

State agency employees who are members of the Committee shall be reimbursed for travel expenses incurred in the performance of their duties by their respective agencies in accordance with the State Travel Reimbursement Act; and

All other Committee members shall be reimbursed by the Department of Central Services for travel expenses incurred in performance of their duties on the Committee, in accordance with the State Travel Reimbursement Act.

Added by Laws 1999, c. 337, § 5, emerg. eff. July 01, 1999.

#### **§74-5060.53. Use of monies from Research Support Revolving Fund.**

A. The Oklahoma Center for the Advancement of Science and Technology (OCAST) may use monies from the Research Support Revolving Fund to carry out the purposes of the Oklahoma Science and Technology Research and Development Act by awarding competitive basic and applied plant science research funds, through professional service contracts, to institutions of higher education, nonprofit research foundations and private enterprises of special importance to the Oklahoma economy.

B. The Oklahoma Center for the Advancement of Science and Technology, contingent on the availability of funds, and with the advice of the Plant Science Research Committee, shall:

1. Establish and operate a state program designed to secure and impartially distribute funds credited to the Research Support Revolving Fund to support professional service contracts for basic plant science research projects to be awarded only on the basis of scientific and technical merit;
2. Design the basic plant science research program to ensure the optimum performance of the investigator(s) and the maximum efficiency of the project(s);
3. Evaluate and approve basic plant science research projects to be funded from the Research Support Revolving Fund;

4. Establish a procedure for the referral of proposed basic plant science research projects to the Plant Science Research Committee for review;
5. Establish procedures for review of proposed basic plant science research projects by qualified individuals, the majority of whom reside outside of Oklahoma;
6. Suspend or terminate any professional service contract supporting basic plant science research projects for failure by an investigator, institution of higher learning, private enterprise, or nonprofit research institution to comply with the procedures, requirements, or bylaws of the Oklahoma Science and Technology Research and Development (OSTRaD) Board; and
7. Enter into contracts to ensure the optimum performance of plant science research investigators and to ensure the maximum efficiency of proposed plant science research projects.

C. The Board shall award funding or professional service contracts for basic plant science research, contingent on the availability of funds and based upon the proposal submitted; external peer review, the majority of whom must reside outside of Oklahoma; and such additional investigation as the staff of OCAST shall make only after:

1. Developing, adopting and publishing the criteria it shall use when evaluating research proposals; and
2. Ensuring that funding to support basic plant science research projects is awarded only on the basis of scientific and technical merit.

D. The Oklahoma Center for the Advancement of Science and Technology, contingent on the availability of funds, and with the advice of the Plant Science Research Committee, shall establish and operate a state program designed to secure and impartially distribute funds credited to the Research Support Revolving Fund to support professional service contracts for applied plant science research projects.

E. The OSTRaD Board shall award funding or professional service contracts for applied plant science research only after:

1. Developing, adopting and publishing the criteria it shall use when evaluating research proposals; and
2. Reviewing applied plant science research proposals which present:
  - a. documentation, if the proposal is from an institution of higher education or nonprofit research institution, that not less than fifty percent (50%) of the total direct cost of the proposed project will be provided by sources other than OCAST and other than state-appropriated money; machinery or equipment may be considered as part of the matching funds for the research, but must be accompanied by a statement:
    - (1) that the institution of higher education or nonprofit research institution has possession of the machinery or equipment and that it is appropriate and useful to the program under review, and either
    - (2) verifying that the equipment or machinery is donated and has only been used in testing to ensure quality control, or used by a wholesaler or retailer for demonstration purposes only and verifying the fair market value of the machinery or equipment on the date of the gift, or
    - (3) detailing the price paid by the institution of higher education or nonprofit research institution, with an invoice showing the amount paid for the machinery or equipment,

- b. documentation, if the proposal is from a private enterprise, that not less than fifty percent (50%) of the total direct cost of the proposed project will be provided by sources other than OCAST and other than state-appropriated money. No portion of the fifty percent (50%) may be provided by in-kind services performed by the enterprise,
- c. a description of the potential commercial application of and the industrial sectors that will likely benefit from the applied research project and the potential to enhance employment opportunities in Oklahoma,
- d. an itemized research budget, time line and research methodology,
- e. a recommendation from the sponsoring institution of higher education, nonprofit research institution or business enterprise, and
- f. other information that may be required by the Board.

F. The OSTRaD Board may approve such applied plant science research proposals, contingent on the availability of funds, after the Board finds, based upon the proposal submitted; external peer review, the majority of whom must reside outside of Oklahoma; and such additional investigation as the staff of OCAST shall make and incorporate in its minutes, that:

1. The proposed project is research that leads to innovation, new knowledge or technology and is not training or technical assistance for business firms;
2. The project has a reasonable probability to enhance employment opportunities within Oklahoma; and
3. The project is technically sound and will produce a specified measurable result. Added by Laws 2006, c. 297, § 3, eff. Nov. 1, 2006.

**§74-5060.54. Requirements for professional service contracts to support basic or applied plant science research projects.**

No professional service contract shall be awarded by the Oklahoma Center for the Advancement of Science and Technology (OCAST) to support a basic or applied plant science research project unless:

1. The investigators are residents of this state or become residents of this state before the ninetieth day after a professional service contract, pursuant to which they will be functioning as an investigator, has been funded by OCAST;
2. The institutions that administer the professional service contracts are primarily located in this state and are able to assume financial responsibility for professional service contracts; and
3. The professional service contract will not be transferred to any other institutions within the state without the approval of OCAST and will not be transferred to an institution outside of the State of Oklahoma at any time.

Added by Laws 2006, c. 297, § 4, eff. Nov. 1, 2006.

Inventors Assistance Act

**§74-5064.4. Program - Establishment - Purposes.**

A. The Oklahoma Department of Commerce shall establish a program to provide assistance to inventors. On July 1, 1998, all powers, duties, responsibilities, files, and records relating to the inventors assistance program shall be transferred to the Oklahoma Center for the Advancement of Science and Technology (OCAST).

B. The program shall be designed to:

1. Attract inventors from throughout this state, the nation and other countries and encourage them to submit their proposals for review and evaluation;
2. Provide assistance to inventors whose proposals are accepted which shall include patent searches, market analysis, product research and development, assistance in obtaining financing, business counseling, and any other assistance necessary to develop the product to the commercial stage which is not prohibited by the Constitution or laws of this state and further to protect both the state and the inventor, this section would require a provisional patent application or patent application be on file with the U.S. Patent Office before the state will review proposal;
3. Provide assistance and training to inventors to enable the manufacturing, marketing and distribution of their product;
4. Direct inventors to the Inventors Development Society, the Oklahoma Inventors Congress, or other similar organizations for assistance; and
5. Improve the entrepreneurial skills of the state's workforce in order to foster innovation, product development and new high quality jobs.

Added by Laws 1987, c. 121, § 4, eff. Nov. 1, 1987. Amended by Laws 1994, c. 322, § 28, emerg. eff. June 8, 1994; Laws 1998, c. 250, § 1, eff. July 1, 1998.

**§74-5064.5. Powers.**

The Oklahoma Center for the Advancement of Science and Technology (OCAST) shall have the power to:

1. Enter into contracts on a competitive bid basis with public and private agencies, institutions, organizations and individuals for the purpose of providing assistance to and services for inventors and entrepreneurs as required by Section 5064.1 et seq. of this title;
2. Solicit the support and contributions of public and private agencies, organizations, institutions and individuals;
3. Receive and administer funds for the purpose of operating the inventors and entrepreneurs program;
4. Advertise and promote the inventors and entrepreneurs program;
5. Collect reasonable fees based on actual direct and indirect costs for programmatic services extended to users of the inventors and entrepreneurs program; and
6. Promulgate rules to implement the provisions of Section 5064.1 et seq. of this title.

Added by Laws 1987, c. 121, § 5, eff. Nov. 1, 1987. Amended by Laws 1994, c. 322, § 29, emerg. eff. June 8, 1994; Laws 1998, c. 250, § 2, eff. July 1, 1998.

**§74-5064.6. Proposals - Contracts.**

A. The Oklahoma Center for the Advancement of Science and Technology (OCAST) shall charge a filing fee of One Hundred Dollars (\$100.00) for each proposal submitted for review and evaluation.

B. After review and evaluation, proposals shall be accepted or rejected for development under the inventors assistance program. OCAST shall not charge for any services to aid in the development of the product. Services may include patent searches, market analysis, product research and development, assistance in obtaining financing, including financing from private sources, and business counseling, if needed. Provided, OCAST shall receive a fee not to exceed an amount equal to ten percent (10%) of all royalties from any product developed under the inventors assistance program for a period of ten (10) years from the first day after royalties are received from the commercial licensing, rental or sale of the product.

C. Before services to aid in the development of the product shall commence, OCAST shall enter into a contract with the inventor which shall include, in addition to any other provisions consistent with the provisions of Section 5064.1 et seq. of this title:

1. The services which OCAST will provide to aid in the development of the product;
2. Any other services which OCAST will assist the inventor in obtaining and for which the inventor shall be liable pursuant to written consent;
3. Authorization for OCAST to receive a fee not to exceed an amount equal to ten percent (10%) of all royalties from the product for a period of ten (10) years; and
4. An agreement from the inventor that all products developed under the program shall be researched, developed, manufactured, packaged and distributed from this state to the extent that it is economically feasible. Provided, the fee not to exceed an amount equal to ten percent (10%) of all royalties from products developed under this program wherever manufactured shall accrue to this state pursuant to the provisions of Section 5064.1 et seq. of this title.

Added by Laws 1987, c. 121, § 6, eff. Nov. 1, 1987. Amended by Laws 1988, c. 313, § 3, emerg. eff. July 1, 1988; Laws 1998, c. 250, § 3, eff. July 1, 1998.

**§74-5064.7. Incentives for inventors and businesses.**

A. The following incentives shall be available to inventors for products developed and manufactured in this state and to instate manufacturers of said products; provided, to qualify for the incentives, the product shall be patented or have patent pending pursuant to federal law and shall be registered with the Oklahoma Center for the Advancement of Science and Technology (OCAST):

1. Royalty earned by an inventor from a product developed and manufactured in this state shall be exempt from state income tax for a period of seven (7) years from January 1 of the first year in which such royalty is received as long as the manufacturer remains in the state; and
2. An instate manufacturer of a product developed in this state by an inventor shall be eligible for a tax credit, as provided for in Section 2357.4 of Title 68 of the Oklahoma Statutes. In

addition such manufacturer may exclude from Oklahoma taxable income, or in the case of an individual, the Oklahoma adjusted gross income, sixty five percent (65%) of the cost of depreciable property purchased and utilized directly in manufacturing the product. The maximum exclusion shall not exceed Five Hundred Thousand Dollars (\$500,000.00). If the exclusion allowed by this paragraph exceeds the Oklahoma taxable income, or in the case of an individual, the Oklahoma adjusted gross income, the amount of the exclusion that is in excess of such income may be carried forward as an exclusion against subsequent Oklahoma taxable income or in the case of an individual, subsequent Oklahoma adjusted gross income, for a period not to exceed four (4) years. For the purposes of this paragraph, "depreciable property" means machinery, fixtures, equipment, buildings, or substantial improvements thereto, placed in service in this state during the taxable year.

B. The Oklahoma Tax Commission, in conjunction with the Oklahoma Center for the Advancement of Science and Technology, shall promulgate rules to implement the provisions of this section.

Added by Laws 1987, c. 121, § 7, eff. Nov. 1, 1987. Amended by Laws 1988, c. 313, § 4, emerg. eff. July 1, 1988; Laws 1998, c. 250, § 4, eff. July 1, 1998.

#### **§74-5064.9. Reports.**

The President of the Oklahoma Center for the Advancement of Science and Technology (OCAST) shall include in OCAST's annual report on program outcomes program information including:

1. The number of seminars and training programs held for inventors and entrepreneurs and the number of persons attending such seminars and programs;
2. The number of inventors and entrepreneurs assisted; and
3. The number of jobs created and preserved as a result of this program.

Added by Laws 1987, c. 121, § 9, eff. Nov. 1, 1987. Amended by Laws 1994, c. 322, § 31, emerg. eff. June 8, 1994; Laws 1998, c. 250, § 6, eff. July 1, 1998.