

STATE OF OKLAHOMA

2nd Session of the 46th Legislature (1998)

COMMITTEE SUBSTITUTE
FOR
SENATE BILL NO. 1405

By: Fisher

COMMITTEE SUBSTITUTE

An Act relating to economic development; amending Rule 257:20-1-4 of the Rules of the Ethics Commission (74 O.S. Supp. 1997, Ch. 62, App.), which relates to misuse of office; allowing boards of regents of Oklahoma institutions of higher education to have ownership interest in certain business enterprises subject to certain conditions; making exceptions to certain prohibitions to allow employee of an Oklahoma institution of higher education to receive income from ownership interests in certain technologies, other intellectual properties, or business enterprises or certain activity relating to such business enterprises; providing for codification; and providing effective dates.

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

SECTION 1. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 3231 of Title 70, unless there is created a duplication in numbering, reads as follows:

In accordance with the provisions of the amendment to Section 15 of Article X of the Oklahoma Constitution as set forth in Senate Joint Resolution No. 29 of the 2nd Session of the 46th Oklahoma Legislature, boards of regents for and in behalf of the institutions which they govern within The Oklahoma State System of Higher Education may have an ownership interest in a business enterprise commercializing a technology or other intellectual property, when such technology or other intellectual property is the result of research conducted by such institutions or involving the authorized use of facilities, equipment, or services of the institution, subject to the following conditions:

1. Each institution shall have written policies governing the relationship between the institution or institutions, the business enterprise, and any employee of the institution involved in the research or development of the technology or other intellectual property to be commercialized;

2. No ownership interest shall be allowed which creates or allows for any liability by the institution as a result of such ownership in excess of the value of the ownership interest created; and

3. No appropriated monies shall be used to acquire the ownership interest; provided, however, technology or other intellectual property developed by an employee of the institution or involving the use of facilities, equipment, or services of the institution shall not be considered the use of appropriated dollars for purposes of this section.

SECTION 2. AMENDATORY Rule 257:20-1-4 of the Rules of the Ethics Commission (74 O.S. Supp. 1997, Ch. 62, App.), is amended to read as follows:

Rule 257:20-1-4. (a) No state officer or state employee shall use his or her official position to solicit or secure special privileges, exemptions or compensation for himself, herself or others, except in the performance of his or her duties or as may be allowed by law. Such prohibited activity, except as provided by statute, shall not include:

(1) writing letters or orally communicating recommendations for hiring, reclassifying, terminating or promoting a state employee; or

(2) an employee of an institution within The Oklahoma State System of Higher Education receiving income from ownership interest in a technology or other intellectual property or in a business enterprise commercializing the technology or other intellectual property, or receiving income as a consultant, adviser, or employee of such business enterprise, when such technology or other intellectual property is the result of research conducted by the employee in the performance of his or her duties on behalf of the institution or involving the authorized use of the facilities, equipment, or services of the institution.

(b) No state officer or state employee, except in the performance of his or her duties, shall disclose or offer to disclose confidential information acquired by reason of his or her official position to any person, group or others not entitled to receive such confidential information, nor shall he or she use such information for his or her personal gain or benefit.

(c) No state officer or state employee shall:

(1) receive or solicit any compensation that would impair his or her independence of judgment for his or her services as an officer or employee of any state agency, from any source other than the state, unless otherwise provided by law; or

(2) accept or solicit other employment which would impair his or her independence of judgment in the performance of his or her public duties.

Provided, the activities prohibited by this subsection shall not include an employee of an institution within The Oklahoma State System of Higher Education receiving income from ownership interest in a technology or other intellectual property or in a business enterprise commercializing the technology or other intellectual property, or receiving income as a consultant, adviser, or employee of such business enterprise, when such technology or other intellectual property is the result of research conducted by the employee in the performance of his or her duties on behalf of the institution or the authorized use of the facilities or services of the institution.

(d) No legislator or statewide elective officer shall be employed by or receive any commission, fee, or other compensation from the state, except the compensation and allowance for expenses provided by law to such legislator or statewide elective officer.

SECTION 3. Section 1 of this act shall become effective upon certification of election returns favoring passage of the Constitutional Amendment proposed in Senate Joint Resolution No. 29 of the 2nd Session of the 46th Oklahoma Legislature.

SECTION 4. Section 2 of this act shall become effective November 1, 1998.

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