

# An Act

ENROLLED HOUSE  
BILL NO. 4354

By: Hill, Phillips, and Dollens  
of the House

and

Kidd of the Senate

An Act relating to economic development; enacting the Oklahoma Research and Development Attraction Act; imposing duty on Oklahoma Center for the Advancement of Science and Technology; requiring development of Research and Development Attraction Program; authorizing award of matching funds; specifying amount of match; imposing dollar limit; specifying conditions required for eligibility; imposing requirement related to eligible projects; specifying factors in selection; requiring Oklahoma Center for the Advancement of Science and Technology to adopt rules; specifying required content for rules; providing for codification; and providing an effective date.

SUBJECT: Economic development

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

SECTION 1. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 5003.10f of Title 74, unless there is created a duplication in numbering, reads as follows:

This act shall be known and may be cited as the "Oklahoma Research and Development Attraction Act".

SECTION 2. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 5003.10g of Title 74, unless there is created a duplication in numbering, reads as follows:

A. The Oklahoma Center for the Advancement of Science and Technology (OCAST) shall create a Research and Development Attraction Program (Program), to be administered in accordance with

this section for the purpose of fostering research and development in key industry clusters, leading to the creation of new products and services that are brought to market by Oklahoma-based companies, or brought to market by relocating companies financially sponsored by an Oklahoma-based capital provider and which conduct a substantial portion of total business activity in the State of Oklahoma.

B. OCAST may award matching funds to eligible businesses to offset a portion of expenses incurred through a collaborative research and development project engagement with an Oklahoma institution of higher education or nonprofit research institution.

C. OCAST may award matching funds up to fifty percent (50%) of the cost of the project, not to exceed One Hundred Thousand Dollars (\$100,000.00). A business may receive only one matching award under this section per year.

D. In order to be eligible for matching funds under this section, a business must satisfy all of the following conditions:

1. The business must be an Oklahoma-based small business. For the purposes of this section, "Oklahoma-based" means a business that has its principal place of business in this state or a business that has, in the preceding twelve (12) months, raised an equity round not less than Five Hundred Thousand Dollars (\$500,000.00) with an Oklahoma-based capital provider investing not less than ten percent (10%) of such equity round, that commits to spend all eligible Program funds in the State of Oklahoma, and that has filed a certificate of qualification with the Oklahoma Secretary of State. For the purposes of this section, "small business" means a business entity that employs not more than one hundred (100) persons;

2. In accordance with the Oklahoma Office of Science and Innovation's 2021-2026 strategic plan, the business must operate in one of the state's three strategic industry clusters, including aerospace and autonomous systems, life sciences, and energy diversification;

3. The research and development service provider which partners with the business must be an Oklahoma-based research entity. For the purposes of this section, "Oklahoma-based research entity" means an institution of higher education or another nonprofit organization that primarily provides research services, and which has its main physical campus in this state. For the purposes of this section,

"research services" means research and development, technology exploration, technical development, product development, and commercialization intended to foster innovation in eligible small businesses;

4. The research and development project for which matching funds are provided must be conducted physically within the State of Oklahoma for the duration of the engagement with the Oklahoma-based research entity; and

5. To be awarded matching funds under the Program, an Oklahoma-based small business must file an application with OCAST attesting to the total cost of the project and demonstrating available and unrestricted private capital to meet at least fifty percent (50%) of the total project cost. Matching funds may be used only to purchase research services, as defined in this section, from an Oklahoma-based research entity.

E. When administering the Program under this section, OCAST shall select eligible projects to qualify for matching funds within the Oklahoma Research and Development Attraction Act based on factors including, but not limited to:

1. The amount of private capital the matching funds will induce to be spent in Oklahoma;

2. The total market size of the Oklahoma-based small businesses' product or service offering;

3. Third-party validation of the Oklahoma-based small businesses' intellectual assets, including but not limited to equity raised from venture capital or private equity firms, federal commercialization grants through the Small Business Innovation Research or Small Business Technology Transfer Programs, or competitive federal research awards through National Institutes of Health, National Science Foundation, Department of Defense, Department of Energy, and others;

4. The projected future job creation impact of the Oklahoma-based small business for the state;

5. Other economic benefits to the state, including through increased state and local revenues and growth in private investment;

6. The need of the Oklahoma-based small business to acquire specialized services and resources in Oklahoma;

7. The alignment of the project within Oklahoma's identified cluster strategies; and

8. The impact on Oklahoma-based research entities, including through increased revenue, exposure to new technologies, and increased attraction opportunities for students, researchers, and professional staff.

SECTION 3. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 5003.10h of Title 74, unless there is created a duplication in numbering, reads as follows:

OCAST shall promulgate rules to enforce the provisions of the Research and Development Attraction Program, including the following:

1. The application process for applying for matching funds;

2. The criteria to be used by OCAST to evaluate matching funds applications from Oklahoma-based small businesses and to determine the amount of the award;

3. OCAST shall include in its annual report the evaluation metrics which will be gathered to report efficacy of this Program back to the State of Oklahoma, which may include, but will not be limited to, volume of applications, technological diversity of companies taking up the Program, the success of Oklahoma-based small businesses at raising follow-on capital rounds or advancing in technological readiness level (TRL), and follow-on capital spent in the state and at Oklahoma-based research entities; and

4. The agreements that Oklahoma-based small businesses must enter into in regard to claiming matching funds and to ensure compliance in spending of matching funds.

SECTION 4. This act shall become effective November 1, 2022.

Passed the House of Representatives the 18th day of May, 2022.

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Presiding Officer of the House  
of Representatives

Passed the Senate the 27th day of April, 2022.

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Presiding Officer of the Senate

OFFICE OF THE GOVERNOR

Received by the Office of the Governor this \_\_\_\_\_

day of \_\_\_\_\_, 20\_\_\_\_\_, at \_\_\_\_\_ o'clock \_\_\_\_\_ M.

By: \_\_\_\_\_

Approved by the Governor of the State of Oklahoma this \_\_\_\_\_

day of \_\_\_\_\_, 20\_\_\_\_\_, at \_\_\_\_\_ o'clock \_\_\_\_\_ M.

\_\_\_\_\_  
Governor of the State of Oklahoma

OFFICE OF THE SECRETARY OF STATE

Received by the Office of the Secretary of State this \_\_\_\_\_

day of \_\_\_\_\_, 20\_\_\_\_\_, at \_\_\_\_\_ o'clock \_\_\_\_\_ M.

By: \_\_\_\_\_