



States' Biofuels Statutes

STATE OF OKLAHOMA

This project was undertaken in partnership with the USDA Office of the Chief Economist, The Office of Energy Policy and New Uses. For information on the full project, visit [States' Biofuels Statutory Citations](#).

Current through the 2014 Legislative Session of the Oklahoma State Legislature.

§ 5009.11. Short title.

Sections 3 through 7 of this act shall be known and may be cited as the "Oklahoma Bioenergy Center Act".

§ 5009.12. Oklahoma Bioenergy Center

A. There is hereby created within the Oklahoma Department of Commerce, the Oklahoma Bioenergy Center to serve as a strategic partnership that will focus the collective resources of contributing institutions in the field of bioenergy research to:

1. Strategically coordinate resources and research programs in Oklahoma to address and undertake complex research facing the biofuels and bioenergy industry in Oklahoma and in the nation;
2. Assist Oklahoma in being a recognized leader in the fields of research and production of biofuels, bioenergy and related biobased products;
3. Advance the research capacity in Oklahoma in the fields of biofuels and bioenergy development and production along the biofuel, bioenergy and biobased product production/value chain, from field to conversion to utilization;
4. Serve as a focal point and resource for the emerging agriculture-based biofuels and bioenergy industry in Oklahoma; and
5. Conduct research through its contributing institutions and partnerships to deliver practical outcomes to:
 - a. enable the competitive and sustainable production of liquid biofuels, including ethanol, in Oklahoma, and
 - b. contribute to the national research effort to enable the United States to achieve prescribed levels of petroleum independence.

B. The Department of Commerce shall assist the Center in fulfilling the responsibilities of this act, as requested by the Center.

§ 5009.13. Bioenergy Center Board

A. The Oklahoma Bioenergy Center shall be administered and governed by the Oklahoma Bioenergy Center Board, made up of representatives of the contributing institutions of the Center which initially shall be the University of Oklahoma, Oklahoma State University and the Samuel Roberts Noble Foundation, Inc. Additional contributing institutions may be added at the discretion of the Board, as such institutions contribute to the purpose, objectives and research coordinated by the Center. Additional contributing institutions may include institutions of higher education, nonprofit research institutions and private enterprise.

B. The Board shall initially consist of seven (7) members as follows:

1. One member, who shall serve as the Chair of the Board, shall be appointed by the Governor;
2. One member shall be the Vice President of Research from the University of Oklahoma;
3. One member shall be appointed by the President of the University of Oklahoma;
4. One member shall be the Vice President of Research from Oklahoma State University;
5. One member shall be appointed by the President of Oklahoma State University; and
6. Two members shall be appointed by the President of the Samuel Roberts Noble Foundation.

C. At the discretion of the Board, additional members may be added to the Board, who shall represent additional contributing institutions of the Center which have been added as provided for in subsection A of this section.

D. Board members shall be appointed within thirty (30) days following the effective date of this act.

E. Board members shall serve at the pleasure of their respective appointing authorities.

F. The Board shall be responsible for establishing procedures for the Center and operations of the Board. The procedures and operations shall be established as rules promulgated by the Board pursuant to the requirements of the Administrative Procedures Act. The rules may provide for protection from public disclosure of trade secrets and proprietary information of any kind, including, but not limited to, data, processes and technology, as the Board determines necessary.

G. The Board shall undertake activities and commission programs, through the contributing institutions, to achieve the purpose and satisfy the objectives of the Center as set forth in this act. The Board shall have authority to distribute funding for such activities and programs. The Board may commission and hire technical advisors, including legal counsel, to advise the Board regarding the technical aspects of the research conducted in furtherance of the Center. The Board may employ staff as it deems necessary.

H. The Board shall prepare an annual, written report to summarize the annual progress of the Center, including summaries of its programs and their progress and outcomes. The report shall be made available to the public and shall be distributed to the Governor, the President Pro Tempore of the Senate, and the Speaker of the House of Representatives.

I. The provisions of the Oklahoma Central Purchasing Act shall not apply to any project, activity or contract of the Center or the Board.

J. No board member or any person acting on behalf of the Board or Center executing any contracts, commitments or agreements issued pursuant to the Oklahoma Bioenergy Center Act shall be personally liable for the 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 or Center shall be personally liable for damage or injury resulting from the performance of duties hereunder.

§ 5009.14. Executive director

A. The Oklahoma Bioenergy Center Board shall appoint an executive director of the Center. 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 established by the Board.

B. The executive director of the Center shall serve at the pleasure of the Board.

C. The executive director of the Center shall serve as the chief executive officer of the Center. The executive director shall direct and supervise the administrative affairs and the general management of the Center. The executive director is authorized to employ staff and legal counsel as necessary and expend funds as necessary for administrative purposes as approved by the Board.

§ 5009.15. Funding for Center

A. It is hereby stated to be the intent of the Legislature to provide funding for the Oklahoma Bioenergy Center.

B. State appropriations for the Center shall be made as otherwise provided by law and shall be directed to the Oklahoma Department of Commerce, which shall not exercise any discretion with respect to the expenditure of such funds but shall directly allocate the appropriations to the Center.

C. The Center is authorized to accept donations, grants or endowments from any person, corporation or entity to implement the provisions of the Oklahoma Bioenergy Center Act.

D. The Oklahoma Bioenergy Center Board shall be solely responsible for overseeing and effecting the distribution of funds in furtherance of the purpose of the Center. No funding designated for the Center shall be used for:

1. The construction or purchase of any facility; or
2. Faculty or research endowments.

E. The Center may receive assistance from any other state agency or public entity to implement the provisions of the act, including, but not limited to, administrative assistance, staffing or legal counsel and provision of office space or equipment as necessary. Assistance agreements may be made by memorandums of understanding or as otherwise provided by law.

§ 5009.16. Oklahoma Bioenergy Center Revolving Fund

There is hereby created in the State Treasury a revolving fund for the Oklahoma Bioenergy Center to be designated the "Oklahoma Bioenergy Center Revolving Fund". The fund shall be a continuing fund, not subject to fiscal year limitations, and shall consist of all monies received by the Oklahoma Department of Commerce or any other entity authorized to accept or expend funds on behalf of the Oklahoma Bioenergy Center from any authorized source. All monies accruing to the credit of the fund are hereby appropriated and may be budgeted and expended by the Oklahoma Bioenergy Center for the purpose of implementing the provisions of the Oklahoma Bioenergy Center Act. 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.