

1 ENGROSSED SENATE
2 BILL NO. 922

By: Howard, Hall and Bergstrom
of the Senate

3 and

4 Kendrix of the House

5
6 An Act relating to the investment of public funds;
7 creating the Invest In Oklahoma Act; requiring the
8 Department of Commerce to create program; stating
9 purpose; requiring the Department to select certain
10 funds; providing factors to consider when determining
11 selections; requiring the Department to exercise
12 judgement and care when making certain determination;
13 requiring the Department to develop certain proposal;
14 requiring the Department to maintain certain list;
15 authorizing certain public entities to invest with
16 program; requiring the Department to promulgate
17 rules; providing for codification; and providing an
18 effective date.

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

20 SECTION 1. NEW LAW A new section of law to be codified
21 in the Oklahoma Statutes as Section 2400 of Title 62, unless there
22 is created a duplication in numbering, reads as follows:

23 This act shall be known and may be cited as the "Invest In
24 Oklahoma Act".

SECTION 2. NEW LAW A new section of law to be codified
in the Oklahoma Statutes as Section 2401 of Title 62, unless there
is created a duplication in numbering, reads as follows:

1 A. The Oklahoma Department of Commerce shall create an "Invest
2 In Oklahoma" program to provide entities in this state with funds
3 for opportunities to invest in Oklahoma-based private equity funds,
4 venture capital funds and growth funds. Opportunities for
5 investment shall also include private equity funds, venture capital
6 funds and growth funds that make substantial investments in this
7 state.

8 B. The Department shall select venture capital and growth funds
9 to qualify for investments within the Invest In Oklahoma Program
10 based on factors including but not limited to:

- 11 1. Rate of return;
- 12 2. Years of operation;
- 13 3. Sufficiency of capitalization;
- 14 4. Investment performance track record;
- 15 5. Differentiation and sustainability of investment strategy;
- 16 6. Fee structure;
- 17 7. Background of limited partners; and
- 18 8. Ratio of capital invested in this state.

19 C. The Department shall exercise judgement and care, under
20 circumstances then prevailing, which persons of prudence, discretion
21 and intelligence exercise in the management of their own affairs,
22 for investment, considering the probable safety of their capital as
23 well as the probable income to be derived when determining
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1 qualifying venture capital and growth funds to ensure the funds are
2 being appropriately managed and invested.

3 D. The Department shall develop a request for proposal that
4 includes the factors provided in subsection B of this section. The
5 Department shall maintain a list of available venture capital and
6 growth funds which are participating in the Invest in Oklahoma
7 Program in which public entities are encouraged to invest.

8 SECTION 3. NEW LAW A new section of law to be codified
9 in the Oklahoma Statutes as Section 2402 of Title 62, unless there
10 is created a duplication in numbering, reads as follows:

11 The following public entities are encouraged to and may invest
12 up to five percent (5%) of their rolling three (3) year assets under
13 management with the Invest In Oklahoma Program approved venture
14 capital and growth funds as provided in Section 2 of this act:

- 15 1. The Board of Investors of the Tobacco Settlement Endowment
16 Trust Fund;
- 17 2. The Commissioners of the Land Office;
- 18 3. The Teachers' Retirement System;
- 19 4. The Oklahoma Public Employees Retirement System;
- 20 5. The Oklahoma Firefighters Pension and Retirement System;
- 21 6. The Oklahoma Police Pension and Retirement System;
- 22 7. The Oklahoma Law Enforcement Retirement System;
- 23 8. The State of Oklahoma Uniform Retirement System for Justices
24 and Judges; and

1 9. The Department of Wildlife Conservation Retirement Fund.

2 SECTION 4. NEW LAW A new section of law to be codified
3 in the Oklahoma Statutes as Section 2403 of Title 62, unless there
4 is created a duplication in numbering, reads as follows:

5 The Oklahoma Department of Commerce shall promulgate rules to
6 enforce the provisions of the Invest In Oklahoma Act.

7 SECTION 5. This act shall become effective November 1, 2021.

8 Passed the Senate the 10th day of March, 2021.

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10 _____
11 Presiding Officer of the Senate

12 Passed the House of Representatives the ____ day of _____,
13 2021.

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16 Presiding Officer of the House
17 of Representatives
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