

OKLAHOMA STATE SENATE
CONFERENCE
COMMITTEE REPORT

May 24, 2024

Mr. President:

Mr. Speaker:

The Conference Committee, to which was referred

SB1399

By: Hall of the Senate and McBride and Deck of the House

Title: State property; creating the Oklahoma Capital Assets Maintenance and Protection Act; creating the Capital Assets Maintenance and Protection Fund; creating Board. Effective date.

together with Engrossed House Amendments thereto, beg leave to report that we have had the same under consideration and herewith return the same with the following recommendations:

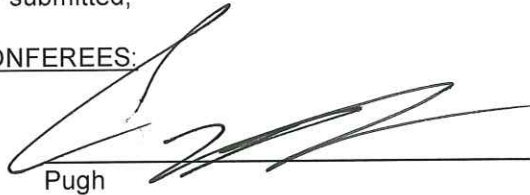
1. That the House recede from all Amendments.
2. That the attached Conference Committee Substitute (Request #3807) be adopted.

Respectfully submitted,

SENATE CONFEREES:



Hall



Pugh

Garvin

Seifried

Stewart

McCortney

Dossett

HOUSE CONFEREES:

Special Conference Committee on SB 1399

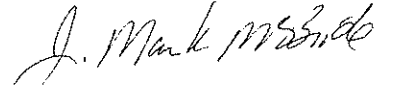
Senate Action _____ Date _____ House Action _____ Date _____

HOUSE CONFEREES

Echols, Jon



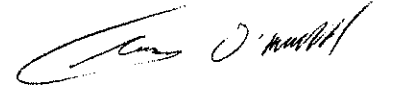
McBride, Mark



Munson, Cyndi



O'Donnell, Terry



1 STATE OF OKLAHOMA

2 2nd Session of the 59th Legislature (2024)

3 CONFERENCE COMMITTEE SUBSTITUTE
4 FOR ENGROSSED

5 SENATE BILL NO. 1399

6 By: Hall of the Senate

7 and

8 McBride, Wallace, and Deck
9 of the House

10 CONFERENCE COMMITTEE SUBSTITUTE

11 An Act relating to state property; creating the
12 Oklahoma Capital Assets Maintenance and Protection
13 Act; providing short title; creating the Oklahoma
14 Capital Assets Maintenance and Protection Fund;
15 establishing revolving fund characteristics;
16 authorizing and limiting allocation, budgeting, and
17 expenditure of funds; requiring certain budgeting and
18 expenditure procedures; authorizing entry into
19 memoranda of understanding; limiting memoranda of
20 understanding; clarifying legal application;
21 authorizing certain authority related to real and
22 personal property acquisition, improvement, and
23 disposition; requiring certain reporting;
24 establishing reporting criteria; limiting allocation
for certain fiscal year; creating the Oklahoma
Capital Assets Management and Protection Board;
providing for membership; establishing appointing
authorities; providing for selection of Board
leadership; providing for the development and
adoption of the OCAMP Higher Education Five-Year
Plan, the OCAMP Tourism and Recreation Five-Year
Plan, and the OCAMP State Five-Year Plan; allocating
monetary resources to such plans in certain
proportions; requiring biennial update of plans by
Board; requiring submission of certain reports
electronically; providing for administrative
assistance from the Office of Management and
Enterprise Services and the Oklahoma Capitol
Improvement Authority; authorizing and limiting the

1 utilization of funds directed by the Board; amending
2 68 O.S. 2021, Section 1353, as last amended by
3 Section 2, Chapter 290, O.S.L. 2023 (68 O.S. Supp.
4 2023, Section 1353), which relates to apportionment
5 of sales tax revenues; providing for certain annual
6 apportionment to the Oklahoma Capital Assets
7 Maintenance and Protection Fund; providing for
8 noncodification; providing for codification;
9 providing an effective date; and declaring an
10 emergency.

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

12 SECTION 1. NEW LAW A new section of law not to be
13 codified in the Oklahoma Statutes reads as follows:

14 This act shall be known and may be cited as the "Oklahoma
15 Capital Assets Maintenance and Protection Act".

16 SECTION 2. NEW LAW A new section of law to be codified
17 in the Oklahoma Statutes as Section 188B of Title 73, unless there
18 is created a duplication in numbering, reads as follows:

19 A. There is hereby created in the State Treasury a revolving
20 fund for the Oklahoma Capitol Improvement Authority to be designated
21 the "Oklahoma Capital Assets Maintenance and Protection Fund" (OCAMP
22 Fund). The fund shall be a continuing fund, not subject to fiscal
23 year limitations, and shall consist of all monies received by the
24 Oklahoma Capitol Improvement Authority eligible under law and
directed for deposit to the fund. All monies accruing to the credit
of the fund are hereby appropriated and, except for the transfer
required pursuant to Enrolled Senate Bill No. 1125 of the 2nd

1 Session of the 59th Oklahoma Legislature, may be allocated,
2 budgeted, and expended by the Oklahoma Capitol Improvement Authority
3 as directed by the Oklahoma Capital Assets Management and Protection
4 Board created in Section 3 of this act. Such allocations,
5 budgeting, and expenditures shall strictly adhere to the specific
6 terms, limitations, purposes, and requirements described in the
7 directive adopted by the Oklahoma Capital Assets Management and
8 Protection Board. Expenditures from the fund shall be made upon
9 warrants issued by the State Treasurer against claims filed as
10 prescribed by law with the Director of the Office of Management and
11 Enterprise Services for approval and payment.

12 B. The Oklahoma Capitol Improvement Authority shall be
13 authorized to enter into memoranda of understanding with agencies,
14 departments, and subdivisions of the state as provided by law and as
15 deemed necessary by the Authority to administer expenditures from
16 and allocations and deposits to and from the Oklahoma Capital Assets
17 Maintenance and Protection Fund, provided that such memoranda of
18 understanding do not conflict with or impede the administration of
19 capital projects specifically authorized by law or directed by the
20 Oklahoma Capital Assets Management and Protection Board. Such
21 memoranda of understanding shall not constitute a legal obligation
22 of the State of Oklahoma.

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1 C. Limited to the extent required for projects specifically
2 authorized under the provisions of this act, the Oklahoma Capitol
3 Improvement Authority shall be authorized to:

4 1. Acquire real property together with improvements located
5 thereon and personal property;

6 2. Provide for the construction of improvements to real
7 property and to provide funding for repairs, refurbishments,
8 deferred maintenance, and improvements to real and personal
9 property;

10 3. Hold title to property and improvements as necessary to
11 comply with legal directives and authorizations; and

12 4. Lease, transfer, and otherwise legally dispose of property
13 and improvements as necessary to comply with legal directives and
14 authorizations.

15 D. No later than January 15 annually, the Oklahoma Capitol
16 Improvement Authority shall submit electronically to the Governor,
17 the President Pro Tempore of the Senate, the Speaker of the House of
18 Representatives, the Chair of the Appropriations Committee of the
19 Senate, and the Chair of the Appropriations and Budget Committee of
20 the House of Representatives a report detailing impacts to the
21 balance of the Oklahoma Capital Assets Maintenance and Protection
22 Fund occurring in the prior calendar year, including, but not
23 limited to, all distributions, expenditures, collections, and
24

1 deposits of the Oklahoma Capital Assets Maintenance and Protection
2 Fund.

3 E. No allocations shall be made by the Oklahoma Capital Assets
4 Management and Protection Board from the Oklahoma Capital Assets
5 Maintenance and Protection Fund in fiscal year 2025. Allocations
6 made by the Board from the Fund shall not exceed Seventy-five
7 Million Dollars (\$75,000,000.00) in each fiscal year for fiscal
8 years 2026 through 2028.

9 SECTION 3. NEW LAW A new section of law to be codified
10 in the Oklahoma Statutes as Section 188A of Title 73, unless there
11 is created a duplication in numbering, reads as follows:

12 A. There is hereby created the Oklahoma Capital Assets
13 Management and Protection Board (OCAMP Board). The Board shall
14 develop plans and adopt authorizations directing the Oklahoma
15 Capitol Improvement Authority on the utilization of Oklahoma Capital
16 Assets Maintenance and Protection Fund monies.

17 B. The Board shall consist of eleven (11) members to be
18 appointed as follows:

19 1. Three members appointed by the President Pro Tempore of the
20 Senate;

21 2. Three members appointed by the Speaker of the House of
22 Representatives;

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1 3. Three members appointed by the Governor, at least one of
2 whom shall have no less than ten (10) years of experience in the
3 construction industry;

4 4. The Chancellor of Higher Education or a designee; and

5 5. The Executive Director of the Oklahoma Tourism and
6 Recreation Department or a designee.

7 C. The chair and vice chair of the Board shall be elected by
8 the Board members at the first meeting of the Board and shall
9 preside over meetings of the Board and perform other duties as may
10 be required by the Board. The Board shall elect a chair and vice
11 chair no less than once a calendar year.

12 D. 1. The Board shall develop and adopt the following five-
13 year plans to provide for allocations and expenditures of the
14 Oklahoma Capital Assets Maintenance and Protection Fund as follows:

15 a. the OCAMP Higher Education Five-year Plan, for the
16 maintaining and repairing of state-owned properties
17 and buildings of public institutions of higher
18 learning,

19 b. the OCAMP Tourism and Recreation Five-year Plan, for
20 the maintaining and repairing of properties and
21 buildings of state parks operated by the Oklahoma
22 Tourism and Recreation Department, and

1 c. the OCAMP State Five-year Plan, for the maintaining
2 and repairing of all state-owned properties and
3 buildings.

4 2. For fiscal years 2026 through 2028, the Board shall allocate
5 Oklahoma Capital Assets Maintenance and Protection Fund monies to
6 such five-year plans in the following proportions:

7 a. the OCAMP Higher Education Five-year Plan shall be
8 allocated forty-five percent (45%) of such monies.
9 Twenty percent (20%) of those monies allocated shall
10 be for comprehensive institutions of higher education
11 within The Oklahoma State System of Higher Education,
12 fifty percent (50%) for all four-year colleges and
13 universities except the University of Oklahoma located
14 in Norman, Oklahoma, and Oklahoma State University
15 located in Stillwater, Oklahoma, and thirty percent
16 (30%) for two-year institutions of higher education
17 within The Oklahoma State System of Higher Education.

18 b. the OCAMP Tourism and Recreation Five-year Plan shall
19 be allocated ten percent (10%) of such monies, and

20 c. the OCAMP State Five-year Plan shall be allocated
21 forty-five percent (45%) of such monies.

22 E. The Board shall update each five-year plan no less often
23 than biennially. Upon the adoption of such plans and upon each
24 update to such plans, a report detailing such plans shall be

1 submitted by electronic means to the Governor, the President Pro
2 Tempore of the Senate, and the Speaker of the House of
3 Representatives.

4 F. The Office of Management and Enterprise Services, with the
5 advice and assistance of the Oklahoma Capitol Improvement Authority,
6 shall provide staffing for the Board and other such assistance as
7 the Board may require.

8 G. The Board may direct the Oklahoma Capitol Improvement
9 Authority to allocate, budget, and expend, either directly or under
10 the terms of memoranda of understanding lawfully entered into with
11 other state entities, monies from the Oklahoma Capital Assets
12 Maintenance and Protection Fund on any project or item that has been
13 included in an applicable five-year plan authorized under the
14 provisions of this act for no less than one (1) year.

15 SECTION 4. AMENDATORY 68 O.S. 2021, Section 1353, as
16 last amended by Section 2, Chapter 290, O.S.L. 2023 (68 O.S. Supp.
17 2023, Section 1353), is amended to read as follows:

18 Section 1353. A. It is hereby declared to be the purpose of
19 the Oklahoma Sales Tax Code to provide funds for the financing of
20 the program provided for by the Oklahoma Social Security Act and to
21 provide revenues for the support of the functions of the state
22 government of Oklahoma, and for this purpose it is hereby expressly
23 provided that, revenues derived pursuant to the provisions of the
24 Oklahoma Sales Tax Code, subject to the apportionment requirements

1 for the Oklahoma Tax Commission and Office of Management and
2 Enterprise Services Joint Computer Enhancement Fund provided by
3 Section 265 of this title, and further subject to the apportionment
4 requirement provided in subsection D of this section, shall be
5 apportioned as follows:

6 1. Except as provided in subsection C of this section, the
7 following amounts shall be paid to the State Treasurer to be placed
8 to the credit of the General Revenue Fund to be paid out pursuant to
9 direct appropriation by the Legislature:

10	Fiscal Year	Amount
11	FY 2003 and FY 2004	86.04%
12	FY 2005	85.83%
13	FY 2006	85.54%
14	FY 2007	85.04%
15	FY 2008 through FY 2022	83.61%
16	FY 2023 through FY 2027	83.36%
17	FY 2028 and each fiscal year thereafter	83.61%;

18 2. The following amounts shall be paid to the State Treasurer
19 to be placed to the credit of the Education Reform Revolving Fund of
20 the State Department of Education:

- 21 a. for FY 2003, FY 2004 and FY 2005, ten and forty-two
22 one-hundredths percent (10.42%),
- 23 b. for FY 2006 through FY 2020, ten and forty-six one-
24 hundredths percent (10.46%),

- c. for FY 2021:
 - (1) for the month beginning July 1, 2020, through the month ending August 31, 2020, ten and forty-six one-hundredths percent (10.46%), and
 - (2) for the month beginning September 1, 2020, through the month ending June 30, 2021, eleven and ninety-six one-hundredths percent (11.96%),
- d. for FY 2022 and each fiscal year thereafter, ten and forty-six one-hundredths percent (10.46%);

3. The following amounts shall be paid to the State Treasurer to be placed to the credit of the Teachers' Retirement System Dedicated Revenue Revolving Fund:

Fiscal Year	Amount
FY 2003 and FY 2004	3.54%
FY 2005	3.75%
FY 2006	4.0%
FY 2007	4.5%
FY 2008 through FY 2020	5.0%
FY 2021:	
<ul style="list-style-type: none"> a. for the month beginning July 1, 2020, through the month ending August 31, 2020 	5.0%
<ul style="list-style-type: none"> b. for the month beginning September 1, 2020, through 	

1	the month ending June 30,	
2	2021	3.5%
3	FY 2022	5.0%
4	FY 2023 through FY 2027	5.25%
5	FY 2028 and each fiscal year thereafter	5.0%;

6 4. a. except as otherwise provided in subparagraph b of this
7 paragraph, for the fiscal year beginning July 1, 2022,
8 and for each fiscal year thereafter, eighty-seven one-
9 hundredths percent (0.87%) shall be paid to the State
10 Treasurer to be further apportioned as follows:

- 11 (1) twenty-four percent (24%) shall be placed to the
12 credit of the Oklahoma Tourism Promotion
13 Revolving Fund, but in no event shall such
14 apportionment exceed Five Million Dollars
15 (\$5,000,000.00) in any fiscal year,
- 16 (2) forty-four percent (44%) shall be placed to the
17 credit of the Oklahoma Tourism Capital
18 Improvement Revolving Fund, but in no event shall
19 such apportionment exceed Nine Million Dollars
20 (\$9,000,000.00) in any fiscal year, and
- 21 (3) thirty-two percent (32%) shall be placed to the
22 credit of the Oklahoma Route 66 Commission
23 Revolving Fund, but in no event shall such
24 apportionment exceed Six Million Six Hundred

1 Thousand Dollars (\$6,600,000.00) in any fiscal
2 year, and

3 b. any amounts which exceed the limitations of
4 subparagraph a of this paragraph shall be placed to
5 the credit of the General Revenue Fund; and

6 5. For the fiscal year beginning July 1, 2015, and for each
7 fiscal year thereafter, six one-hundredths percent (0.06%) shall be
8 placed to the credit of the Oklahoma Historical Society Capital
9 Improvement and Operations Revolving Fund, but in no event shall
10 such apportionment exceed the total amount apportioned pursuant to
11 this paragraph for the fiscal year ending on June 30, 2015. Any
12 amounts which exceed the limitations of this paragraph shall be
13 placed to the credit of the General Revenue Fund.

14 B. Provided, for the fiscal year beginning July 1, 2007, and
15 every fiscal year thereafter, an amount of revenue shall be
16 apportioned to each municipality or county which levies a sales tax
17 subject to the provisions of Section 1357.10 of this title and
18 subsection F of Section 2701 of this title equal to the amount of
19 sales tax revenue of such municipality or county exempted by the
20 provisions of Section 1357.10 of this title and subsection F of
21 Section 2701 of this title. The Oklahoma Tax Commission shall
22 promulgate and adopt rules necessary to implement the provisions of
23 this subsection.

1 C. From the monies that would otherwise be apportioned to the
2 General Revenue Fund pursuant to subsection A of this section, there
3 shall be apportioned the following amounts:

4 1. For the month ending August 31, 2019:

5 a. Nine Million Six Hundred Thousand Dollars
6 (\$9,600,000.00) to the credit of the State Highway
7 Construction and Maintenance Fund created in Section
8 1501 of Title 69 of the Oklahoma Statutes, and

9 b. Two Million Dollars (\$2,000,000.00) to the credit of
10 the Oklahoma Railroad Maintenance Revolving Fund
11 created in Section 309 of Title 66 of the Oklahoma
12 Statutes;

13 2. For the month ending September 30, 2019:

14 a. Twenty Million Dollars (\$20,000,000.00) to the credit
15 of the State Highway Construction and Maintenance Fund
16 created in Section 1501 of Title 69 of the Oklahoma
17 Statutes, and

18 b. Two Million Dollars (\$2,000,000.00) to the credit of
19 the Oklahoma Railroad Maintenance Revolving Fund
20 created in Section 309 of Title 66 of the Oklahoma
21 Statutes;

22 3. For the month ending October 31, 2019:

23 a. Twenty Million Dollars (\$20,000,000.00) to the credit
24 of the State Highway Construction and Maintenance Fund

1 created in Section 1501 of Title 69 of the Oklahoma
2 Statutes, and

- 3 b. Two Million Dollars (\$2,000,000.00) to the credit of
4 the Oklahoma Railroad Maintenance Revolving Fund
5 created in Section 309 of Title 66 of the Oklahoma
6 Statutes;

7 4. For the month ending November 30, 2019:

- 8 a. Twenty Million Dollars (\$20,000,000.00) to the credit
9 of the State Highway Construction and Maintenance Fund
10 created in Section 1501 of Title 69 of the Oklahoma
11 Statutes, and

- 12 b. Two Million Dollars (\$2,000,000.00) to the credit of
13 the Oklahoma Railroad Maintenance Revolving Fund
14 created in Section 309 of Title 66 of the Oklahoma
15 Statutes; and

16 5. For the month ending December 31, 2019:

- 17 a. Twenty Million Dollars (\$20,000,000.00) to the credit
18 of the State Highway Construction and Maintenance Fund
19 created in Section 1501 of Title 69 of the Oklahoma
20 Statutes, and

- 21 b. Two Million Dollars (\$2,000,000.00) to the credit of
22 the Oklahoma Railroad Maintenance Revolving Fund
23 created in Section 309 of Title 66 of the Oklahoma
24 Statutes.

1 D. For fiscal year 2029, and each subsequent fiscal year, Fifty
2 Million Dollars (\$50,000,000.00) shall be placed to the credit of
3 the Oklahoma Capital Assets Maintenance and Protection Fund created
4 in Section 2 of this act.

5 SECTION 5. This act shall become effective July 1, 2024.

6 SECTION 6. It being immediately necessary for the preservation
7 of the public peace, health or safety, an emergency is hereby
8 declared to exist, by reason whereof this act shall take effect and
9 be in full force from and after its passage and approval.

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