

1 **HOUSE OF REPRESENTATIVES - FLOOR VERSION**

2 STATE OF OKLAHOMA

3 2nd Session of the 59th Legislature (2024)

4 COMMITTEE SUBSTITUTE
5 FOR ENGROSSED
6 SENATE BILL NO. 1399

By: Hall of the Senate

and

7 McBride and Wallace of the
8 House

9
10 COMMITTEE SUBSTITUTE

11 An Act relating to state property; creating the
12 Oklahoma Capital Assets Maintenance and Protection
13 Act; creating the Oklahoma Capital Assets Maintenance
14 and Protection Fund; establishing revolving fund
15 characteristics; authorizing and limiting allocation,
16 budgeting, and expenditure of funds; requiring
17 certain budgeting and expenditure procedures;
18 authorizing entry into memoranda of understandings;
19 limiting memoranda of understandings; clarifying
20 legal application; authorizing certain authority
21 related to real and personal property acquisition,
22 improvement, and disposition; requiring certain
23 reporting; establishing reporting criteria; creating
24 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; and
9 providing an effective date.

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

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

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

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

18 A. There is hereby created in the State Treasury a revolving
19 fund for the Oklahoma Capitol Improvement Authority to be designated
20 the "Oklahoma Capital Assets Maintenance and Protection Fund" (OCAMP
21 Fund). The fund shall be a continuing fund, not subject to fiscal
22 year limitations, and shall consist of all monies received by the
23 Oklahoma Capitol Improvement Authority eligible under law and
24 directed for deposit to the fund. All monies accruing to the credit
of said fund are hereby appropriated and may be allocated, budgeted,
and expended by the Oklahoma Capitol Improvement Authority as

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

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

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

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

3 2. Provide for the construction of improvements to real
4 property and to provide funding for repairs, refurbishments,
5 deferred maintenance, and improvements to real and personal
6 property;

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

9 4. Lease, transfer, and otherwise legally dispose of property
10 and improvements as necessary to comply with legal directives and
11 authorizations.

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

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

4 A. There is hereby created the Oklahoma Capital Assets
5 Management and Protection Board (OCAMP Board). The Board shall
6 develop plans and adopt authorizations directing the Oklahoma
7 Capitol Improvement Authority on the utilization of Oklahoma Capital
8 Assets Maintenance and Protection Fund monies.

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

11 1. Three members appointed by the Speaker of the Oklahoma House
12 of Representatives;

13 2. Three members appointed by the President Pro Tempore of the
14 Oklahoma State Senate;

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

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

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

21 C. The chair and vice-chair of the Board shall be elected by
22 the Board members at the first meeting of the Board and shall
23 preside over meetings of the Board and perform other duties as may
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1 be required by the Board. The Board shall elect a chair and vice-
2 chair no less than once a calendar year.

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

6 a. the OCAMP-Higher Education Five-year Plan, for the
7 maintaining and repairing of state-owned properties
8 and buildings of public institutions of higher
9 learning,

10 b. the OCAMP-Tourism and Recreation Five-year Plan, for
11 the maintaining and repairing of properties and
12 buildings of state parks operated by the Oklahoma
13 Tourism and Recreation Department, and

14 c. the OCAMP-State Five-year Plan, for the maintaining
15 and repairing of all state-owned properties and
16 buildings.

17 2. The Board shall allocate Oklahoma Capital Assets Maintenance
18 and Protection Fund monies to such Five-year Plans in the following
19 proportions:

20 a. the OCAMP-Higher Education Five-year Plan shall be
21 allocated fifty-two percent (52%) of such monies.
22 Such amount shall be further allocated fifty-five
23 percent (55%) for public four-year institutions of
24 higher learning considered research universities,

1 twenty-five percent (25%) for public four-year
2 institutions of higher learning not considered
3 research universities, and twenty percent (20%) for
4 public two-year institutions of higher learning,

5 b. the OCAMP-Tourism and Recreation Five-year Plan shall
6 be allocated twenty-four percent (24%) of such monies,
7 and

8 c. the OCAMP-State Five-year Plan shall be allocated
9 twenty-four percent (24%) of such monies.

10 E. The Board shall update each Five-year Plan no less often
11 than biennially. Upon the adoption of such plans and upon each
12 update to such plans, a report detailing such plans shall be
13 submitted by electronic means to the Governor, the Speaker of the
14 House of Representatives, and the President Pro Tempore of the
15 Senate.

16 F. The Office of Management and Enterprise Services, with the
17 advice and assistance of the Oklahoma Capitol Improvement Authority,
18 shall provide staffing for the Board and other such assistance as
19 the Board may require.

20 G. The Board may direct the Oklahoma Capitol Improvement
21 Authority to allocate, budget, and expend, either directly or under
22 the terms of lawfully entered into memoranda of understanding with
23 other state entities, monies from the Oklahoma Capital Assets
24 Maintenance and Protection Fund on any project or item that has been

1 included in an applicable Five-year Plan authorized under the
2 provisions of this act for no less than one (1) year.

3 SECTION 4. AMENDATORY 68 O.S. 2021, Section 1353, as
4 last amended by Section 2, Chapter 290, O.S.L. 2023 (68 O.S. Supp.
5 2023, Section 1353), is amended to read as follows:

6 Section 1353. A. It is hereby declared to be the purpose of
7 the Oklahoma Sales Tax Code to provide funds for the financing of
8 the program provided for by the Oklahoma Social Security Act and to
9 provide revenues for the support of the functions of the state
10 government of Oklahoma, and for this purpose it is hereby expressly
11 provided that, revenues derived pursuant to the provisions of the
12 Oklahoma Sales Tax Code, subject to the apportionment requirements
13 for the Oklahoma Tax Commission and Office of Management and
14 Enterprise Services Joint Computer Enhancement Fund provided by
15 Section 265 of this title, and further subject to the apportionment
16 requirement provided in subsection D of this section, shall be
17 apportioned as follows:

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

Fiscal Year	Amount
FY 2003 and FY 2004	86.04%
FY 2005	85.83%

1	FY 2006	85.54%
2	FY 2007	85.04%
3	FY 2008 through FY 2022	83.61%
4	FY 2023 through FY 2027	83.36%
5	FY 2028 and each fiscal year thereafter	83.61%;

6 2. The following amounts shall be paid to the State Treasurer
7 to be placed to the credit of the Education Reform Revolving Fund of
8 the State Department of Education:

9 a. for FY 2003, FY 2004 and FY 2005, ten and forty-two
10 one-hundredths percent (10.42%),

11 b. for FY 2006 through FY 2020, ten and forty-six one-
12 hundredths percent (10.46%),

13 c. for FY 2021:

14 (1) for the month beginning July 1, 2020, through the
15 month ending August 31, 2020, ten and forty-six
16 one-hundredths percent (10.46%), and

17 (2) for the month beginning September 1, 2020,
18 through the month ending June 30, 2021, eleven
19 and ninety-six one-hundredths percent (11.96%),

20 d. for FY 2022 and each fiscal year thereafter, ten and
21 forty-six one-hundredths percent (10.46%);

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

1	Fiscal Year	Amount
2	FY 2003 and FY 2004	3.54%
3	FY 2005	3.75%
4	FY 2006	4.0%
5	FY 2007	4.5%
6	FY 2008 through FY 2020	5.0%
7	FY 2021:	
8	a. for the month beginning July	
9	1, 2020, through the month	
10	ending August 31, 2020	5.0%
11	b. for the month beginning	
12	September 1, 2020, through	
13	the month ending June 30,	
14	2021	3.5%
15	FY 2022	5.0%
16	FY 2023 through FY 2027	5.25%
17	FY 2028 and each fiscal year thereafter	5.0%;
18	4. a. except as otherwise provided in subparagraph b of this	
19	paragraph, for the fiscal year beginning July 1, 2022,	
20	and for each fiscal year thereafter, eighty-seven one-	
21	hundredths percent (0.87%) shall be paid to the State	
22	Treasurer to be further apportioned as follows:	
23	(1) twenty-four percent (24%) shall be placed to the	
24	credit of the Oklahoma Tourism Promotion	

1 Revolving Fund, but in no event shall such
2 apportionment exceed Five Million Dollars
3 (\$5,000,000.00) in any fiscal year,

4 (2) forty-four percent (44%) shall be placed to the
5 credit of the Oklahoma Tourism Capital
6 Improvement Revolving Fund, but in no event shall
7 such apportionment exceed Nine Million Dollars
8 (\$9,000,000.00) in any fiscal year, and

9 (3) thirty-two percent (32%) shall be placed to the
10 credit of the Oklahoma Route 66 Commission
11 Revolving Fund, but in no event shall such
12 apportionment exceed Six Million Six Hundred
13 Thousand Dollars (\$6,600,000.00) in any fiscal
14 year, and

15 b. any amounts which exceed the limitations of
16 subparagraph a of this paragraph shall be placed to
17 the credit of the General Revenue Fund; and

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

3 B. Provided, for the fiscal year beginning July 1, 2007, and
4 every fiscal year thereafter, an amount of revenue shall be
5 apportioned to each municipality or county which levies a sales tax
6 subject to the provisions of Section 1357.10 of this title and
7 subsection F of Section 2701 of this title equal to the amount of
8 sales tax revenue of such municipality or county exempted by the
9 provisions of Section 1357.10 of this title and subsection F of
10 Section 2701 of this title. The Oklahoma Tax Commission shall
11 promulgate and adopt rules necessary to implement the provisions of
12 this subsection.

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

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

17 a. Nine Million Six Hundred Thousand Dollars
18 (\$9,600,000.00) to the credit of the State Highway
19 Construction and Maintenance Fund created in Section
20 1501 of Title 69 of the Oklahoma 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 2. For the month ending September 30, 2019:

2 a. Twenty Million Dollars (\$20,000,000.00) to the credit
3 of the State Highway Construction and Maintenance Fund
4 created in Section 1501 of Title 69 of the Oklahoma
5 Statutes, and

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

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

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

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

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

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

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

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

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

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

14 D. For the fiscal year beginning July 1, 2028, and for each
15 fiscal year thereafter, Fifty Million Dollars (\$50,000,000.00) shall
16 be placed to the credit of the Oklahoma Capital Assets Maintenance
17 and Protection Fund created in Section 2 of this act.

18 SECTION 5. This act shall become effective November 1, 2024.

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20 COMMITTEE REPORT BY: COMMITTEE ON APPROPRIATIONS AND BUDGET, dated
21 04/11/2024 - DO PASS, As Amended.