

1 STATE OF OKLAHOMA

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

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

By: Hall of the Senate

and

6 McBride and Wallace of the  
7 House

8  
9 COMMITTEE SUBSTITUTE

10 An Act relating to state property; creating the  
11 Oklahoma Capital Assets Maintenance and Protection  
12 Act; creating the Oklahoma Capital Assets Maintenance  
13 and Protection Fund; establishing revolving fund  
14 characteristics; authorizing and limiting allocation,  
15 budgeting, and expenditure of funds; requiring  
16 certain budgeting and expenditure procedures;  
17 authorizing entry into memoranda of understandings;  
18 limiting memoranda of understandings; clarifying  
19 legal application; authorizing certain authority  
20 related to real and personal property acquisition,  
21 improvement, and disposition; requiring certain  
22 reporting; establishing reporting criteria; creating  
23 the Oklahoma Capital Assets Management and Protection  
24 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  
utilization of funds directed by the Board; amending  
68 O.S. 2021, Section 1353, as last amended by

1 Section 2, Chapter 290, O.S.L. 2023 (68 O.S. Supp.  
2 2023, Section 1353), which relates to apportionment  
3 of sales tax revenues; providing for certain annual  
4 apportionment to the Oklahoma Capital Assets  
5 Maintenance and Protection Fund; providing for  
6 noncodification; providing for codification; and  
7 providing an effective date.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

24

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

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

8       1. Three members appointed by the Speaker of the Oklahoma House  
9 of Representatives;

10       2. Three members appointed by the President Pro Tempore of the  
11 Oklahoma State Senate;

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

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

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

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

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

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

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

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

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

18 a. the OCAMP-Higher Education Five-year Plan shall be  
19 allocated fifty-two percent (52%) of such monies.  
20 Such amount shall be further allocated fifty-five  
21 percent (55%) for public four-year institutions of  
22 higher learning considered research universities,  
23 twenty-five percent (25%) for public four-year  
24 institutions of higher learning not considered

1 research universities, and twenty percent (20%) for  
2 public two-year institutions of higher learning,

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

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

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

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

18 G. The Board may direct the Oklahoma Capitol Improvement  
19 Authority to allocate, budget, and expend, either directly or under  
20 the terms of lawfully entered into memoranda of understanding with  
21 other state entities, monies from the Oklahoma Capital Assets  
22 Maintenance and Protection Fund on any project or item that has been  
23 included in an applicable Five-year Plan authorized under the  
24 provisions of this act for no less than one (1) year.

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

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

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

20 Fiscal Year	Amount
21 FY 2003 and FY 2004	86.04%
22 FY 2005	85.83%
23 FY 2006	85.54%
24 FY 2007	85.04%



1	FY 2008 through FY 2022	83.61%
2	FY 2023 through FY 2027	83.36%
3	FY 2028 and each fiscal year thereafter	83.61%;

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

- 7           a. for FY 2003, FY 2004 and FY 2005, ten and forty-two  
8           one-hundredths percent (10.42%),
- 9           b. for FY 2006 through FY 2020, ten and forty-six one-  
10           hundredths percent (10.46%),
- 11           c. for FY 2021:
  - 12           (1) for the month beginning July 1, 2020, through the  
13           month ending August 31, 2020, ten and forty-six  
14           one-hundredths percent (10.46%), and
  - 15           (2) for the month beginning September 1, 2020,  
16           through the month ending June 30, 2021, eleven  
17           and ninety-six one-hundredths percent (11.96%),
- 18           d. for FY 2022 and each fiscal year thereafter, ten and  
19           forty-six one-hundredths percent (10.46%);

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

23	Fiscal Year	Amount
24	FY 2003 and FY 2004	3.54%

1	FY 2005	3.75%
2	FY 2006	4.0%
3	FY 2007	4.5%
4	FY 2008 through FY 2020	5.0%
5	FY 2021:	
6	a. for the month beginning July	
7	1, 2020, through the month	
8	ending August 31, 2020	5.0%
9	b. for the month beginning	
10	September 1, 2020, through	
11	the month ending June 30,	
12	2021	3.5%
13	FY 2022	5.0%
14	FY 2023 through FY 2027	5.25%
15	FY 2028 and each fiscal year thereafter	5.0%;
16	4. a. except as otherwise provided in subparagraph b of this	
17	paragraph, for the fiscal year beginning July 1, 2022,	
18	and for each fiscal year thereafter, eighty-seven one-	
19	hundredths percent (0.87%) shall be paid to the State	
20	Treasurer to be further apportioned as follows:	
21	(1) twenty-four percent (24%) shall be placed to the	
22	credit of the Oklahoma Tourism Promotion	
23	Revolving Fund, but in no event shall such	
24		

1                   apportionment exceed Five Million Dollars  
2                   (\$5,000,000.00) in any fiscal year,

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

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

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

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

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

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

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

15 a. Nine Million Six Hundred Thousand Dollars  
16 (\$9,600,000.00) to the credit of the State Highway  
17 Construction and Maintenance Fund created in Section  
18 1501 of Title 69 of the Oklahoma Statutes, and

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

23 2. For the month ending September 30, 2019:  
24

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

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

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

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

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

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

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

23 b. Two Million Dollars (\$2,000,000.00) to the credit of  
24 the Oklahoma Railroad Maintenance Revolving Fund

1 created in Section 309 of Title 66 of the Oklahoma  
2 Statutes; and

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

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

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

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

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

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