

An Act

ENROLLED SENATE
BILL NO. 1399

By: Hall and Kirt of the Senate

and

McBride, Wallace, Deck,
Munson, and Hefner of the
House

An Act relating to state property; creating the Oklahoma Capital Assets Maintenance and Protection Act; providing short title; creating the Oklahoma Capital Assets Maintenance and Protection Fund; establishing revolving fund characteristics; authorizing and limiting allocation, budgeting, and expenditure of funds; requiring certain budgeting and expenditure procedures; authorizing entry into memoranda of understanding; limiting memoranda of understanding; clarifying legal application; authorizing certain authority related to real and personal property acquisition, improvement, and disposition; requiring certain reporting; 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 utilization of funds directed by the Board; amending 68 O.S. 2021, Section 1353, as last amended by

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

SUBJECT: Oklahoma Capital Assets Maintenance and Protection Act

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

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

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

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

A. There is hereby created in the State Treasury a revolving fund for the Oklahoma Capitol Improvement Authority to be designated the "Oklahoma Capital Assets Maintenance and Protection Fund" (OCAMP Fund). The fund shall be a continuing fund, not subject to fiscal year limitations, and shall consist of all monies received by the 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 Session of the 59th Oklahoma Legislature, may be allocated, budgeted, and expended by the Oklahoma Capitol Improvement Authority as directed by the Oklahoma Capital Assets Management and Protection Board created in Section 3 of this act. Such allocations, budgeting, and expenditures shall strictly adhere to the specific terms, limitations, purposes, and requirements described in the directive adopted by the Oklahoma Capital Assets Management and Protection Board. 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 the Office of Management and Enterprise Services for approval and payment.

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

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

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

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

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

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

D. No later than January 15 annually, the Oklahoma Capitol Improvement Authority shall submit electronically to the Governor, the President Pro Tempore of the Senate, the Speaker of the House of Representatives, the Chair of the Appropriations Committee of the Senate, and the Chair of the Appropriations and Budget Committee of the House of Representatives a report detailing impacts to the balance of the Oklahoma Capital Assets Maintenance and Protection

Fund occurring in the prior calendar year, including, but not limited to, all distributions, expenditures, collections, and deposits of the Oklahoma Capital Assets Maintenance and Protection Fund.

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

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

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

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

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

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

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

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

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

C. The chair and vice chair of the Board shall be elected by the Board members at the first meeting of the Board and shall

preside over meetings of the Board and perform other duties as may be required by the Board. The Board shall elect a chair and vice chair no less than once a calendar year.

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

- a. the OCAMP Higher Education Five-year Plan, for the maintaining and repairing of state-owned properties and buildings of public institutions of higher learning,
- b. the OCAMP Tourism and Recreation Five-year Plan, for the maintaining and repairing of properties and buildings of state parks operated by the Oklahoma Tourism and Recreation Department, and
- c. the OCAMP State Five-year Plan, for the maintaining and repairing of all state-owned properties and buildings.

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

- a. the OCAMP Higher Education Five-year Plan shall be allocated forty-five percent (45%) of such monies. Twenty percent (20%) of those monies allocated shall be for comprehensive institutions of higher education within The Oklahoma State System of Higher Education, fifty percent (50%) for all four-year colleges and universities except the University of Oklahoma located in Norman, Oklahoma, and Oklahoma State University located in Stillwater, Oklahoma, and thirty percent (30%) for two-year institutions of higher education within The Oklahoma State System of Higher Education.
- b. the OCAMP Tourism and Recreation Five-year Plan shall be allocated ten percent (10%) of such monies, and

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

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

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

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

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

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

1. Except as provided in subsection C of this section, the following amounts shall be paid to the State Treasurer to be placed

to the credit of the General Revenue Fund to be paid out pursuant to direct appropriation by the Legislature:

Fiscal Year	Amount
FY 2003 and FY 2004	86.04%
FY 2005	85.83%
FY 2006	85.54%
FY 2007	85.04%
FY 2008 through FY 2022	83.61%
FY 2023 through FY 2027	83.36%
FY 2028 and each fiscal year thereafter	83.61%;

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

- a. for FY 2003, FY 2004 and FY 2005, ten and forty-two one-hundredths percent (10.42%),
- b. for FY 2006 through FY 2020, ten and forty-six one-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:	
a. for the month beginning July 1, 2020, through the month ending August 31, 2020	5.0%
b. for the month beginning September 1, 2020, through the month ending June 30, 2021	3.5%
FY 2022	5.0%
FY 2023 through FY 2027	5.25%
FY 2028 and each fiscal year thereafter	5.0%;

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

(1) twenty-four percent (24%) shall be placed to the credit of the Oklahoma Tourism Promotion Revolving Fund, but in no event shall such

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

- (2) forty-four percent (44%) shall be placed to the credit of the Oklahoma Tourism Capital Improvement Revolving Fund, but in no event shall such apportionment exceed Nine Million Dollars (\$9,000,000.00) in any fiscal year, and
- (3) thirty-two percent (32%) shall be placed to the credit of the Oklahoma Route 66 Commission Revolving Fund, but in no event shall such apportionment exceed Six Million Six Hundred Thousand Dollars (\$6,600,000.00) in any fiscal year, and

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

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

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

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

1. For the month ending August 31, 2019:
 - a. Nine Million Six Hundred Thousand Dollars (\$9,600,000.00) to the credit of the State Highway Construction and Maintenance Fund created in Section 1501 of Title 69 of the Oklahoma Statutes, and
 - b. Two Million Dollars (\$2,000,000.00) to the credit of the Oklahoma Railroad Maintenance Revolving Fund created in Section 309 of Title 66 of the Oklahoma Statutes;
2. For the month ending September 30, 2019:
 - a. Twenty Million Dollars (\$20,000,000.00) to the credit of the State Highway Construction and Maintenance Fund created in Section 1501 of Title 69 of the Oklahoma Statutes, and
 - b. Two Million Dollars (\$2,000,000.00) to the credit of the Oklahoma Railroad Maintenance Revolving Fund created in Section 309 of Title 66 of the Oklahoma Statutes;
3. For the month ending October 31, 2019:
 - a. Twenty Million Dollars (\$20,000,000.00) to the credit of the State Highway Construction and Maintenance Fund created in Section 1501 of Title 69 of the Oklahoma Statutes, and
 - b. Two Million Dollars (\$2,000,000.00) to the credit of the Oklahoma Railroad Maintenance Revolving Fund created in Section 309 of Title 66 of the Oklahoma Statutes;
4. For the month ending November 30, 2019:

- a. Twenty Million Dollars (\$20,000,000.00) to the credit of the State Highway Construction and Maintenance Fund created in Section 1501 of Title 69 of the Oklahoma Statutes, and
- b. Two Million Dollars (\$2,000,000.00) to the credit of the Oklahoma Railroad Maintenance Revolving Fund created in Section 309 of Title 66 of the Oklahoma Statutes; and

5. For the month ending December 31, 2019:

- a. Twenty Million Dollars (\$20,000,000.00) to the credit of the State Highway Construction and Maintenance Fund created in Section 1501 of Title 69 of the Oklahoma Statutes, and
- b. Two Million Dollars (\$2,000,000.00) to the credit of the Oklahoma Railroad Maintenance Revolving Fund created in Section 309 of Title 66 of the Oklahoma Statutes.

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

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

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

Passed the Senate the 29th day of March, 2024.

Presiding Officer of the Senate

Passed the House of Representatives the 30th day of May, 2024.

Presiding Officer of the House
of Representatives

OFFICE OF THE GOVERNOR

Received by the Office of the Governor this _____

day of _____, 20_____, at _____ o'clock _____ M.

By: _____

Approved by the Governor of the State of Oklahoma this _____

day of _____, 20_____, at _____ o'clock _____ M.

Governor of the State of Oklahoma

OFFICE OF THE SECRETARY OF STATE

Received by the Office of the Secretary of State this _____

day of _____, 20_____, at _____ o'clock _____ M.

By: _____