

An Act

ENROLLED HOUSE
BILL NO. 2392

By: Liebmann of the House

and

Mazzei of the Senate

An Act relating to public finance; amending 62 O.S. 2011, Section 901, which relates to the Long-Range Capital Planning Commission; modifying gender references; modifying provisions related to membership; modifying provisions related to staffing; modifying duties and responsibilities; removing duties of Oklahoma Department of Commerce; modifying provisions related to the Policy Advisory Committee; and providing an effective date.

SUBJECT: Long-Range Capital Planning Commission

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

SECTION 1. AMENDATORY 62 O.S. 2011, Section 901, is amended to read as follows:

Section 901. A. 1. There is hereby created a Long-Range Capital Planning Commission to advise and assist the Legislature in providing for capital facilities in this state. The Commission shall consist of ~~twelve (12)~~ nine (9) members as follows:

- a. ~~four~~ three members appointed by the President Pro Tempore of the Senate to serve at ~~his~~ the pleasure of the appointing authority. Of these appointees two shall be members of the Senate and ~~two~~ one shall be from the public at large,
- b. ~~four~~ three members appointed by the Speaker of the House of Representatives to serve at ~~his~~ the pleasure of the appointing authority. Of these appointees two

shall be members of the House of Representatives and ~~two~~ one shall be from the public at large, and

- c. ~~four~~ three members shall be appointed by the Governor to serve at ~~his~~ the pleasure of the appointing authority. These appointees shall be from the public at large.

2. A chairman of the Commission shall be elected from its membership. ~~Seven~~ Five members of the Commission shall constitute a quorum. Members of the Commission shall serve without compensation, but all public members shall be entitled to reimbursement, pursuant to the State Travel Reimbursement Act, for expenses incurred in the performance of their duties.

3. Initial appointments to the Commission shall be made within thirty (30) days of the effective date of this act.

B. The Commission shall have the authority to promulgate rules and regulations necessary to implement the provisions of this act.

C. The Office of State Finance, with the advice and assistance of the Oklahoma State Bond Advisor, shall provide staffing for the Commission and other such assistance as the Commission may require.

D. 1. The Commission shall prepare each year a state capital plan for addressing state, ~~regional and local public~~ capital facility needs for the next ensuing five (5) years. The Oklahoma State Regents for Higher Education and each state governmental entity as defined in Section 695.3 of ~~Title 62 of the Oklahoma Statutes~~ this title shall cooperate with the Commission in the preparation of the state plan. ~~By October 1, 1992, each state governmental entity shall submit a copy of its complete inventory and a need list. Beginning~~ Each year, on or about December 1, 1993, the plan shall be submitted to the Governor, Speaker of the House of Representatives and President Pro Tempore of the Senate ~~no later than December 1 of each year.~~

2. a. The capital plan should supplement and integrate, not replace, existing capital planning processes ~~at the state, regional or local level.~~ The plan shall consider and incorporate, as appropriate, the local and regional plans that may be developed ~~pursuant to the provisions of Sections 3 through 6 of this act.~~

- b. The plan shall assess long-term needs for capital facilities provided by both state and local governments as determined by the Commission. The plan shall include:
- (1) an inventory of capital facilities held by the state, and when available, by units of local government or special districts. The inventory shall include such information as is reasonably available on the physical and economic condition of these assets,
 - (2) a projection of economic and demographic trends likely to influence the needs for new or expanded capital facilities,
 - (3) an estimate of mandatory, essential, desirable and deferrable repair, replacement and expansions,
 - (4) estimates of life cycle costs for new and substantially expanded or renovated facilities. ~~Life cycle costs shall include the cost of construction, financing, repair and maintenance,~~
 - (5) an analysis of recent trends and projections of revenues available from general obligation and revenue bonds, general and dedicated taxes used for capital facilities finance, user fees, the federal government and other sources,
 - (6) an analysis of the capacity of the state and local governments to incur debt or finance public capital facilities,
 - (7) a detailed list of all capital projects of the state which the Commission recommends be undertaken or continued for any state agency in the next two (2) fiscal years, together with information as to the effect of such capital projects on future operating expenses of the state, and with recommendations as to the priority of such capital projects and the means of funding them,

- (8) the forecasts of the Commission as to the requirements for capital projects of state agencies for the three (3) fiscal years next following such two (2) fiscal years and for such additional periods, if any, as may be necessary or desirable for adequate presentation of particular capital projects, and a schedule for the planning and implementation or construction of such capital projects,
- (9) a schedule for the next fiscal year of recommended projects,
- ~~(10) a review of capital projects which have recently been implemented or completed or are in process of implementation or completion,~~
- ~~(11)~~ recommendations as to the maintenance of physical properties and equipment of state agencies, and
- ~~(12)~~ (11) such other information as the Commission deems relevant to the foregoing matters.

3. The Governor shall prepare at the same time as the state budget document is prepared, a capital budget. The capital budget shall be prepared and submitted by the Governor or Governor-elect in accordance with the procedures for preparing the state budget document. The capital budget shall embrace all expenditures of the state government for facilities and equipment and all revenues to be raised for purpose of meeting expenditure commitments during the next ensuing fiscal year and shall include the following:

- a. for each expenditure and class of expenditures, the costs to be incurred during the next ensuing fiscal year, plus where appropriate, the annual operating and maintenance costs of such facilities and a schedule of depreciation calculated in accordance with the principles and standards of capital budgeting authorized by paragraph 4 of this subsection,
- b. the revenues and sources required to meet projected expenditures. Revenue sources to be indicated include, but are not limited to: the General Revenue Fund, the Transportation Fund, any special funds, proceeds of bond sales, federal funds, local

government revenue or other sources. Where additional revenues in the form of additional taxes, user fees or new bond issues are proposed to meet expenditure requests, any funds created for such purposes shall be included in this act, and

- c. a statement regarding the relationship between the proposals contained in the capital budget and the capital plan. The capital budget shall be based upon the capital plan prepared by the Commission.

4. The Commission, with the assistance of the Office of State Finance, shall prepare and publish rules and regulations that set forth principles and standards for capital planning and budgeting to be used by state agencies. The rules and regulations shall set forth definitions of relevant terms to be used in the capital planning and budgeting processes, establish accounting standards and standards for costs and benefits of public facility investments.

~~E. The Oklahoma Department of Commerce shall assist the Long-Range Capital Planning Commission in developing any portion of the state capital plan addressing regional and local public capital facility needs. The Department shall assist in providing the expertise and information required to assess long-term needs for capital facilities at the regional and local level. The Department shall have the authority to contract with other entities to provide the type of information needed to prepare:~~

~~1. An inventory of capital facilities held by units of local government, and special districts, including such information as is reasonably available on the physical and economic condition of these assets. Inventories shall be conducted according to the geographical boundaries of the regional councils;~~

~~2. A projection of economic and demographic trends likely to influence the needs for new or expanded local capital facilities;~~

~~3. An estimate of mandatory, essential, desirable and deferrable repair, replacement and expansions; and~~

~~4. Estimates of life cycle costs for new and substantially expanded or renovated facilities. Life cycle costs shall include the cost of construction, financing, repair and maintenance.~~

~~F.~~ 1. The Commission, the Office of State Finance, and the Oklahoma State Bond Advisor may call to their assistance such personnel or any state agency in order to perform their duties pursuant to the State Capital Improvement Planning Act and such agencies shall respond and provide any such assistance as may be required. ~~The Office of State Finance and other state agencies also shall assist the Commission in the performance of its functions.~~ The Commission may use existing studies, surveys, plans, data and other materials in the possession of any state agency or any municipality or political subdivision of this state. Each such agency, municipality or subdivision may make the same available to the Commission so that the Commission may have available to it current information with respect to the capital plans and programs of each such agency, municipality or subdivision.

2. The officers and personnel of any state agency, ~~municipality or political subdivision, and any other person~~ may serve at the request of the Commission upon such advisory committees as the Commission may create and such officers and personnel may serve upon such committees without forfeiture of office or employment and with no loss or diminution of the compensation, status, rights and privileges which they otherwise enjoy.

~~G.~~ 1. ~~There is hereby created the Policy Advisory Committee to the Commission to meet no less than once a year or at the call of the chairman of the Commission.~~

~~2. The purposes and responsibilities of the Policy Advisory Committee shall be:~~

- ~~a. to counsel and otherwise assist the Commission in the development of the capital plan, and~~
- ~~b. to review and comment on the capital plan and make recommendations to the Commission concerning capital planning and debt management issues as deemed appropriate by the Committee.~~

~~3. The Policy Advisory Committee shall be composed of the members of the Bond Oversight Commissions and the chief executive officer or fixed designate from each of the following entities; provided, designated members shall be appointed by each chief executive officer for a term certain which shall not be less than one (1) year:~~

- a. ~~Association of County Commissioners of Oklahoma,~~
- b. ~~Oklahoma Municipal League,~~
- e. ~~State Department of Transportation,~~
- d. ~~Oklahoma Turnpike Authority,~~
- e. ~~Office of Public Affairs,~~
- f. ~~Oklahoma Water Resources Board,~~
- g. ~~Department of Human Services,~~
- h. ~~Department of Corrections,~~
- i. ~~Department of Mental Health,~~
- j. ~~Oklahoma Tourism and Recreation Department,~~
- k. ~~Department of Education,~~
- l. ~~Oklahoma State Regents for Higher Education,~~
- m. ~~State Department of Health,~~
- n. ~~State Department of Agriculture,~~
- o. ~~Oklahoma Department of Career and Technology Education,~~
- p. ~~Oklahoma Association of Regional Councils, and~~
- q. ~~Such other members as determined by the Commission.~~

SECTION 2. This act shall become effective November 1, 2012.

Passed the House of Representatives the 22nd day of May, 2012.

Presiding Officer of the House of
Representatives

Passed the Senate the 23rd day of May, 2012.

Presiding Officer of the Senate

OFFICE OF THE GOVERNOR

Received by the Governor this _____
day of _____, 20____,
at _____ o'clock _____ M.

By: _____

Approved by the Governor of the State of Oklahoma the _____ day of
_____, 20____, at _____ o'clock _____ M.

Governor of the State of Oklahoma

OFFICE OF THE SECRETARY OF STATE

Received by the Secretary of State this _____
day of _____, 20____,
at _____ o'clock _____ M.

By: _____