STATE OF OKLAHOMA

1st Session of the 55th Legislature (2015)

SENATE BILL 224 By: Simpson

AS INTRODUCED

An Act relating to the Strategic Military Planning Commission, amending 74 O.S. 2011, Section 5401, as amended by Section 1, Chapter 58, O.S.L. 2014 (74 O.S. Supp. 2014, Section 5401), which relates to military installations; modifying Commission representation; clarifying appointment procedure; amending 74 O.S. 2011, Section 5402, which relates to the intent of the Commission; expanding scope of policies; amending 74 O.S. 2011, Section 5403, which relates to Oklahoma Strategic Military Planning Commission Incentive Fund; authorizing distribution of monies; granting the Commission authority to disperse monies to communities; and providing an effective date.

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

SECTION 1. AMENDATORY 74 O.S. 2011, Section 5401, as amended by Section 1, Chapter 58, O.S.L. 2014 (74 O.S. Supp. 2014, Section 5401), is amended to read as follows:

Section 5401. A. There is hereby re-created the Oklahoma Strategic Military Planning Commission.

B. The Oklahoma Strategic Military Planning Commission shall consist of nine (9) members as follows:

1. ~~Five~~ Six persons to be appointed by the Governor, each of whom shall represent, respectively, the interests of communities that would be affected by realignment or closure of the following military installations:

a. Altus Air Force Base,

b. Vance Air Force Base,

c. Fort Sill,

d. the Army Ammunition Plant located near McAlester, ~~and~~

e. Tinker Air Force Base, and

f. Oklahoma Army and Air National Guard facilities;

2. One person to be appointed by the Speaker of the House of Representatives from the membership of the House and one person to be appointed by the President Pro Tempore of the Senate from the membership of the Senate. The members appointed pursuant to this paragraph shall be ex officio and nonvoting members of the Commission; and

3. The Secretary of Veterans Affairs, or successor member of the Governor's Executive Cabinet who has responsibility for Veterans Affairs, ~~and the Adjutant General of the Oklahoma Army and Air National Guard. The members appointed pursuant to this paragraph shall be ex officio and nonvoting members of the Commission~~ will be serve as an ex officio and a non-voting member of the Commission.

C. The members of the Commission shall serve at the pleasure of the appointing authority. The members of the Commission shall

select from among their membership a chair and vice-chair. The chair and vice-chair shall serve for a period of one (1) year and may succeed themselves in office.

D. The Commission shall be subject to the provisions of the Oklahoma Open Meeting Act and the Oklahoma Open Records Act.

E. The Commission shall be authorized to meet at such times as may be required in order to fulfill the duties and responsibilities imposed upon it by law.

F. The provisions of this section shall cease to have the force and effect of law and the Commission shall be dissolved by operation of law on December 31, 2020.

G. The members of the Commission shall not be deemed to be officers or to hold public office for purposes of Section 6 of Title 51 of the Oklahoma Statutes.

SECTION 2. AMENDATORY 74 O.S. 2011, Section 5402, is amended to read as follows:

Section 5402. A. The purpose of the Oklahoma Strategic Military Planning Commission shall be to analyze state policies affecting military facilities currently in use by the United States Department of Defense and the Oklahoma Army and Air National Guard located within the state and such infrastructure as may support or be affected by these Department of Defense or National Guard facilities or any activity therein. Provided further that the Commission may assist financially with projects designed to enhance

the operation, security, or support of such facilities and associated activities, pursuant to the provisions of Section 5403 of this title. The Commission shall also examine methods for improving the private sector market value or potential for such military facilities.

B. The Commission shall advise and recommend to the Governor and to the Legislature, by reporting to the Speaker of the House of Representatives and the President Pro Tempore of the Senate, state policies which would:

1. Prevent Oklahoma's military facilities from being targeted for closing or downsizing;

2. Maximize Oklahoma's input into the federal base closing and realignment process;

3. Protect, to the greatest extent possible, the interests of the communities and residents of areas located within and adjacent to such military facilities in connection with such process;

4. Mitigate the effect of a reduction in military personnel housed or assigned to such facilities, reduction in military activity associated with such facilities, or other changes in either civilian or military activity which have the potential to reduce employment, business activity, personal income or other economic growth in the affected areas; ~~and~~

5. Encourage and facilitate the relocation of mission responsibilities and resources to Oklahoma military facilities from military bases located outside Oklahoma; and

6. Promote the military heritage of Oklahoma through projects located or implemented on military installations.

C. Responsibility for the administrative direction, coordination and support of the Commission shall be with the Office of the Governor.

D. The Commission shall submit an annual written report of its findings, conclusions and recommendations to the Governor, the Speaker of the Oklahoma House of Representatives and the President Pro Tempore of the Oklahoma State Senate not later than December 31.

E. The Oklahoma Department of Commerce, the Oklahoma Tax Commission, the Oklahoma Employment Security Commission and other agencies of state government shall provide such assistance to the Commission as the Commission may require in order to perform the duties imposed upon it.

F. Members of the Commission shall be reimbursed by their appointing authority, except that members appointed from the municipalities shall be reimbursed by the Oklahoma Department of Commerce, for travel to meetings of the Commission pursuant to the State Travel Reimbursement Act.

Legislators who serve as members of the Commission shall be reimbursed for travel to meetings pursuant to Section 456 of Title 74 of the Oklahoma Statutes.

SECTION 3. AMENDATORY 74 O.S. 2011, Section 5403, is amended to read as follows:

Section 5403. A. The Legislature finds that the five military installations in this state, Tinker Air Force Base, Vance Air Force Base, Altus Air Force Base, Fort Sill Army Post and the McAlester Army Ammunition Plant, are vital to the economic health of Oklahoma businesses and communities and an integral and important part of the state economy. It is therefore in the state interest that these installations not only be retained but if possible, be expanded from their current substantial workforces.

B. There is hereby established a fund within the State Treasury for the Department of Commerce to be known as the "Oklahoma Strategic Military Planning Commission Incentive Fund". The fund shall consist of all monies deposited into the fund by law. The fund shall be a continuing fund not subject to fiscal year limitations.

1. Monies in the fund shall be distributed by the Department to voluntary associations of Oklahoma local governmental jurisdictions or other legal entities which perform functions for the benefit of or which exist for the primary benefit of Oklahoma local governmental entities, for distribution to eligible local

governments~~, as approved by the Oklahoma Strategic Military Planning Commission~~; or

2. Monies in the fund shall be distributed by the Department to voluntary associations of Oklahoma communities which perform functions for the benefit of or which exist for the primary benefit of Oklahoma communities, for distribution to eligible local communities, as approved by the Oklahoma Strategic Military Planning Commission.

C. In order for an entity to be eligible to obtain funds from the Oklahoma Strategic Military Planning Commission Incentive Fund, a local governmental entity shall be required to:

1. Demonstrate that it would be affected by realignment or closure of a military installation specified in subsection A of this section; and

2. Develop a plan, and file it and have it approved by the Oklahoma Strategic Military Planning Commission, to expend funds from local sources, matched in whole or in part with monies in the fund, for public projects necessary to protect the interests of the entity and its residents with respect to realignment or closure of the military installation.

D. In order to be filed with and approved by the Commission, the plan shall have first been approved by an affirmative vote of two-thirds (2/3) of the members of the governing board of the local governmental entity. The vote shall be memorialized in a document,

executed under oath, that states that the record of the vote is a true and accurate account of the proceedings conducted by the governing board to be filed with the Department.

E. Any entity which qualifies for funds pursuant to this section shall be required to provide matching funds or to provide equivalent value in order to obtain available funds or funds for planning expenditures. No funds available pursuant to the provisions of this section shall be used to pay any administrative expenses of the entity requesting the funds. The Department shall monitor expenditures made pursuant to this section to ensure compliance with the provisions of this section. Misuse of funds by an entity shall disqualify the entity from further funding for a period of one (1) year from the date as of which any report by the Department is issued revealing a violation of the requirements of this section.

F. An entity which violates the provisions of this section shall be liable to the State of Oklahoma for treble the amount of funds identified as having been impermissibly used for the payment or reimbursement of administrative expenses. The payment shall be made to the Department for deposit in the Oklahoma Strategic Military Planning Commission Incentive Fund and such funds shall become available for distribution as otherwise provided by this section; provided, no such funds shall be paid to an entity which has been required to make the treble damage payment.

G. The expenditures from the Oklahoma Strategic Military Planning Commission Incentive Fund, made in accordance with the requirements of this section, shall be construed as an expenditure of public funds in furtherance of governmental functions and for the purpose of conferring general and uniform benefits resulting from the expenditures.

SECTION 4. This act shall become effective November 1, 2015.

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