

1 ENGROSSED HOUSE
2 BILL NO. 4013

By: McBride, Menz, Moore, and
Deck of the House

3 and

4 Hall of the Senate

5
6 [Higher Education Capital Financing Act - Higher
7 Education Capital Needs Evaluation Committee -
8 annual reporting - Higher Education Capital Needs
9 Five-Year Forecast - Higher Education Capital
10 Financing Fund - budgeting procedures - memoranda
11 of understanding - legal status - apportionment of
12 income tax collections - powers and duties of the
13 Oklahoma State Regents for Higher Education - dual
14 office holding exemption - noncodification -
15 codification - effective date -
16 emergency]

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

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

22 This act shall be known and may be cited as the "Oklahoma State
23 Agency and Higher Education Capital Financing Act".

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1 SECTION 2. NEW LAW A new section of law to be codified
2 in the Oklahoma Statutes as Section 2244 of Title 70, unless there
3 is created a duplication in numbering, reads as follows:

4 A. There is hereby created the Oklahoma State Agency and Higher
5 Education Capital Needs Evaluation Committee.

6 B. The Committee shall consist of the following persons:

7 1. Three (3) persons to be appointed by the Governor;

8 2. One person to be appointed by the Speaker of the Oklahoma
9 House of Representatives, who shall have at least ten (10) years
10 demonstrated experience in the construction industry, whether as a
11 general contractor or a combination of experience as a general
12 contractor along with other construction-related experience;

13 3. One person to be appointed by the President Pro Tempore of
14 the Oklahoma State Senate, who shall have at least ten (10) years
15 demonstrated experience in the construction industry, whether as a
16 general contractor or a combination of experience as a general
17 contractor along with other construction-related experience;

18 4. One person to be appointed by the Board of Regents of the
19 University of Oklahoma;

20 5. One person to be appointed by the Board of Regents of
21 Oklahoma State University;

22 6. One person to be appointed by the Board of Regents for the
23 Regional University System of Oklahoma; and
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1 7. One person to be appointed by the board of regents for non-
2 system-affiliated public colleges.

3 C. The Committee shall be authorized to meet as often as
4 required in order to perform the duties imposed upon it pursuant to
5 law. The Committee shall select from among its membership a chair
6 and co-chair. A majority of the members of the Committee shall be
7 required to give final approval to the list of capital projects for
8 each funding period as prescribed by subsection D of this section.

9 D. The Committee shall evaluate the capital requirements for
10 critical infrastructure needs of both executive branch agencies and
11 also critical infrastructure needs of The Oklahoma State System of
12 Higher Education each year and shall establish a schedule for the
13 projects and make recommendations to the Governor and to the
14 Legislature according to the provisions of subsection E of this
15 section.

16 E. Beginning December 31, 2024, and no later than December 31
17 each year thereafter, the State Agency and Higher Education Capital
18 Needs Evaluation Committee shall submit in written or electronic
19 format to the Governor, the Speaker of the Oklahoma House of
20 Representatives, the President Pro Tempore of the Oklahoma State
21 Senate, the Appropriations and Budget Chair of the Oklahoma House of
22 Representatives, and the Appropriations Chair of the Oklahoma State
23 Senate an annual report on the infrastructure and construction needs
24 of The Oklahoma State System of Higher Education. The annual report

1 shall be known and may be cited as the Higher Education Capital
2 Needs Five-Year Forecast, and shall include:

3 1. Infrastructure and construction projects listed in order of
4 priority and critical need;

5 2. Cost estimates for each specific project listed in paragraph
6 1 of this subsection;

7 3. Completion timeline for each specific project listed in
8 paragraph 1 of this subsection; and

9 4. A summary of the status of projects previously funded and
10 currently being funded pursuant to the provisions of the Higher
11 Education Capital Financing Act.

12 F. Each funding cycle beginning with the report submitted not
13 later than December 31, 2024, shall provide an allocation of Two
14 Hundred Million Dollars (\$200,000,000.00) for the capital projects
15 submitted for approval by the Committee.

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

19 There is hereby created in the State Treasury a revolving fund
20 for the Oklahoma Capitol Improvement Authority to be designated the
21 "Higher Education Capital Financing Fund". The fund shall be a
22 continuing fund, not subject to fiscal year limitations, and shall
23 consist of all monies received by the Oklahoma Capitol Improvement
24 Authority eligible under law and directed for deposit. All monies

1 accruing to the credit of said fund are hereby appropriated and may
2 be budgeted and expended by the Oklahoma Capitol Improvement
3 Authority for capital projects specifically and exclusively as
4 authorized by law. Such budgeting and expenditure shall strictly
5 adhere to the specific terms, limitations, purposes, and
6 requirements described in such authorizations and in this act.
7 Expenditures from said fund shall be made upon warrants issued by
8 the State Treasurer against claims filed as prescribed by law with
9 the Director of the Office of Management and Enterprise Services for
10 approval and payment.

11 SECTION 4. NEW LAW A new section of law to be codified
12 in the Oklahoma Statutes as Section 188C of Title 73, unless there
13 is created a duplication in numbering, reads as follows:

14 A. The Oklahoma Capitol Improvement Authority shall be
15 authorized to enter into memoranda of understanding with any
16 executive branch agency or with the Oklahoma State Regents for
17 Higher Education as provided by law and with the board of regents
18 for non-system-affiliated public colleges and as deemed necessary by
19 the Authority to administer expenditures from and deposits to the
20 State Agency and Higher Education Capital Financing Fund; provided
21 that such memoranda of understanding do not conflict with or impede
22 the administration of capital projects specifically authorized by
23 law. Such memoranda of understanding shall not constitute a legal
24 obligation of the State of Oklahoma.

1 B. Limited to the extent required for projects specifically
2 authorized through the Oklahoma State Agency and Higher Education
3 Capital Financing Act, the Oklahoma Capitol Improvement Authority
4 shall be authorized to:

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

7 2. Provide for the construction of improvements to real
8 property and provide funding for repairs, refurbishments, and
9 improvements to real and personal property;

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

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

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

3 SECTION 5. AMENDATORY 68 O.S. 2021, Section 2352, is
4 amended to read as follows:

5 Section 2352. It is hereby declared to be the purpose of
6 Section 2351 et seq. of this title to provide revenue for general
7 governmental functions of state government; and, for that purpose
8 and to that end, it is expressly declared that the revenue derived
9 herefrom and penalties and interest thereon, subject to the
10 apportionment requirements for the Rebuilding Oklahoma Access and
11 Driver Safety Fund, the Oklahoma Tourism and Passenger Rail
12 Revolving Fund, the Public Transit Revolving Fund and the Education
13 Reform Revolving Fund to be derived from income tax revenue that
14 would otherwise be apportioned to the General Revenue Fund as
15 provided by Section 1521 of Title 69 of the Oklahoma Statutes,
16 subject to the apportionment requirements for the Oklahoma Tax
17 Commission and Office of Management and Enterprise Services Joint
18 Computer Enhancement Fund provided by Section 265 of this title, and
19 subject to the apportionment requirements for the Oklahoma State
20 Capitol Building Repair and Restoration Fund provided by Section 19
21 of Title 73 of the Oklahoma Statutes, shall be distributed as
22 follows:

23 1. For the fiscal year beginning July 1, 2002, the first Five
24 Million Eight Hundred Thousand Dollars (\$5,800,000.00) of revenue

1 derived pursuant to the provisions of subsections A, B and E of
2 Section 2355 of this title shall be apportioned to the Education
3 Reform Revolving Fund; and for the fiscal year beginning July 1,
4 2024, and for each of the four (4) succeeding fiscal years, the sum
5 of One Hundred Forty Million Dollars (\$140,000,000.00) shall be
6 apportioned to the State Agency and Higher Education Capital
7 Financing Fund, created pursuant to Section 3 of this act, provided
8 that such amount may be deposited to the fund in equal installments
9 over the course of the fiscal year. For the fiscal year ending June
10 30, 2025, Fifty Million Dollars (\$50,000,000.00) of the One Hundred
11 Forty Million Dollars (\$140,000,000.00) shall be allocated to those
12 projects with the highest need of priority as critical
13 infrastructure as determined by the State Agency and Higher
14 Education Capital Needs Evaluation Committee. The remainder of such
15 revenue for the fiscal year beginning July 1, 2002, and all such
16 revenue for each fiscal year thereafter shall be apportioned monthly
17 as follows:

- 18 a. the following amounts shall be paid to the State
19 Treasurer to be placed to the credit of the General
20 Revenue Fund of the state for such fiscal year for the
21 support of the state government to be paid out only
22 pursuant to appropriation by the Legislature:

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Fiscal Year	Amount
FY 2003 and FY 2004	87.12%
FY 2005	86.91%
FY 2006	86.66%
FY 2007	86.16%
FY 2008 through FY 2022	85.66%
FY 2023 through FY 2027	85.41%
FY 2028 and each fiscal year thereafter	85.66%

Of the funds apportioned to the General Revenue Fund pursuant to this subparagraph, until the expiration of the Filmed in Oklahoma Act of 2021 as provided in Section 11 of this act, Thirty Million Dollars (\$30,000,000.00) shall be transferred to the Oklahoma Tax Commission for deposit in the Filmed in Oklahoma Program Revolving Fund,

b. 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:

(1) for FY 2003 through FY 2020, eight and thirty-four one-hundredths percent (8.34%),

(2) for FY 2021:

(a) for the month beginning July 1, 2020, through the month ending August 31, 2020,

1 eight and thirty-four one-hundredths percent
2 (8.34%), and

3 (b) for the month beginning September 1, 2020,
4 through the month ending June 30, 2021, nine
5 and eighty-four one-hundredths percent
6 (9.84%),

7 (3) for FY 2022 and each fiscal year thereafter,
8 eight and thirty-four one-hundredths percent
9 (8.34%) shall be paid to the State Treasurer to
10 be placed to the credit of the Education Reform
11 Revolving Fund,

12 c. the following amounts shall be paid to the State
13 Treasurer to be placed to the credit of the Teachers'
14 Retirement System Dedicated Revenue Revolving Fund:

15 Fiscal Year	Amount
16 FY 2003 and FY 2004	3.54%
17 FY 2005	3.75%
18 FY 2006	4.0%
19 FY 2007	4.5%
20 FY 2008 through FY 2020	5.0%
21 FY 2021:	

22 (1) for the month beginning
23 July 1, 2020, through
24

1	the month ending August	
2	31, 2020	5.0%
3	(2) for the month beginning	
4	September 1, 2020,	
5	through the month ending	
6	June 30, 2021	3.5%
7	FY 2022	5.0%
8	FY 2023 through FY 2027	5.25%
9	FY 2028 and each fiscal	
10	year thereafter	5.0%

11 d. for FY 2003 and each fiscal year thereafter, one
12 percent (1%) shall be placed to the credit of the Ad
13 Valorem Reimbursement Fund;

14 2. Beginning July 1, 2003, for any period of time as certified
15 by the Oklahoma Development Finance Authority and the Oklahoma
16 Department of Commerce to be necessary for the repayment of
17 obligations issued by the Oklahoma Development Finance Authority
18 pursuant to Section 3654 of this title if the other sources of
19 revenue paid to or apportioned to the Quality Jobs Program Incentive
20 Leverage Fund are not adequate including the proceeds from payment
21 pursuant to the guaranty required by subsection M of Section 3654 of
22 this title, an amount certified by the Oklahoma Development Finance
23 Authority to the Oklahoma Tax Commission shall be apportioned to the
24 Quality Jobs Program Incentive Leverage Fund before any other

1 appportionments are made as otherwise authorized by this paragraph.
2 The Oklahoma Development Finance Authority shall certify to the
3 Oklahoma Tax Commission the time as of which the revenue authorized
4 for appportionment pursuant to this paragraph is no longer required.
5 After the certification, the revenue derived from the income tax
6 shall be appportioned in the manner otherwise provided by this
7 section. Except as otherwise provided by this paragraph, for the
8 fiscal year beginning July 1, 2002, the first Forty-one Million One
9 Hundred Ninety Thousand Eight Hundred Dollars (\$41,190,800.00) of
10 revenue derived pursuant to the provisions of subsections D and E of
11 Section 2355 of this title shall be appportioned to the Education
12 Reform Revolving Fund. The remainder of such revenue for the fiscal
13 year beginning July 1, 2002, and all such revenue for each fiscal
14 year thereafter, subject to the appportionment requirements for the
15 Oklahoma Tax Commission and Office of Management and Enterprise
16 Services Joint Computer Enhancement Fund provided by Section 265 of
17 this title, shall be appportioned monthly as follows:

18 a. the following amounts shall be paid to the State
19 Treasurer to be placed to the credit of the General
20 Revenue Fund of the state for such fiscal year for the
21 support of the state government to be paid out only
22 pursuant to appropriation by the Legislature:
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1	Fiscal Year	Amount
2	FY 2003 and FY 2004	78.96%
3	FY 2005	78.75%
4	FY 2006	78.50%
5	FY 2007	78.0%
6	(1) (a) FY 2018 through FY 2022	
7	until the apportionment to	
8	the General Revenue Fund	
9	equals the moving five-	
10	year average amount for	
11	corporate income tax as	
12	prescribed by paragraph 3	
13	of this section	77.50%
14	(b) FY 2023 through FY 2027	
15	until the apportionment to	
16	the General Revenue Fund	
17	equals the moving five-	
18	year average amount for	
19	corporate income tax as	
20	prescribed by paragraph 3	
21	of this section	77.25%
22	(c) FY 2028 and each fiscal	
23	year thereafter until the	
24	apportionment to the	

1 General Revenue Fund
2 equals the moving five-
3 year average amount for
4 corporate income tax as
5 prescribed by paragraph 3
6 of this section 77.50%

7 (2) there shall be apportioned from the tax levy
8 imposed on corporate income tax to the Revenue
9 Stabilization Fund created by Section 34.102 of
10 Title 62 of the Oklahoma Statutes, or to the
11 Constitutional Reserve Fund, as provided by
12 Section 34.102 of Title 62 of the Oklahoma
13 Statutes, the amount of revenue, if any, which
14 exceeds the moving five-year average amount as
15 defined pursuant to paragraph 3 of this section,

16 b. the following amounts shall be paid to the State
17 Treasurer to be placed to the credit of the Education
18 Reform Revolving Fund of the State Department of
19 Education:

- 20 (1) for FY 2003 through FY 2020, sixteen and five-
21 tenths percent (16.5%),
 - 22 (2) for FY 2021:
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1 (a) for the month beginning July 1, 2020,
2 through the month ending August 31, 2020,
3 sixteen and five-tenths percent (16.5%), and

4 (b) for the month beginning September 1, 2020,
5 through the month ending June 30, 2021,
6 eighteen percent (18%),

7 (3) for FY 2022, and each fiscal year thereafter,
8 sixteen and five-tenths percent (16.5%),

9 c. the following amounts shall be paid to the State
10 Treasurer to be placed to the credit of the Teachers'
11 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:	

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19 (1) for the month beginning
20 July 1, 2020, through
21 the month ending August
22 31, 2020 5.0%

23 (2) for the month beginning
24 September 1, 2020,

1	through the month ending	
2	June 30, 2021	3.5%
3	FY 2022	5.0%
4	FY 2023 through FY 2027	5.25%
5	FY 2028 and each fiscal	
6	year thereafter	5.0%

d. for FY 2003 and each fiscal year thereafter, one percent (1%) shall be placed to the credit of the Ad Valorem Reimbursement Fund; and

3. "Moving five-year average for corporate income tax" means, for purposes of the apportionments prescribed by this section, the amount of income tax on corporations, as determined by the State Board of Equalization in the manner prescribed by Section 34.103 of Title 62 of the Oklahoma Statutes.

SECTION 6. AMENDATORY 70 O.S. 2021, Section 3206, is amended to read as follows:

Section 3206. As provided in Article XIII-A of the Constitution of Oklahoma, the State Regents shall constitute a coordinating board of control for all state educational institutions, with the following specific powers:

(a) It shall prescribe standards of higher education applicable to each institution.

(b) It shall determine the functions and courses of study in each of the institutions to conform to the standards prescribed.

1 (c) It shall grant degrees and other forms of academic
2 recognition for completion of the prescribed courses in all of such
3 institutions.

4 (d) It shall recommend to the State Legislature the budget
5 allocations to each institution.

6 (e) It shall have the power to recommend to the Legislature
7 proposed fees for all of such institutions, and any such fees shall
8 be effective only within the limits prescribed by the Legislature,
9 after taking due cognizance of expressed legislative intent.

10 (f) It shall allocate funds to each institution according to
11 its needs and functions from appropriations made by the Legislature.

12 (g) It may coordinate private, denominational and other
13 institutions of higher learning with the State System under
14 regulations set forth by the State Regents.

15 Among other powers and duties, the State Regents shall:

16 (h) Prescribe standards for admission to, retention in, and
17 graduation from state educational institutions.

18 (i) Accept federal funds and grants and use the same in
19 accordance with federal requirements; and accept and disburse
20 grants, gifts, devises, bequests and other monies and property from
21 foundations, corporations and individuals; and establish, award and
22 disburse scholarships and scholarship funds and rewards for merit
23 from any funds available for such purpose.

1 (j) Allocate revolving and other non-state-appropriated
2 educational and general funds.

3 (k) Transfer from one institution to another any property
4 belonging to such institution when no longer needed by it and when
5 needed by another institution to accomplish its functions.

6 (l) Prepare and publish annually a report to the Governor, the
7 Legislature, and institutions, setting forth the progress, needs,
8 and recommendations of state educational institutions and of the
9 State Regents; conduct studies, surveys and research projects to
10 gather information about the needs of state educational institutions
11 and make such additional reports and recommendations as it deems
12 necessary or as the Governor or the Legislature may direct, and
13 publish such information obtained as may be considered worthy of
14 dissemination.

15 (m) Any monies which it is authorized to invest shall be
16 invested with the care, skill, prudence, and diligence under the
17 circumstances then prevailing that a prudent person acting in a like
18 capacity and familiar with such matters would use in the conduct of
19 an enterprise of a like character and with like aims.

20 (n) Issue, on behalf of institutions within The Oklahoma State
21 System of Higher Education, other than the University of Oklahoma
22 and Oklahoma State University, and with the powers enumerated by
23 this act, its obligations for purposes of such capital projects as
24 the Regents may deem to be proper for the benefit of such

1 institutions. The obligations issued pursuant to the authority of
2 this paragraph shall be part of a comprehensive program for capital
3 maintenance of such institutions and the obligations shall be
4 special and limited obligations of the Oklahoma State Regents for
5 Higher Education and shall not constitute general obligations of the
6 State of Oklahoma.

7 (o) Exercise all powers necessary to comply with the provisions
8 of the State Agency and Higher Education Capital Financing Act,
9 including, but not limited to, preparing and delivering annually to
10 the Governor, the Speaker of the Oklahoma House of Representatives,
11 the President Pro Tempore of the Oklahoma State Senate, the
12 Appropriations and Budget Chair of the Oklahoma House of
13 Representatives, and the Appropriations Chair of the Oklahoma State
14 Senate an annual report on the infrastructure and construction needs
15 of executive branch agencies and The Oklahoma State System of Higher
16 Education, to be known and cited as the Higher Education Capital
17 Needs Five-Year Forecast.

18 (p) Exercise all powers necessary or convenient to accomplish
19 the purposes and objectives of Article XIII-A of the Constitution of
20 Oklahoma.

21 SECTION 7. AMENDATORY 51 O.S. 2021, Section 6, is
22 amended to read as follows:

23 Section 6. A. Except as may be otherwise provided, no person
24 holding an office under the laws of the state and no deputy of any

1 officer so holding any office shall, during the person's term of
2 office, hold any other office or be the deputy of any officer
3 holding any office, under the laws of the state. The provisions of
4 this section shall not apply to:

5 1. Notaries public;

6 2. Members of the State Textbook Committee;

7 3. County free fair board members;

8 4. Municipal and county law enforcement officers serving in
9 positions as law enforcement officers of both such governmental
10 entities upon such terms and conditions as are mutually approved by
11 resolutions adopted by the board of county commissioners and
12 governing body of the municipality employing such officers;

13 5. Any person holding a county or municipal office or position,
14 or membership on any public trust authority, who is a member of a
15 board or commission that relates to federal, state, county or
16 municipal government and is created by the United States government,
17 the State of Oklahoma or a political subdivision of the state,
18 except where the duties of the offices or positions conflict;

19 6. Any elected municipal officers and school board members who
20 are appointed to a state board, commission, or similar entity if
21 there is no compensation for such services other than reimbursement
22 for necessary travel expenses pursuant to the provisions of the
23 State Travel Reimbursement Act;

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1 7. Any trustee of a public trust, who is appointed as a trustee
2 of a different public trust or any trustee of the Tulsa County
3 Public Facilities Authority who may also be employed by the
4 Department of Transportation;

5 8. Law enforcement officers employed by municipal or county law
6 enforcement departments or agencies, other than those law
7 enforcement officers elected or appointed as sheriff, chief of
8 police or some similar position in which they are the head of a
9 county or municipal law enforcement agency, who are elected to local
10 boards of education; provided, the provisions of this paragraph
11 shall not prohibit any law enforcement officer employed by a
12 municipality having a population of ten thousand (10,000) or fewer
13 people from serving as a member of a local board of education;

14 9. Any member of the Oklahoma Highway Patrol Division of the
15 Department of Public Safety who is elected to a local board of
16 education;

17 10. Any employee of the Oklahoma State Bureau of Investigation
18 who is elected to a local board of education;

19 11. Any District Supervisor, Assistant District Supervisor,
20 Team Supervisor, Parole Officer 1 or Parole Officer 2 of the
21 Department of Corrections who is elected or appointed to a city
22 council;

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1 12. Any trustee or director of a rural electric cooperative, or
2 port authority who is appointed or elected to a state, county or
3 municipal board, commission or similar entity;

4 13. County employees who are elected as members of town or city
5 councils;

6 14. Municipal, county, state or tribal law enforcement or peace
7 officers operating under cross-deputization agreements with an
8 Indian tribe or branch of the federal government;

9 15. Municipal or county law enforcement or peace officers
10 serving in positions as campus police officers or campus public
11 safety officers pursuant to the provisions of the Oklahoma Campus
12 Security Act, upon such terms and conditions as are mutually
13 approved by resolution adopted by the governing body of the
14 municipality or county and the governing board of the institution of
15 higher education;

16 16. State law enforcement or peace officers serving in
17 positions as campus police officers or campus public safety officers
18 pursuant to the provisions of the Oklahoma Campus Security Act, upon
19 such terms and conditions as are mutually approved by written
20 agreement between the Commissioner of Public Safety and the
21 governing board of the institution of higher education;

22 17. Municipal, county and state law enforcement officers
23 serving in positions as part-time or seasonal rangers or peace
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1 officers under the Oklahoma Tourism and Recreation Department or the
2 Grand River Dam Authority;

3 18. Members of the University Hospitals Authority;

4 19. Any person holding a state or county office or position who
5 is a reserve force deputy sheriff, or a reserve special agent with
6 the Oklahoma State Bureau of Narcotics and Dangerous Drugs Control
7 or a reserve municipal police officer;

8 20. Any person holding a state office or position who serves as
9 a special assistant district attorney without compensation;

10 21. Any elected or appointed member of a local school board who
11 is a member of a municipal planning commission;

12 22. Any elected or appointed member of a local school board who
13 is a member or an officer of a volunteer fire department;

14 23. Directors or officers of a rural water district and chiefs
15 of municipal fire departments or rural fire districts who are
16 appointed or elected to an unsalaried office in a state, county,
17 municipal, school, or technology center school board, commission, or
18 similar entity, except where the duties of the office would create a
19 conflict of interest;

20 24. Any person who is a dispatcher or confinement officer at a
21 municipal or county jail who is a noncompensated reserve municipal
22 police officer or a reserve deputy sheriff;

23 25. Any person who is an assistant district attorney serving as
24 a municipal judge or prosecutor;

1 26. Any park ranger under the Oklahoma Tourism and Recreation
2 Department or any game warden or reserve game warden employed by the
3 Department of Wildlife Conservation who is elected or appointed to a
4 local board of education or to a municipal governing body, board,
5 commission or similar entity;

6 27. Members of the Oklahoma State University Medical Center
7 Authority, the Oklahoma State University Medical Trust or the State
8 Board of Osteopathic Examiners;

9 28. Any member of the state Legislature or any state officer
10 who serves on the board of trustees of the Oklahoma School for the
11 Visual and Performing Arts;

12 29. Members of the Council on Judicial Complaints; ~~and~~

13 30. Any person who is a state employee but not a member of the
14 state military forces, including district attorneys, assistant
15 district attorneys, district court judges, associate district court
16 judges and special judges, when detailed as a military trial judge
17 pursuant to Section 826 of Title 44 of the Oklahoma Statutes or when
18 serving as an appellate military judge pursuant to Section 866 of
19 Title 44 of the Oklahoma Statutes when the Military Court of Appeals
20 is convened. The rules of procedure prescribed by the State Judge
21 Advocate pursuant to subsection L of Section 866 of Title 44 of the
22 Oklahoma Statutes shall define what constitutes the Military Court
23 of Appeals being "convened" for purposes of this paragraph; and

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1 31. Members of the State Agency and Higher Education Capital
2 Needs Evaluation Committee.

3 The provisions of this section shall not prohibit any person
4 holding an office under the laws of the state or any deputy of any
5 officer so holding any office from serving upon the board of
6 Oklahoma Futures or upon the board of directors of the Oklahoma
7 Center for the Advancement of Science and Technology. The
8 provisions of this section shall not prohibit a member of the board
9 of directors of the Oklahoma Center for the Advancement of Science
10 and Technology from serving upon the board of Oklahoma Futures.

11 B. Except as provided in subsection C of this section,
12 salaries, emoluments or benefits that would otherwise be paid by the
13 agency or political subdivision to a loaned employee or officer
14 shall instead be paid to the regular employer of such employee. The
15 loaned employee shall in turn be paid regular salary and benefits
16 the same as if continuing regular employment with the permanent
17 employer.

18 C. Any person excepted pursuant to paragraph 30 of subsection A
19 of this section, when retained as a military trial judge or when
20 serving as a military appellate judge when the Military Court of
21 Appeals is convened, shall be entitled to military judicial leave in
22 accordance with Section 209 of Title 44 of the Oklahoma Statutes.

23 SECTION 8. This act shall become effective July 1, 2024.
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SECTION 9. 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 House of Representatives the 12th day of March, 2024.

Presiding Officer of the House
of Representatives

Passed the Senate the ___ day of _____, 2024.

Presiding Officer of the Senate