

1 **SENATE FLOOR VERSION**

2 April 18, 2024

3 **AS AMENDED**

4 ENGROSSED HOUSE  
5 BILL NO. 4013

6 By: McBride, Menz, Moore, Deck,  
7 and Munson of the House

8 and

9 Hall of the Senate

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

20 emergency ]

21 ~~**BE IT ENACTED BY THE PEOPLE OF THE STATE OF OKLAHOMA:**~~

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

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

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

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

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

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

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

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

15       4. One person to be appointed by the Board of Regents of the  
16 University of Oklahoma;

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

19       6. One person to be appointed by the Board of Regents for the  
20 Regional University System of Oklahoma; and

21       7. One person to be appointed by the board of regents for non-  
22 system-affiliated public colleges.

23       C. The Committee shall be authorized to meet as often as  
24 required in order to perform the duties imposed upon it pursuant to

1 law. The Committee shall select from among its membership a chair  
2 and co-chair. A majority of the members of the Committee shall be  
3 required to give final approval to the list of capital projects for  
4 each funding period as prescribed by subsection D of this section.

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

12 E. Beginning December 31, 2024, and no later than December 31  
13 each year thereafter, the State Agency and Higher Education Capital  
14 Needs Evaluation Committee shall submit in written or electronic  
15 format to the Governor, the Speaker of the Oklahoma House of  
16 Representatives, the President Pro Tempore of the Oklahoma State  
17 Senate, the Appropriations and Budget Chair of the Oklahoma House of  
18 Representatives, and the Appropriations Chair of the Oklahoma State  
19 Senate an annual report on the infrastructure and construction needs  
20 of The Oklahoma State System of Higher Education. The annual report  
21 shall be known and may be cited as the Higher Education Capital  
22 Needs Five-Year Forecast, and shall include:

23 1. Infrastructure and construction projects listed in order of  
24 priority and critical need;

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

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

5           4. A summary of the status of projects previously funded and  
6 currently being funded pursuant to the provisions of the Higher  
7 Education Capital Financing Act.

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

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

15           There is hereby created in the State Treasury a revolving fund  
16 for the Oklahoma Capitol Improvement Authority to be designated the  
17 "Higher Education Capital Financing Fund". The fund shall be a  
18 continuing fund, not subject to fiscal year limitations, and shall  
19 consist of all monies received by the Oklahoma Capitol Improvement  
20 Authority eligible under law and directed for deposit. All monies  
21 accruing to the credit of said fund are hereby appropriated and may  
22 be budgeted and expended by the Oklahoma Capitol Improvement  
23 Authority for capital projects specifically and exclusively as  
24 authorized by law. Such budgeting and expenditure shall strictly

1 adhere to the specific terms, limitations, purposes, and  
2 requirements described in such authorizations and in this act.  
3 Expenditures from said fund shall be made upon warrants issued by  
4 the State Treasurer against claims filed as prescribed by law with  
5 the Director of the Office of Management and Enterprise Services for  
6 approval and payment.

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

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

21 B. Limited to the extent required for projects specifically  
22 authorized through the Oklahoma State Agency and Higher Education  
23 Capital Financing Act, the Oklahoma Capitol Improvement Authority  
24 shall be authorized to:

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

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

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

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

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

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

24

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

19 1. For the fiscal year beginning July 1, 2002, the first Five  
20 Million Eight Hundred Thousand Dollars (\$5,800,000.00) of revenue  
21 derived pursuant to the provisions of subsections A, B and E of  
22 Section 2355 of this title shall be apportioned to the Education  
23 Reform Revolving Fund; and for the fiscal year beginning July 1,  
24 2024, and for each of the four (4) succeeding fiscal years, the sum

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

14       a. the following amounts shall be paid to the State  
15             Treasurer to be placed to the credit of the General  
16             Revenue Fund of the state for such fiscal year for the  
17             support of the state government to be paid out only  
18             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:

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:	

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 apportionments 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 apportionment pursuant to this paragraph is no longer required.  
5 After the certification, the revenue derived from the income tax  
6 shall be apportioned 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 apportioned 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 apportionment 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 apportioned 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 (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%

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

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

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

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

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

23 (b) It shall determine the functions and courses of study in  
24 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.

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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

24



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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1           SECTION 9. It being immediately necessary for the preservation  
2 of the public peace, health or safety, an emergency is hereby  
3 declared to exist, by reason whereof this act shall take effect and  
4 be in full force from and after its passage and approval.

5 COMMITTEE REPORT BY: COMMITTEE ON APPROPRIATIONS  
6 April 18, 2024 - DO PASS  
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