

An Act

ENROLLED SENATE
BILL NO. 1169

By: Hall and Haste of the
Senate

and

Caldwell (Trey) and Kane of
the House

An Act relating to state property; amending 62 O.S. 2021, Section 901, which relates to the Long-Range Capital Planning Commission; prescribing duties of the Commission; amending Sections 3 and 2, Chapter 441, O.S.L. 2024 (73 O.S. Supp. 2024, Sections 188A and 188B), which relate to the Oklahoma Capital Assets Maintenance and Protection Act; dissolving the Oklahoma Capital Assets Management and Protection Board; requiring the Long-Range Capital Planning Commission to develop and update certain plans; modifying allocation requirements of funds deposited in the Oklahoma Capital Assets Maintenance and Protection Fund; eliminating fiscal year allocation limitation; updating statutory language; updating statutory references; providing an effective date; and declaring an emergency.

SUBJECT: Long-Range Capital Planning Commission

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

SECTION 1. AMENDATORY 62 O.S. 2021, Section 901, is amended to read as follows:

Section 901. A. There is hereby created a Long-Range Capital Planning Commission to advise and assist the Legislature in providing for real property capital facility needs for this state. The Commission shall consist of nine (9) members 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; and

3. Three members ~~shall be~~ appointed by the Governor.

All appointees shall be from the public at large. Within thirty (30) days of ~~the effective date of this act~~ July 1, 2013, the appointing authorities shall appoint new members to the Commission; provided, a member serving on ~~the effective date of this act~~ July 1, 2013, may be reappointed if he or she is otherwise qualified. Of the members initially appointed by each appointing authority after ~~the effective date of this act~~ July 1, 2013, one shall be appointed for a one-year term, one shall be appointed for a two-year term and one shall be appointed for a three-year term. Thereafter, their successors shall be appointed for four-year terms. Any vacancy shall be filled for the remainder of the unexpired term in the same manner as the original appointment. The appointing authorities shall appoint members who possess knowledge, skills and abilities to perform the duties of the Commission. No member of the Commission shall be interested, directly or indirectly, in any contract entered into for a project approved by the Commission during the period of service of the member, nor shall any person be appointed as a member of the Commission if such person is interested, directly or indirectly, in a contract entered into for a project approved prior to the appointment. An indirect interest shall include, but not be limited to, an interest of an immediate family member of the member of the Commission or a business with which the member of the Commission is associated.

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

C. Initial appointments to the Commission shall be made within thirty (30) days of ~~the effective date of this act~~ May 28, 1992.

D. The Commission shall have the authority to promulgate rules and regulations necessary to implement the provisions of ~~this act~~ the State Capital Improvement Planning Act.

E. The Office of Management and Enterprise Services, with the advice and assistance of the ~~Oklahoma State Bond Advisor~~ Deputy Treasurer for Debt Management, shall provide staffing for the Commission and other such assistance as the Commission may require.

F. 1. The Commission shall prepare each year an annual capital plan budget and a state capital plan for addressing state capital facility needs for the next ensuing eight (8) years. The Oklahoma State Regents for Higher Education and each state governmental entity as defined in Section 695.3 of this title shall cooperate with the Commission in the preparation of the state plan. Each year, on or about December 1, the plan shall be submitted to the Governor, Speaker of the House of Representatives and President Pro Tempore of the Senate. The Long-Range Capital Planning Commission shall annually update the eight-year plan. The Office of Management and Enterprise Services shall perform routine services to support the eight-year plan, including, but not limited to, agency-level planning, real estate services, construction services and facility operations as provided by law.

2. In addition to the requirements set forth in Section ~~10~~ 901.1 of this ~~act~~ title, the capital plan should:

- a. supplement and integrate, not replace, existing capital planning processes,
- b. assess long-term needs for capital facilities to support state government needs as determined by the Commission,
- c. review and assess the inventory of capital facilities held by the state, and make recommendations on reallocation, reuse or liquidation of properties for incorporation into the annual capital plan,
- d. include a projection of economic and demographic trends likely to influence the needs of state government during the eight-year period,

- e. address agency strategic facility plans for new, improved, renovated, or expanded capital facilities or facilities that should be reallocated or liquidated,
- f. include estimates of life cycle costs for new and substantially expanded or renovated facilities,
- g. evaluate the effectiveness of planning processes at the agency level to account for all capital facility costs for incorporation into the annual capital budget,
- h. account for projections of debt service and revenues available from general obligation bonds and other sources, including, but not limited to, the Maintenance of State Buildings Revolving Fund,
- i. analyze the capacity of the state to incur debt or finance public capital facilities,
- j. include a comprehensive listing of all capital expenditures 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,
- k. forecast the requirements for capital projects of state agencies for the ~~eight-year-period~~ eight-year period and for such additional periods, if any, as may be necessary or desirable for adequate presentation of particular capital projects, and include a schedule for the planning and implementation or construction of such capital projects,
- l. set forth a proposed itemized budget for the next fiscal year of recommended capital expenditures inclusive of all funding sources, for each agency, including facility rent and lease payments, energy and

utility expenditures, operations and maintenance, capital improvements and capital development projects as necessary to optimize and preserve the state's capital assets,

- m. include the findings of the Oklahoma State Government Asset Reduction and Cost Savings Program and the indexing of the most necessary capital improvements to the expenditure of funds from the Maintenance of State Buildings Revolving Fund,
- n. include such other information as the Commission deems relevant to its duties, and
- o. include findings of the Oklahoma State Government Asset Reduction and Cost Savings Program and the indexing of the most necessary capital improvements to the expenditure of funds from the Maintenance of State Buildings Revolving Fund.

G. The capital plan budget shall include, for each expenditure and class of expenditures, the capital facility costs to be incurred during the next ensuing fiscal year, inclusive of 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 subsection H of this section.

H. The Commission, with the assistance of the Office of Management and Enterprise Services, 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.

I. 1. The Commission, the Office of Management and Enterprise Services, and the ~~Oklahoma State Bond Advisor~~ Deputy Treasurer for Debt Management may request the assistance of such personnel of 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 Commission may use existing studies, surveys, plans, data and other materials in the possession of any state agency. Each such agency shall 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.

2. The officers and personnel of any state agency 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.

J. This section shall not be applicable to the following or their lands, properties, buildings, funds or revenue:

1. The Oklahoma Ordnance Works Authority; and
2. The Commissioners of the Land Office.

K. The Commission shall develop plans, adopt authorizations, and fulfill the duties required pursuant to Section 188A of Title 73 of the Oklahoma Statutes.

SECTION 2. AMENDATORY Section 3, Chapter 441, O.S.L. 2024 (73 O.S. Supp. 2024, Section 188A), is amended to read as follows:

Section 188A. A. ~~There is hereby created the Oklahoma Capital Assets Management and Protection Board (OCAMP Board).~~ The Board Long-Range Capital Planning Commission 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 members to be appointed as follows:~~

~~1. 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;~~

~~2. The Chancellor of Higher Education or a designee; and~~

~~3. 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 Commission 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~~ year 2026, the Board Commission 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. for the following:~~

(1) twenty percent (20%) of those monies allocated shall be for four-year colleges and universities receiving a Research Colleges and Universities designation from the Carnegie Classification of Institutions of Higher Education to be further allocated as follows:

(a) fifty percent (50%) for those colleges and universities defined as a historically black college or university pursuant to the federal Higher Education Act of 1965, as amended, and

(b) fifty percent (50%) of those monies allocated shall be for other colleges and universities,

(2) thirty-five percent (35%) of those monies allocated shall be for two-year institutions of higher education within The Oklahoma State System of Higher Education, and

(3) forty-five percent (45%) of those monies allocated shall be for all 4-year colleges and universities except the University of Oklahoma located in Norman, Oklahoma, and Oklahoma State University located in Stillwater, Oklahoma,

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

~~G.~~ E. The ~~Board~~ Commission 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~~ the Oklahoma Capital Assets Maintenance and Protection Act for no less than one (1) year.

SECTION 3. AMENDATORY Section 2, Chapter 441, O.S.L. 2024 (73 O.S. Supp. 2024, Section 188B), is amended to read as follows:

Section 188B. 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~~ Long-Range Capital Planning Commission. 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~~ Commission. 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~~ Commission. Such memoranda of understanding shall not constitute a legal obligation of ~~the State of Oklahoma~~ this state.

C. Limited to the extent required for projects specifically authorized under the provisions of ~~this act~~ the Oklahoma Capital Assets Maintenance and Protection 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 4. This act shall become effective July 1, 2025.

SECTION 5. 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 20th day of May, 2025.

Presiding Officer of the Senate

Passed the House of Representatives the 22nd day of May, 2025.

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: _____