

1 ENGROSSED SENATE
2 BILL NO. 1169

By: Hall and Haste of the
Senate

3 and

4 Caldwell (Trey) and Kane of
the House

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6
7 An Act relating to state property; amending 62 O.S.
8 2021, Section 901, which relates to the Long-Range
Capital Planning Commission; prescribing duties of
the Commission; amending Sections 3 and 2, Chapter
9 441, O.S.L. 2024 (73 O.S. Supp. 2024, Sections 188A
10 and 188B), which relate to the Oklahoma Capital
Assets Maintenance and Protection Act; dissolving the
11 Oklahoma Capital Assets Management and Protection
Board; requiring the Long-Range Capital Planning
Commission to develop and update certain plans;
12 modifying allocation requirements of funds deposited
in the Oklahoma Capital Assets Maintenance and
13 Protection Fund; eliminating fiscal year allocation
limitation; updating statutory language; updating
14 statutory references; providing an effective date;
and declaring an emergency.

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

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

20 Section 901. A. There is hereby created a Long-Range Capital
Planning Commission to advise and assist the Legislature in
21 providing for real property capital facility needs for this state.

22 The Commission shall consist of nine (9) members as follows:

1 1. Three members appointed by the President Pro Tempore of the
2 Senate;

3 2. Three members appointed by the Speaker of the House of
4 Representatives; and

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

6 All appointees shall be from the public at large. Within thirty

7 (30) days of ~~the effective date of this act~~ July 1, 2013, the
8 appointing authorities shall appoint new members to the Commission;
9 provided, a member serving on ~~the effective date of this act~~ July 1,
10 2013, may be reappointed if he or she is otherwise qualified. Of

11 the members initially appointed by each appointing authority after

12 ~~the effective date of this act~~ July 1, 2013, one shall be appointed
13 for a one-year term, one shall be appointed for a two-year term and
14 one shall be appointed for a three-year term. Thereafter, their

15 successors shall be appointed for four-year terms. Any vacancy

16 shall be filled for the remainder of the unexpired term in the same
17 manner as the original appointment. The appointing authorities

18 shall appoint members who possess knowledge, skills and abilities to
19 perform the duties of the Commission. No member of the Commission

20 shall be interested, directly or indirectly, in any contract entered
21 into for a project approved by the Commission during the period of
22 service of the member, nor shall any person be appointed as a member
23 of the Commission if such person is interested, directly or
24 indirectly, in a contract entered into for a project approved prior

1 to the appointment. An indirect interest shall include, but not be
2 limited to, an interest of an immediate family member of the member
3 of the Commission or a business with which the member of the
4 Commission is associated.

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

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

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

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

20 F. 1. The Commission shall prepare each year an annual capital
21 plan budget and a state capital plan for addressing state capital
22 facility needs for the next ensuing eight (8) years. The Oklahoma
23 State Regents for Higher Education and each state governmental
24 entity as defined in Section 695.3 of this title shall cooperate

1 with the Commission in the preparation of the state plan. Each
2 year, on or about December 1, the plan shall be submitted to the
3 Governor, Speaker of the House of Representatives and President Pro
4 Tempore of the Senate. The Long-Range Capital Planning Commission
5 shall annually update the eight-year plan. The Office of Management
6 and Enterprise Services shall perform routine services to support
7 the eight-year plan, including, but not limited to, agency-level
8 planning, real estate services, construction services and facility
9 operations as provided by law.

10 2. In addition to the requirements set forth in Section 40
11 901.1 of this ~~act title~~, the capital plan should:

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

- 1 e. address agency strategic facility plans for new,
2 improved, renovated, or expanded capital facilities or
3 facilities that should be reallocated or liquidated,
4 f. include estimates of life cycle costs for new and
5 substantially expanded or renovated facilities,
6 g. evaluate the effectiveness of planning processes at
7 the agency level to account for all capital facility
8 costs for incorporation into the annual capital
9 budget,
10 h. account for projections of debt service and revenues
11 available from general obligation bonds and other
12 sources, including, but not limited to, the
13 Maintenance of State Buildings Revolving Fund,
14 i. analyze the capacity of the state to incur debt or
15 finance public capital facilities,
16 j. include a comprehensive listing of all capital
17 expenditures of the state which the Commission
18 recommends be undertaken or continued for any state
19 agency in the next two (2) fiscal years, together with
20 information as to the effect of such capital projects
21 on future operating expenses of the state, and with
22 recommendations as to the priority of such capital
23 projects and the means of funding them,

- 1 k. forecast the requirements for capital projects of
2 state agencies for the ~~eight-year period~~ eight-year
3 period and for such additional periods, if any, as may
4 be necessary or desirable for adequate presentation of
5 particular capital projects, and include a schedule
6 for the planning and implementation or construction of
7 such capital projects,
- 8 l. set forth a proposed itemized budget for the next
9 fiscal year of recommended capital expenditures
10 inclusive of all funding sources, for each agency,
11 including facility rent and lease payments, energy and
12 utility expenditures, operations and maintenance,
13 capital improvements and capital development projects
14 as necessary to optimize and preserve the state's
15 capital assets,
- 16 m. include the findings of the Oklahoma State Government
17 Asset Reduction and Cost Savings Program and the
18 indexing of the most necessary capital improvements to
19 the expenditure of funds from the Maintenance of State
20 Buildings Revolving Fund,
- 21 n. include such other information as the Commission deems
22 relevant to its duties, and
- 23 o. include findings of the Oklahoma State Government
24 Asset Reduction and Cost Savings Program and the

1 indexing of the most necessary capital improvements to
2 the expenditure of funds from the Maintenance of State
3 Buildings Revolving Fund.

4 G. The capital plan budget shall include, for each expenditure
5 and class of expenditures, the capital facility costs to be incurred
6 during the next ensuing fiscal year, inclusive of the annual
7 operating and maintenance costs of such facilities and a schedule of
8 depreciation calculated in accordance with the principles and
9 standards of capital budgeting authorized by subsection H of this
10 section.

11 H. The Commission, with the assistance of the Office of
12 Management and Enterprise Services, shall prepare and publish rules
13 and regulations that set forth principles and standards for capital
14 planning and budgeting to be used by state agencies. The rules and
15 regulations shall set forth definitions of relevant terms to be used
16 in the capital planning and budgeting processes, establish
17 accounting standards and standards for costs and benefits of public
18 facility investments.

19 I. 1. The Commission, the Office of Management and Enterprise
20 Services, and the ~~Oklahoma State Bond Advisor Deputy Treasurer for~~
21 Debt Management may request the assistance of such personnel of any
22 state agency in order to perform their duties pursuant to the State
23 Capital Improvement Planning Act and such agencies shall respond and
24 provide any such assistance as may be required. The Commission may

1 use existing studies, surveys, plans, data and other materials in
2 the possession of any state agency. Each such agency shall make the
3 same available to the Commission so that the Commission may have
4 available to it current information with respect to the capital
5 plans and programs of each such agency.

6 2. The officers and personnel of any state agency may serve at
7 the request of the Commission upon such advisory committees as the
8 Commission may create and such officers and personnel may serve upon
9 such committees without forfeiture of office or employment and with
10 no loss or diminution of the compensation, status, rights and
11 privileges which they otherwise enjoy.

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

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

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

19 SECTION 2. AMENDATORY Section 3, Chapter 441, O.S.L.

20 2024 (73 O.S. Supp. 2024, Section 188A), is amended to read as
21 follows:

22 Section 188A. A. ~~There is hereby created the Oklahoma Capital~~
23 ~~Assets Management and Protection Board (OCAMP Board).~~ The ~~Board~~
24 Long-Range Capital Planning Commission shall develop plans and adopt

1 authorizations directing the Oklahoma Capitol Improvement Authority
2 on the utilization of Oklahoma Capital Assets Maintenance and
3 Protection Fund monies.

4 ~~B. The Board shall consist of members to be appointed as~~
5 follows:

6 ~~1. Three members appointed by the Governor, at least one of~~
7 ~~whom shall have no less than ten (10) years of experience in the~~
8 ~~construction industry;~~

9 ~~2. The Chancellor of Higher Education or a designee; and~~
10 ~~3. The Executive Director of the Oklahoma Tourism and~~
11 Recreation Department or a designee.

12 ~~C. The chair and vice chair of the Board shall be elected by~~
13 ~~the Board members at the first meeting of the Board and shall~~
14 ~~preside over meetings of the Board and perform other duties as may~~
15 ~~be required by the Board. The Board shall elect a chair and vice~~
16 ~~chair no less than once a calendar year.~~

17 D. 1. The ~~Board~~ Commission shall develop and adopt the
18 following five-year plans to provide for allocations and
19 expenditures of the Oklahoma Capital Assets Maintenance and
20 Protection Fund as follows:

21 a. the OCAMP Higher Education Five-year Plan, for the
22 maintaining and repairing of state-owned properties
23 and buildings of public institutions of higher
24 learning,

- 1 b. the OCAMP Tourism and Recreation Five-year Plan, for
2 the maintaining and repairing of properties and
3 buildings of state parks operated by the Oklahoma
4 Tourism and Recreation Department, and
5 c. the OCAMP State Five-year Plan, for the maintaining
6 and repairing of all state-owned properties and
7 buildings.

8 2. For fiscal ~~years 2026 through 2028~~ year 2026, the Board
9 Commission shall allocate Oklahoma Capital Assets Maintenance and
10 Protection Fund monies to such five-year plans in the following
11 proportions:

- 12 a. the OCAMP Higher Education Five-year Plan shall be
13 allocated forty-five percent (45%) of such monies.
14 ~~Twenty percent (20%) of those monies allocated shall~~
15 ~~be for comprehensive institutions of higher education~~
16 ~~within The Oklahoma State System of Higher Education,~~
17 ~~fifty percent (50%) for all four-year colleges and~~
18 ~~universities except the University of Oklahoma located~~
19 ~~in Norman, Oklahoma, and Oklahoma State University~~
20 ~~located in Stillwater, Oklahoma, and thirty percent~~
21 ~~(30%) for two-year institutions of higher education~~
22 ~~within The Oklahoma State System of Higher Education.~~
23 for the following:

- 1 (1) twenty percent (20%) of those monies allocated
2 shall be for four-year colleges and universities
3 receiving a Research Colleges and Universities
4 designation from the Carnegie Classification of
5 Institutions of Higher Education to be further
6 allocated as follows:
- 7 (a) fifty percent (50%) for those colleges and
8 universities defined as a historically black
9 college or university pursuant to the
10 federal Higher Education Act of 1965, as
11 amended, and
- 12 (b) fifty percent (50%) of those monies
13 allocated shall be for other colleges and
14 universities,
- 15 (2) thirty-five percent (35%) of those monies
16 allocated shall be for two-year institutions of
17 higher education within The Oklahoma State System
18 of Higher Education, and
- 19 (3) forty-five percent (45%) of those monies
20 allocated shall be for all 4-year colleges and
21 universities except the University of Oklahoma
22 located in Norman, Oklahoma, and Oklahoma State
23 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
s often than biennially. Upon the adoption of such plans and
n each update to such plans, a report detailing such plans shall
submitted by electronic means to the Governor, the President Pro
pore 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.

1 SECTION 3. AMENDATORY Section 2, Chapter 441, O.S.L.

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

4 Section 188B. A. There is hereby created in the State Treasury
5 a revolving fund for the Oklahoma Capitol Improvement Authority to
6 be designated the "Oklahoma Capital Assets Maintenance and
7 Protection Fund" (OCAMP Fund). The fund shall be a continuing fund,
8 not subject to fiscal year limitations, and shall consist of all
9 monies received by the Oklahoma Capitol Improvement Authority
10 eligible under law and directed for deposit to the fund. All monies
11 accruing to the credit of the fund are hereby appropriated and,
12 except for the transfer required pursuant to Enrolled Senate Bill
13 No. 1125 of the 2nd Session of the 59th Oklahoma Legislature, may be
14 allocated, budgeted, and expended by the Oklahoma Capitol
15 Improvement Authority as directed by the ~~Oklahoma Capital Assets~~
16 ~~Management and Protection Board created in Section 3 of this act~~
17 Long-Range Capital Planning Commission. Such allocations,
18 budgeting, and expenditures shall strictly adhere to the specific
19 terms, limitations, purposes, and requirements described in the
20 directive adopted by the ~~Oklahoma Capital Assets Management and~~
21 ~~Protection Board Commission~~. Expenditures from the fund shall be
22 made upon warrants issued by the State Treasurer against claims
23 filed as prescribed by law with the Director of the Office of
24 Management and Enterprise Services for approval and payment.

1 B. The Oklahoma Capitol Improvement Authority shall be
2 authorized to enter into memoranda of understanding with agencies,
3 departments, and subdivisions of the state as provided by law and as
4 deemed necessary by the Authority to administer expenditures from
5 and allocations and deposits to and from the Oklahoma Capital Assets
6 Maintenance and Protection Fund, provided that such memoranda of
7 understanding do not conflict with or impede the administration of
8 capital projects specifically authorized by law or directed by the
9 ~~Oklahoma Capital Assets Management and Protection Board Commission.~~
10 Such memoranda of understanding shall not constitute a legal
11 obligation of ~~the State of Oklahoma~~ this state.

12 C. Limited to the extent required for projects specifically
13 authorized under the provisions of ~~this act~~ the Oklahoma Capital
14 Assets Maintenance and Protection Act, the Oklahoma Capitol
15 Improvement Authority shall be authorized to:

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

18 2. Provide for the construction of improvements to real
19 property and to provide funding for repairs, refurbishments,
20 deferred maintenance, and improvements to real and personal
21 property;

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

1 4. Lease, transfer, and otherwise legally dispose of property
2 and improvements as necessary to comply with legal directives and
3 authorizations.

4 D. No later than January 15 annually, the Oklahoma Capitol
5 Improvement Authority shall submit electronically to the Governor,
6 the President Pro Tempore of the Senate, the Speaker of the House of
7 Representatives, the Chair of the Appropriations Committee of the
8 Senate, and the Chair of the Appropriations and Budget Committee of
9 the House of Representatives a report detailing impacts to the
10 balance of the Oklahoma Capital Assets Maintenance and Protection
11 Fund occurring in the prior calendar year, including, but not
12 limited to, all distributions, expenditures, collections, and
13 deposits of the Oklahoma Capital Assets Maintenance and Protection
14 Fund.

15 E. ~~No allocations shall be made by the Oklahoma Capital Assets~~
16 ~~Management and Protection Board from the Oklahoma Capital Assets~~
17 ~~Maintenance and Protection Fund in fiscal year 2025. Allocations~~
18 ~~made by the Board from the Fund shall not exceed Seventy-five~~
19 ~~Million Dollars (\$75,000,000.00) in each fiscal year for fiscal~~
20 ~~years 2026 through 2028.~~

21 SECTION 4. This act shall become effective July 1, 2025.

22 SECTION 5. It being immediately necessary for the preservation
23 of the public peace, health or safety, an emergency is hereby
24

1 declared to exist, by reason whereof this act shall take effect and
2 be in full force from and after its passage and approval.

3 Passed the Senate the 20th day of May, 2025.

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5 Presiding Officer of the Senate

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7 Passed the House of Representatives the _____ day of _____,
8 2025.

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10 Presiding Officer of the House
11 of Representatives

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