

1 STATE OF OKLAHOMA

2 1st Session of the 55th Legislature (2015)

3 SENATE BILL 142

By: Simpson

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5  
6 AS INTRODUCED

7 An Act relating to public finance; amending 62 O.S.  
8 2011, Section 901, as last amended by Section 9,  
9 Chapter 209, O.S.L. 2013 (62 O.S. Supp. 2014, Section  
10 901), which relates to long-range capital planning;  
11 providing exemption for the Oklahoma Army and Air  
12 National Guard; and declaring an emergency.

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

14 SECTION 1. AMENDATORY 62 O.S. 2011, Section 901, as last  
15 amended by Section 9, Chapter 209, O.S.L. 2013 (62 O.S. Supp. 2014,  
16 Section 901), is amended to read as follows:

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

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

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

22 2. Three members appointed by the Speaker of the House of  
23 Representatives; and

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

1 All appointees shall be from the public at large. Within thirty  
2 (30) days of ~~the effective date of this act~~ May 28, 1992, the  
3 appointing authorities shall appoint new members to the Commission;  
4 provided, a member serving on ~~the effective date of this act~~ May 28,  
5 1992, may be reappointed if he or she is otherwise qualified. Of  
6 the members initially appointed by each appointing authority after  
7 ~~the effective date of this act~~ May 28, 1992, one shall be appointed  
8 for a one-year term, one shall be appointed for a two-year term and  
9 one shall be appointed for a three-year term. Thereafter, their  
10 successors shall be appointed for four-year terms. Any vacancy  
11 shall be filled for the remainder of the unexpired term in the same  
12 manner as the original appointment. The appointing authorities  
13 shall appoint members who possess knowledge, skills and abilities to  
14 perform the duties of the Commission. No member of the Commission  
15 shall be interested, directly or indirectly, in any contract entered  
16 into for a project approved by the Commission during the period of  
17 service of the member, nor shall any person be appointed as a member  
18 of the Commission if such person is interested, directly or  
19 indirectly, in a contract entered into for a project approved prior  
20 to the appointment. An indirect interest shall include, but not be  
21 limited to, an interest of an immediate family member of the member  
22 of the Commission or a business with which the member of the  
23 Commission is associated.

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

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

9 D. The Commission shall have the authority to promulgate rules  
10 and regulations necessary to implement the provisions of this act.

11 E. The Office of Management and Enterprise Services, with the  
12 advice and assistance of the Oklahoma State Bond Advisor, shall  
13 provide staffing for the Commission and other such assistance as the  
14 Commission may require.

15 F. 1. The Commission shall prepare each year an annual capital  
16 plan budget and a state capital plan for addressing state capital  
17 facility needs for the next ensuing eight (8) years. The Oklahoma  
18 State Regents for Higher Education and each state governmental  
19 entity as defined in Section 695.3 of this title shall cooperate  
20 with the Commission in the preparation of the state plan. Each  
21 year, on or about December 1, the plan shall be submitted to the  
22 Governor, Speaker of the House of Representatives and President Pro  
23 Tempore of the Senate. The Long-Range Capital Planning Commission  
24 shall annually update the eight-year plan. The Office of Management

1 and Enterprise Services shall perform routine services to support  
2 the eight-year plan, including but not limited to, agency-level  
3 planning, real estate services, construction services and facility  
4 operations as provided by law.

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

- 7 a. supplement and integrate, not replace, existing  
8 capital planning processes,
- 9 b. assess long-term needs for capital facilities to  
10 support state government needs as determined by the  
11 Commission,
- 12 c. review and assess the inventory of capital facilities  
13 held by the state, and make recommendations on  
14 reallocation, reuse or liquidation of properties for  
15 incorporation into the annual capital plan,
- 16 d. include a projection of economic and demographic  
17 trends likely to influence the needs of state  
18 government during the eight-year period,
- 19 e. address agency strategic facility plans for new,  
20 improved, renovated, or expanded capital facilities or  
21 facilities that should be reallocated or liquidated,
- 22 f. include estimates of life cycle costs for new and  
23 substantially expanded or renovated facilities,

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- 1 g. evaluate the effectiveness of planning processes at  
2 the agency level to account for all capital facility  
3 costs for incorporation into the annual capital  
4 budget,
- 5 h. account for projections of debt service and revenues  
6 available from general obligation bonds and other  
7 sources, including but not limited to, the Maintenance  
8 of State Buildings Revolving Fund,
- 9 i. analyze the capacity of the state to incur debt or  
10 finance public capital facilities,
- 11 j. include a comprehensive listing of all capital  
12 expenditures of the state which the Commission  
13 recommends be undertaken or continued for any state  
14 agency in the next two (2) fiscal years, together with  
15 information as to the effect of such capital projects  
16 on future operating expenses of the state, and with  
17 recommendations as to the priority of such capital  
18 projects and the means of funding them,
- 19 k. forecast the requirements for capital projects of  
20 state agencies for the eight-year-period and for such  
21 additional periods, if any, as may be necessary or  
22 desirable for adequate presentation of particular  
23 capital projects, and include a schedule for the  
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1 planning and implementation or construction of such  
2 capital projects,

3 1. set forth a proposed itemized budget for the next  
4 fiscal year of recommended capital expenditures  
5 inclusive of all funding sources, for each agency,  
6 including facility rent and lease payments, energy and  
7 utility expenditures, operations and maintenance,  
8 capital improvements and capital development projects  
9 as necessary to optimize and preserve the state's  
10 capital assets,

11 m. include the findings of the Oklahoma State Government  
12 Asset Reduction and Cost Savings Program and the  
13 indexing of the most necessary capital improvements to  
14 the expenditure of funds from the Maintenance of State  
15 Buildings Revolving Fund,

16 n. include such other information as the Commission deems  
17 relevant to its duties, and

18 o. include findings of the Oklahoma State Government  
19 Asset Reduction and Cost Savings Program and the  
20 indexing of the most necessary capital improvements to  
21 the expenditure of funds from the Maintenance of State  
22 Buildings Revolving Fund.

23 G. The capital plan budget shall include, for each expenditure  
24 and class of expenditures, the capital facility costs to be incurred

1 during the next ensuing fiscal year, inclusive of the annual  
2 operating and maintenance costs of such facilities and a schedule of  
3 depreciation calculated in accordance with the principles and  
4 standards of capital budgeting authorized by subsection H of this  
5 section.

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

14 I. 1. The Commission, the Office of Management and Enterprise  
15 Services, and the Oklahoma State Bond Advisor may request the  
16 assistance of such personnel of any state agency in order to perform  
17 their duties pursuant to the State Capital Improvement Planning Act  
18 and such agencies shall respond and provide any such assistance as  
19 may be required. The Commission may use existing studies, surveys,  
20 plans, data and other materials in the possession of any state  
21 agency. Each such agency shall make the same available to the  
22 Commission so that the Commission may have available to it current  
23 information with respect to the capital plans and programs of each  
24 such agency.

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

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

- 9           1. The Oklahoma Ordnance Works Authority; ~~and~~
- 10          2. The Commissioners of the Land Office; and
- 11          3. The Oklahoma Army and Air National Guard.

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

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