

1 STATE OF OKLAHOMA

2 1st Session of the 59th Legislature (2023)

3 SENATE BILL 415

By: Pemberton

4  
5  
6 AS INTRODUCED

7 An Act relating to state government; amending 74 O.S.  
8 2021, Section 61.8, which relates to the Long-Range  
9 Capital Planning Commission; providing additional  
10 exemption; updating statutory reference; and  
11 providing an effective date.

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

13 SECTION 1. AMENDATORY 74 O.S. 2021, Section 61.8, is  
14 amended to read as follows:

15 Section 61.8. A. The Long-Range Capital Planning Commission  
16 shall work to decrease the amount of property owned by Oklahoma  
17 state government, return state-owned property to private sector  
18 ownership, better maintain and utilize the state's needed capital  
19 assets and, whenever possible, eliminate the practice of state  
20 agencies leasing real property not owned by the state.

21 B. Each year, the Director of the Office of Management and  
22 Enterprise Services at the direction of the Long-Range Capital  
23 Planning Commission, shall take action to approve the privatization  
24 of state-owned real property as identified pursuant to the Oklahoma

1 State Government Asset Reduction and Cost Savings Program. Proceeds  
2 from the liquidation of real properties shall be deposited into the  
3 Maintenance of State Buildings Revolving Fund.

4 C. Prior to entering into or renewing a lease for real  
5 property, each state agency, board, commission, and public trust  
6 having ~~the State of Oklahoma~~ this state as a beneficiary shall  
7 receive approval for entering into the lease from the Office of  
8 Management and Enterprise Services.

9 D. Prior to making a purchase of real property or constructing  
10 a building, each state agency, board, commission, and public trust  
11 having ~~the State of Oklahoma~~ this state as a beneficiary shall  
12 receive approval for the purchase or construction from the Director  
13 of the Office of Management and Enterprise Services; provided, if  
14 such purchase or construction is deemed by the Director of the  
15 Office of Management and Enterprise Services to be within the  
16 authority of the Long-Range Capital Planning Commission, the  
17 Director shall not approve the purchase or construction and shall  
18 refer the request to the Commission for action.

19 E. Prior to approval or referral pursuant to subsection C or D  
20 of this section, the Office of Management and Enterprise Services  
21 shall determine if the applicant entity can utilize already existing  
22 state-owned real property as an alternative to leasing non-state-  
23 owned real property or purchasing or constructing new real property.  
24 If such existing state-owned real property is owned by the Oklahoma

1 Historical Society, is listed on the National Register of Historic  
2 Places or with the National Trust for Historic Preservation, or is  
3 potentially of historical significance, the Office of Management and  
4 Enterprise Services shall notify the Oklahoma Historical Society and  
5 obtain its approval prior to approving an application for its reuse.

6 F. No state agency, board, commission or public trust having  
7 the state as its beneficiary shall transfer any real property owned  
8 by the agency, board, commission or trust to any other state agency,  
9 board, commission, state beneficiary trust or any public or private  
10 entity unless the transfer is first approved by the Long-Range  
11 Capital Planning Commission. Any transfer made without the prior  
12 approval of the Long-Range Capital Planning Commission as required  
13 by this subsection may be reversed by the Long-Range Capital  
14 Planning Commission and if a transfer is reversed the agency, board,  
15 commission, state beneficiary trust or other state government entity  
16 to which the real property has been impermissibly transferred shall  
17 take such actions to convey the subject property to the entity from  
18 which the asset was acquired not later than thirty (30) days from  
19 the date an order for such transfer is entered by the Long-Range  
20 Capital Planning Commission. The Commission shall not approve any  
21 transfer unless proceeds from the sale shall be deposited within the  
22 Maintenance of State Buildings Revolving Fund as established by  
23 Section 908 of Title 62 of the Oklahoma Statutes.

1 G. By February 1 of each year, the Office of Management and  
2 Enterprise Services shall publish a report for the preceding  
3 calendar year listing the parcels of previously state-owned property  
4 sold, detailing the reduction in the amount of space leased by the  
5 state, describing the source of funds and expenditures from the  
6 Maintenance of State Buildings Revolving Fund and showing the manner  
7 in which deferred maintenance needs are being met. The report shall  
8 be provided to the Governor, Speaker of the House of  
9 Representatives, President Pro Tempore of the Senate and placed on  
10 the documents.ok.gov web portal.

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

- 13 1. The Oklahoma Ordnance Works Authority;
- 14 2. The Commissioners of the Land Office;
- 15 3. The ~~Oklahoma~~ Department of Transportation; ~~and~~
- 16 4. The Oklahoma Turnpike Authority; and
- 17 5. Institutions comprising The Oklahoma State System of Higher  
18 Education.

19 I. The Director of the Office of Management and Enterprise  
20 Services may make recommendations to the Long-Range Capital Planning  
21 Commission for liquidation of underutilized properties that have  
22 environmental issues, create a liability for the state, or create  
23 expenses that make the continued ownership of the underutilized  
24 property undesirable and the property has been offered through two

1 public auctions or sealed bids and no viable bids were received. If  
2 the Long-Range Capital Planning Commission approves the liquidation  
3 of the property, the Office of Management and Enterprise Services  
4 may accept a bid of less than ninety percent (90%) of the appraised  
5 value in accordance with Section 327 of Title 61 of the Oklahoma  
6 Statutes.

7 SECTION 2. This act shall become effective November 1, 2023.

8  
9 59-1-751 KR 1/16/2023 2:54:43 PM  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25