

1 **HOUSE OF REPRESENTATIVES - FLOOR VERSION**

2 STATE OF OKLAHOMA

3 1st Session of the 59th Legislature (2023)

4 ENGROSSED SENATE

5 BILL NO. 415

By: Pemberton of the Senate

and

Moore of the House

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

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

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

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

23 B. Each year, the Director of the Office of Management and
24 Enterprise Services at the direction of the Long-Range Capital

1 Planning Commission, shall take action to approve the privatization
2 of state-owned real property as identified pursuant to the Oklahoma
3 State Government Asset Reduction and Cost Savings Program. Proceeds
4 from the liquidation of real properties shall be deposited into the
5 Maintenance of State Buildings Revolving Fund.

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

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

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

1 owned real property or purchasing or constructing new real property.
2 If such existing state-owned real property is owned by the Oklahoma
3 Historical Society, is listed on the National Register of Historic
4 Places or with the National Trust for Historic Preservation, or is
5 potentially of historical significance, the Office of Management and
6 Enterprise Services shall notify the Oklahoma Historical Society and
7 obtain its approval prior to approving an application for its reuse.

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

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1 Maintenance of State Buildings Revolving Fund as established by
2 Section 908 of Title 62 of the Oklahoma Statutes.

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

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

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

21 I. The Director of the Office of Management and Enterprise
22 Services may make recommendations to the Long-Range Capital Planning
23 Commission for liquidation of underutilized properties that have
24 environmental issues, create a liability for the state, or create

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

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

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11 COMMITTEE REPORT BY: COMMITTEE ON GENERAL GOVERNMENT, dated
12 04/11/2023 - DO PASS.

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