

FLOOR AMENDMENT

HOUSE OF REPRESENTATIVES

State of Oklahoma

SPEAKER:

CHAIR:

I move to amend HB4013 _____
Of the printed Bill
Page _____ Section _____ Lines _____
Of the Engrossed Bill

By striking the Title, the Enacting Clause, the entire bill, and by inserting in lieu thereof the following language:

AMEND TITLE TO CONFORM TO AMENDMENTS

Adopted: _____

Amendment submitted by: Mark McBride _____

Reading Clerk

1 STATE OF OKLAHOMA

2 2nd Session of the 59th Legislature (2024)

3 FLOOR SUBSTITUTE
4 FOR

5 HOUSE BILL NO. 4013

By: McBride and Menz of the
House

6 and

7 Pugh of the Senate

8
9 FLOOR SUBSTITUTE

10 [Higher Education Capital Financing Act - Higher
11 Education Capital Needs Evaluation Committee -
12 annual reporting - Higher Education Capital Needs
13 Five-Year Forecast - Higher Education Capital
14 Financing Fund - budgeting procedures - memoranda
15 of understanding - legal status - apportionment of
16 income tax collections - powers and duties of the
17 Oklahoma State Regents for Higher Education - dual
18 office holding exemption - noncodification -
19 codification - effective date -
20 emergency]

21
22 BE IT ENACTED BY THE PEOPLE OF THE STATE OF OKLAHOMA:

23 SECTION 1. NEW LAW A new section of law not to be
24 codified in the Oklahoma Statutes reads as follows:

1 This act shall be known and may be cited as the "Oklahoma State
2 Agency and Higher Education Capital Financing Act".

3 SECTION 2. NEW LAW A new section of law to be codified
4 in the Oklahoma Statutes as Section 2244 of Title 70, unless there
5 is created a duplication in numbering, reads as follows:

6 A. There is hereby created the Oklahoma State Agency and Higher
7 Education Capital Needs Evaluation Committee.

8 B. The Committee shall consist of the following persons:

9 1. Three (3) persons to be appointed by the Governor;

10 2. One person to be appointed by the Speaker of the Oklahoma
11 House of Representatives, who shall have at least ten (10) years
12 demonstrated experience in the construction industry, whether as a
13 general contractor or a combination of experience as a general
14 contractor along with other construction-related experience;

15 3. One person to be appointed by the President Pro Tempore of
16 the Oklahoma State Senate, who shall have at least ten (10) years
17 demonstrated experience in the construction industry, whether as a
18 general contractor or a combination of experience as a general
19 contractor along with other construction-related experience;

20 4. One person to be appointed by the Board of Regents of the
21 University of Oklahoma;

22 5. One person to be appointed by the Board of Regents of
23 Oklahoma State University;

24

1 6. One person to be appointed by the Board of Regents for the
2 Regional University System of Oklahoma; and

3 7. One person to be appointed by the board of regents for non-
4 system-affiliated public colleges.

5 C. The Committee shall be authorized to meet as often as
6 required in order to perform the duties imposed upon it pursuant to
7 law. The Committee shall select from among its membership a chair
8 and co-chair. A majority of the members of the Committee shall be
9 required to give final approval to the list of capital projects for
10 each funding period as prescribed by subsection D of this section.

11 D. The Committee shall evaluate the capital requirements for
12 critical infrastructure needs of both executive branch agencies and
13 also critical infrastructure needs of The Oklahoma State System of
14 Higher Education each year and shall establish a schedule for the
15 projects and make recommendations to the Governor and to the
16 Legislature according to the provisions of subsection E of this
17 section.

18 E. Beginning December 31, 2024, and no later than December 31
19 each year thereafter, the State Agency and Higher Education Capital
20 Needs Evaluation Committee shall submit in written or electronic
21 format to the Governor, the Speaker of the Oklahoma House of
22 Representatives, the President Pro Tempore of the Oklahoma State
23 Senate, the Appropriations and Budget Chair of the Oklahoma House of
24 Representatives, and the Appropriations Chair of the Oklahoma State

1 Senate an annual report on the infrastructure and construction needs
2 of The Oklahoma State System of Higher Education. The annual report
3 shall be known and may be cited as the Higher Education Capital
4 Needs Five-Year Forecast, and shall include:

5 1. Infrastructure and construction projects listed in order of
6 priority and critical need;

7 2. Cost estimates for each specific project listed in paragraph
8 1 of this subsection;

9 3. Completion timeline for each specific project listed in
10 paragraph 1 of this subsection; and

11 4. A summary of the status of projects previously funded and
12 currently being funded pursuant to the provisions of the Higher
13 Education Capital Financing Act.

14 F. Each funding cycle beginning with the report submitted not
15 later than December 31, 2024, shall provide an allocation of Two
16 Hundred Million Dollars (\$200,000,000.00) for the capital projects
17 submitted for approval by the Committee.

18 SECTION 3. NEW LAW A new section of law to be codified
19 in the Oklahoma Statutes as Section 188B of Title 73, unless there
20 is created a duplication in numbering, reads as follows:

21 There is hereby created in the State Treasury a revolving fund
22 for the Oklahoma Capitol Improvement Authority to be designated the
23 "Higher Education Capital Financing Fund". The fund shall be a
24 continuing fund, not subject to fiscal year limitations, and shall

1 consist of all monies received by the Oklahoma Capitol Improvement
2 Authority eligible under law and directed for deposit. All monies
3 accruing to the credit of said fund are hereby appropriated and may
4 be budgeted and expended by the Oklahoma Capitol Improvement
5 Authority for capital projects specifically and exclusively as
6 authorized by law. Such budgeting and expenditure shall strictly
7 adhere to the specific terms, limitations, purposes, and
8 requirements described in such authorizations and in this act.
9 Expenditures from said fund shall be made upon warrants issued by
10 the State Treasurer against claims filed as prescribed by law with
11 the Director of the Office of Management and Enterprise Services for
12 approval and payment.

13 SECTION 4. NEW LAW A new section of law to be codified
14 in the Oklahoma Statutes as Section 188C of Title 73, unless there
15 is created a duplication in numbering, reads as follows:

16 A. The Oklahoma Capitol Improvement Authority shall be
17 authorized to enter into memoranda of understanding with any
18 executive branch agency or with the Oklahoma State Regents for
19 Higher Education as provided by law and with the board of regents
20 for non-system-affiliated public colleges and as deemed necessary by
21 the Authority to administer expenditures from and deposits to the
22 State Agency and Higher Education Capital Financing Fund; provided
23 that such memoranda of understanding do not conflict with or impede
24 the administration of capital projects specifically authorized by

1 law. Such memoranda of understanding shall not constitute a legal
2 obligation of the State of Oklahoma.

3 B. Limited to the extent required for projects specifically
4 authorized through the Oklahoma State Agency and Higher Education
5 Capital Financing Act, the Oklahoma Capitol Improvement Authority
6 shall be authorized to:

7 1. Acquire real property together with improvements located
8 thereon and personal property;

9 2. Provide for the construction of improvements to real
10 property and provide funding for repairs, refurbishments, and
11 improvements to real and personal property;

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

14 4. Lease, transfer, and otherwise legally dispose of property
15 and improvements as necessary to comply with legal directives and
16 authorizations.

17 C. No later than January 15 annually, the Oklahoma Capitol
18 Improvement Authority shall submit electronically to the Governor,
19 the Speaker of the Oklahoma House of Representatives, the President
20 Pro Tempore of the Oklahoma State Senate, the Appropriations and
21 Budget Chair of the Oklahoma House of Representatives, and the
22 Appropriations Chair of the Oklahoma State Senate a report detailing
23 impacts to the balance of the State Agency and Higher Education
24 Capital Financing Fund occurring in the prior calendar year,

1 including, but not limited to, all distributions, expenditures,
2 collections, deposits, and investment returns of the State Agency
3 and Higher Education Capital Financing Fund.

4 SECTION 5. AMENDATORY 68 O.S. 2021, Section 2352, is
5 amended to read as follows:

6 Section 2352. It is hereby declared to be the purpose of
7 Section 2351 et seq. of this title to provide revenue for general
8 governmental functions of state government; and, for that purpose
9 and to that end, it is expressly declared that the revenue derived
10 herefrom and penalties and interest thereon, subject to the
11 apportionment requirements for the Rebuilding Oklahoma Access and
12 Driver Safety Fund, the Oklahoma Tourism and Passenger Rail
13 Revolving Fund, the Public Transit Revolving Fund and the Education
14 Reform Revolving Fund to be derived from income tax revenue that
15 would otherwise be apportioned to the General Revenue Fund as
16 provided by Section 1521 of Title 69 of the Oklahoma Statutes,
17 subject to the apportionment requirements for the Oklahoma Tax
18 Commission and Office of Management and Enterprise Services Joint
19 Computer Enhancement Fund provided by Section 265 of this title, and
20 subject to the apportionment requirements for the Oklahoma State
21 Capitol Building Repair and Restoration Fund provided by Section 19
22 of Title 73 of the Oklahoma Statutes, shall be distributed as
23 follows:

24

1 1. For the fiscal year beginning July 1, 2002, the first Five
2 Million Eight Hundred Thousand Dollars (\$5,800,000.00) of revenue
3 derived pursuant to the provisions of subsections A, B and E of
4 Section 2355 of this title shall be apportioned to the Education
5 Reform Revolving Fund; and for the fiscal year beginning July 1,
6 2024, and for each of the four (4) succeeding fiscal years, the sum
7 of One Hundred Forty Million Dollars (\$140,000,000.00) shall be
8 apportioned to the State Agency and Higher Education Capital
9 Financing Fund, created pursuant to Section 3 of this act, provided
10 that such amount may be deposited to the fund in equal installments
11 over the course of the fiscal year. For the fiscal year ending June
12 30, 2025, Fifty Million Dollars (\$50,000,000.00) of the One Hundred
13 Forty Million Dollars (\$140,000,000.00) shall be allocated to those
14 projects with the highest need of priority as critical
15 infrastructure as determined by the State Agency and Higher
16 Education Capital Needs Evaluation Committee. The remainder of such
17 revenue for the fiscal year beginning July 1, 2002, and all such
18 revenue for each fiscal year thereafter shall be apportioned monthly
19 as follows:

- 20 a. the following amounts shall be paid to the State
21 Treasurer to be placed to the credit of the General
22 Revenue Fund of the state for such fiscal year for the
23 support of the state government to be paid out only
24 pursuant to appropriation by the Legislature:

1	Fiscal Year	Amount
2	FY 2003 and FY 2004	87.12%
3	FY 2005	86.91%
4	FY 2006	86.66%
5	FY 2007	86.16%
6	FY 2008 through FY 2022	85.66%
7	FY 2023 through FY 2027	85.41%
8	FY 2028 and each fiscal year thereafter	85.66%

9 Of the funds apportioned to the General Revenue Fund
10 pursuant to this subparagraph, until the expiration of
11 the Filmed in Oklahoma Act of 2021 as provided in
12 Section 11 of this act, Thirty Million Dollars
13 (\$30,000,000.00) shall be transferred to the Oklahoma
14 Tax Commission for deposit in the Filmed in Oklahoma
15 Program Revolving Fund,

16 b. the following amounts shall be paid to the State
17 Treasurer to be placed to the credit of the Education
18 Reform Revolving Fund of the State Department of
19 Education:

20 (1) for FY 2003 through FY 2020, eight and thirty-
21 four one-hundredths percent (8.34%),

22 (2) for FY 2021:

23 (a) for the month beginning July 1, 2020,
24 through the month ending August 31, 2020,

1 eight and thirty-four one-hundredths percent
2 (8.34%), and

3 (b) for the month beginning September 1, 2020,
4 through the month ending June 30, 2021, nine
5 and eighty-four one-hundredths percent
6 (9.84%),

7 (3) for FY 2022 and each fiscal year thereafter,
8 eight and thirty-four one-hundredths percent
9 (8.34%) shall be paid to the State Treasurer to
10 be placed to the credit of the Education Reform
11 Revolving Fund,

12 c. the following amounts shall be paid to the State
13 Treasurer to be placed to the credit of the Teachers'
14 Retirement System Dedicated Revenue Revolving Fund:

Fiscal Year	Amount
FY 2003 and FY 2004	3.54%
FY 2005	3.75%
FY 2006	4.0%
FY 2007	4.5%
FY 2008 through FY 2020	5.0%
FY 2021:	

22 (1) for the month beginning
23 July 1, 2020, through
24

1	the month ending August	
2	31, 2020	5.0%
3	(2) for the month beginning	
4	September 1, 2020,	
5	through the month ending	
6	June 30, 2021	3.5%
7	FY 2022	5.0%
8	FY 2023 through FY 2027	5.25%
9	FY 2028 and each fiscal	
10	year thereafter	5.0%

11 d. for FY 2003 and each fiscal year thereafter, one
12 percent (1%) shall be placed to the credit of the Ad
13 Valorem Reimbursement Fund;

14 2. Beginning July 1, 2003, for any period of time as certified
15 by the Oklahoma Development Finance Authority and the Oklahoma
16 Department of Commerce to be necessary for the repayment of
17 obligations issued by the Oklahoma Development Finance Authority
18 pursuant to Section 3654 of this title if the other sources of
19 revenue paid to or apportioned to the Quality Jobs Program Incentive
20 Leverage Fund are not adequate including the proceeds from payment
21 pursuant to the guaranty required by subsection M of Section 3654 of
22 this title, an amount certified by the Oklahoma Development Finance
23 Authority to the Oklahoma Tax Commission shall be apportioned to the
24 Quality Jobs Program Incentive Leverage Fund before any other

1 appportionments are made as otherwise authorized by this paragraph.
2 The Oklahoma Development Finance Authority shall certify to the
3 Oklahoma Tax Commission the time as of which the revenue authorized
4 for appportionment pursuant to this paragraph is no longer required.
5 After the certification, the revenue derived from the income tax
6 shall be appportioned in the manner otherwise provided by this
7 section. Except as otherwise provided by this paragraph, for the
8 fiscal year beginning July 1, 2002, the first Forty-one Million One
9 Hundred Ninety Thousand Eight Hundred Dollars (\$41,190,800.00) of
10 revenue derived pursuant to the provisions of subsections D and E of
11 Section 2355 of this title shall be appportioned to the Education
12 Reform Revolving Fund. The remainder of such revenue for the fiscal
13 year beginning July 1, 2002, and all such revenue for each fiscal
14 year thereafter, subject to the appportionment requirements for the
15 Oklahoma Tax Commission and Office of Management and Enterprise
16 Services Joint Computer Enhancement Fund provided by Section 265 of
17 this title, shall be appportioned monthly as follows:

18 a. the following amounts shall be paid to the State
19 Treasurer to be placed to the credit of the General
20 Revenue Fund of the state for such fiscal year for the
21 support of the state government to be paid out only
22 pursuant to appropriation by the Legislature:

Fiscal Year	Amount
FY 2003 and FY 2004	78.96%

1	FY 2005	78.75%
2	FY 2006	78.50%
3	FY 2007	78.0%
4	(1) (a) FY 2018 through FY 2022	
5	until the apportionment to	
6	the General Revenue Fund	
7	equals the moving five-	
8	year average amount for	
9	corporate income tax as	
10	prescribed by paragraph 3	
11	of this section	77.50%
12	(b) FY 2023 through FY 2027	
13	until the apportionment to	
14	the General Revenue Fund	
15	equals the moving five-	
16	year average amount for	
17	corporate income tax as	
18	prescribed by paragraph 3	
19	of this section	77.25%
20	(c) FY 2028 and each fiscal	
21	year thereafter until the	
22	apportionment to the	
23	General Revenue Fund	
24	equals the moving five-	

1 year average amount for
2 corporate income tax as
3 prescribed by paragraph 3
4 of this section 77.50%

5 (2) there shall be apportioned from the tax levy
6 imposed on corporate income tax to the Revenue
7 Stabilization Fund created by Section 34.102 of
8 Title 62 of the Oklahoma Statutes, or to the
9 Constitutional Reserve Fund, as provided by
10 Section 34.102 of Title 62 of the Oklahoma
11 Statutes, the amount of revenue, if any, which
12 exceeds the moving five-year average amount as
13 defined pursuant to paragraph 3 of this section,

14 b. the following amounts shall be paid to the State
15 Treasurer to be placed to the credit of the Education
16 Reform Revolving Fund of the State Department of
17 Education:

18 (1) for FY 2003 through FY 2020, sixteen and five-
19 tenths percent (16.5%),

20 (2) for FY 2021:

21 (a) for the month beginning July 1, 2020,
22 through the month ending August 31, 2020,
23 sixteen and five-tenths percent (16.5%), and
24

(b) for the month beginning September 1, 2020,
through the month ending June 30, 2021,
eighteen percent (18%),

(3) for FY 2022, and each fiscal year thereafter,
sixteen and five-tenths percent (16.5%),

c. the following amounts shall be paid to the State
Treasurer to be placed to the credit of the Teachers'
Retirement System Dedicated Revenue Revolving Fund:

Fiscal Year	Amount
FY 2003 and FY 2004	3.54%
FY 2005	3.75%
FY 2006	4.0%
FY 2007	4.5%
FY 2008 through FY 2020	5.0%
FY 2021:	
(1) for the month beginning July 1, 2020, through the month ending August 31, 2020	5.0%
(2) for the month beginning September 1, 2020, through the month ending June 30, 2021	3.5%
FY 2022	5.0%

1 (d) It shall recommend to the State Legislature the budget
2 allocations to each institution.

3 (e) It shall have the power to recommend to the Legislature
4 proposed fees for all of such institutions, and any such fees shall
5 be effective only within the limits prescribed by the Legislature,
6 after taking due cognizance of expressed legislative intent.

7 (f) It shall allocate funds to each institution according to
8 its needs and functions from appropriations made by the Legislature.

9 (g) It may coordinate private, denominational and other
10 institutions of higher learning with the State System under
11 regulations set forth by the State Regents.

12 Among other powers and duties, the State Regents shall:

13 (h) Prescribe standards for admission to, retention in, and
14 graduation from state educational institutions.

15 (i) Accept federal funds and grants and use the same in
16 accordance with federal requirements; and accept and disburse
17 grants, gifts, devises, bequests and other monies and property from
18 foundations, corporations and individuals; and establish, award and
19 disburse scholarships and scholarship funds and rewards for merit
20 from any funds available for such purpose.

21 (j) Allocate revolving and other non-state-appropriated
22 educational and general funds.

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24

1 (k) Transfer from one institution to another any property
2 belonging to such institution when no longer needed by it and when
3 needed by another institution to accomplish its functions.

4 (l) Prepare and publish annually a report to the Governor, the
5 Legislature, and institutions, setting forth the progress, needs,
6 and recommendations of state educational institutions and of the
7 State Regents; conduct studies, surveys and research projects to
8 gather information about the needs of state educational institutions
9 and make such additional reports and recommendations as it deems
10 necessary or as the Governor or the Legislature may direct, and
11 publish such information obtained as may be considered worthy of
12 dissemination.

13 (m) Any monies which it is authorized to invest shall be
14 invested with the care, skill, prudence, and diligence under the
15 circumstances then prevailing that a prudent person acting in a like
16 capacity and familiar with such matters would use in the conduct of
17 an enterprise of a like character and with like aims.

18 (n) Issue, on behalf of institutions within The Oklahoma State
19 System of Higher Education, other than the University of Oklahoma
20 and Oklahoma State University, and with the powers enumerated by
21 this act, its obligations for purposes of such capital projects as
22 the Regents may deem to be proper for the benefit of such
23 institutions. The obligations issued pursuant to the authority of
24 this paragraph shall be part of a comprehensive program for capital

1 maintenance of such institutions and the obligations shall be
2 special and limited obligations of the Oklahoma State Regents for
3 Higher Education and shall not constitute general obligations of the
4 State of Oklahoma.

5 (o) Exercise all powers necessary to comply with the provisions
6 of the State Agency and Higher Education Capital Financing Act,
7 including, but not limited to, preparing and delivering annually to
8 the Governor, the Speaker of the Oklahoma House of Representatives,
9 the President Pro Tempore of the Oklahoma State Senate, the
10 Appropriations and Budget Chair of the Oklahoma House of
11 Representatives, and the Appropriations Chair of the Oklahoma State
12 Senate an annual report on the infrastructure and construction needs
13 of executive branch agencies and The Oklahoma State System of Higher
14 Education, to be known and cited as the Higher Education Capital
15 Needs Five-Year Forecast.

16 (p) Exercise all powers necessary or convenient to accomplish
17 the purposes and objectives of Article XIII-A of the Constitution of
18 Oklahoma.

19 SECTION 7. AMENDATORY 51 O.S. 2021, Section 6, is
20 amended to read as follows:

21 Section 6. A. Except as may be otherwise provided, no person
22 holding an office under the laws of the state and no deputy of any
23 officer so holding any office shall, during the person's term of
24 office, hold any other office or be the deputy of any officer

1 holding any office, under the laws of the state. The provisions of
2 this section shall not apply to:

3 1. Notaries public;

4 2. Members of the State Textbook Committee;

5 3. County free fair board members;

6 4. Municipal and county law enforcement officers serving in
7 positions as law enforcement officers of both such governmental
8 entities upon such terms and conditions as are mutually approved by
9 resolutions adopted by the board of county commissioners and
10 governing body of the municipality employing such officers;

11 5. Any person holding a county or municipal office or position,
12 or membership on any public trust authority, who is a member of a
13 board or commission that relates to federal, state, county or
14 municipal government and is created by the United States government,
15 the State of Oklahoma or a political subdivision of the state,
16 except where the duties of the offices or positions conflict;

17 6. Any elected municipal officers and school board members who
18 are appointed to a state board, commission, or similar entity if
19 there is no compensation for such services other than reimbursement
20 for necessary travel expenses pursuant to the provisions of the
21 State Travel Reimbursement Act;

22 7. Any trustee of a public trust, who is appointed as a trustee
23 of a different public trust or any trustee of the Tulsa County
24

1 Public Facilities Authority who may also be employed by the
2 Department of Transportation;

3 8. Law enforcement officers employed by municipal or county law
4 enforcement departments or agencies, other than those law
5 enforcement officers elected or appointed as sheriff, chief of
6 police or some similar position in which they are the head of a
7 county or municipal law enforcement agency, who are elected to local
8 boards of education; provided, the provisions of this paragraph
9 shall not prohibit any law enforcement officer employed by a
10 municipality having a population of ten thousand (10,000) or fewer
11 people from serving as a member of a local board of education;

12 9. Any member of the Oklahoma Highway Patrol Division of the
13 Department of Public Safety who is elected to a local board of
14 education;

15 10. Any employee of the Oklahoma State Bureau of Investigation
16 who is elected to a local board of education;

17 11. Any District Supervisor, Assistant District Supervisor,
18 Team Supervisor, Parole Officer 1 or Parole Officer 2 of the
19 Department of Corrections who is elected or appointed to a city
20 council;

21 12. Any trustee or director of a rural electric cooperative, or
22 port authority who is appointed or elected to a state, county or
23 municipal board, commission or similar entity;

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1 13. County employees who are elected as members of town or city
2 councils;

3 14. Municipal, county, state or tribal law enforcement or peace
4 officers operating under cross-deputization agreements with an
5 Indian tribe or branch of the federal government;

6 15. Municipal or county law enforcement or peace officers
7 serving in positions as campus police officers or campus public
8 safety officers pursuant to the provisions of the Oklahoma Campus
9 Security Act, upon such terms and conditions as are mutually
10 approved by resolution adopted by the governing body of the
11 municipality or county and the governing board of the institution of
12 higher education;

13 16. State law enforcement or peace officers serving in
14 positions as campus police officers or campus public safety officers
15 pursuant to the provisions of the Oklahoma Campus Security Act, upon
16 such terms and conditions as are mutually approved by written
17 agreement between the Commissioner of Public Safety and the
18 governing board of the institution of higher education;

19 17. Municipal, county and state law enforcement officers
20 serving in positions as part-time or seasonal rangers or peace
21 officers under the Oklahoma Tourism and Recreation Department or the
22 Grand River Dam Authority;

23 18. Members of the University Hospitals Authority;

24

1 19. Any person holding a state or county office or position who
2 is a reserve force deputy sheriff, or a reserve special agent with
3 the Oklahoma State Bureau of Narcotics and Dangerous Drugs Control
4 or a reserve municipal police officer;

5 20. Any person holding a state office or position who serves as
6 a special assistant district attorney without compensation;

7 21. Any elected or appointed member of a local school board who
8 is a member of a municipal planning commission;

9 22. Any elected or appointed member of a local school board who
10 is a member or an officer of a volunteer fire department;

11 23. Directors or officers of a rural water district and chiefs
12 of municipal fire departments or rural fire districts who are
13 appointed or elected to an unsalaried office in a state, county,
14 municipal, school, or technology center school board, commission, or
15 similar entity, except where the duties of the office would create a
16 conflict of interest;

17 24. Any person who is a dispatcher or confinement officer at a
18 municipal or county jail who is a noncompensated reserve municipal
19 police officer or a reserve deputy sheriff;

20 25. Any person who is an assistant district attorney serving as
21 a municipal judge or prosecutor;

22 26. Any park ranger under the Oklahoma Tourism and Recreation
23 Department or any game warden or reserve game warden employed by the
24 Department of Wildlife Conservation who is elected or appointed to a

1 local board of education or to a municipal governing body, board,
2 commission or similar entity;

3 27. Members of the Oklahoma State University Medical Center
4 Authority, the Oklahoma State University Medical Trust or the State
5 Board of Osteopathic Examiners;

6 28. Any member of the state Legislature or any state officer
7 who serves on the board of trustees of the Oklahoma School for the
8 Visual and Performing Arts;

9 29. Members of the Council on Judicial Complaints; ~~and~~

10 30. Any person who is a state employee but not a member of the
11 state military forces, including district attorneys, assistant
12 district attorneys, district court judges, associate district court
13 judges and special judges, when detailed as a military trial judge
14 pursuant to Section 826 of Title 44 of the Oklahoma Statutes or when
15 serving as an appellate military judge pursuant to Section 866 of
16 Title 44 of the Oklahoma Statutes when the Military Court of Appeals
17 is convened. The rules of procedure prescribed by the State Judge
18 Advocate pursuant to subsection L of Section 866 of Title 44 of the
19 Oklahoma Statutes shall define what constitutes the Military Court
20 of Appeals being "convened" for purposes of this paragraph; and

21 31. Members of the State Agency and Higher Education Capital
22 Needs Evaluation Committee.

23 The provisions of this section shall not prohibit any person
24 holding an office under the laws of the state or any deputy of any

1 officer so holding any office from serving upon the board of
2 Oklahoma Futures or upon the board of directors of the Oklahoma
3 Center for the Advancement of Science and Technology. The
4 provisions of this section shall not prohibit a member of the board
5 of directors of the Oklahoma Center for the Advancement of Science
6 and Technology from serving upon the board of Oklahoma Futures.

7 B. Except as provided in subsection C of this section,
8 salaries, emoluments or benefits that would otherwise be paid by the
9 agency or political subdivision to a loaned employee or officer
10 shall instead be paid to the regular employer of such employee. The
11 loaned employee shall in turn be paid regular salary and benefits
12 the same as if continuing regular employment with the permanent
13 employer.

14 C. Any person excepted pursuant to paragraph 30 of subsection A
15 of this section, when retained as a military trial judge or when
16 serving as a military appellate judge when the Military Court of
17 Appeals is convened, shall be entitled to military judicial leave in
18 accordance with Section 209 of Title 44 of the Oklahoma Statutes.

19 SECTION 8. This act shall become effective July 1, 2024.

20 SECTION 9. It being immediately necessary for the preservation
21 of the public peace, health or safety, an emergency is hereby
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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.

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4 59-2-10685 MAH 03/06/24

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