

STATE OF OKLAHOMA

2nd Session of the 59th Legislature (2024)

HOUSE BILL 4013

By: McBride

AS INTRODUCED

An Act relating to higher education capital financing; creating the Higher Education Capital Financing Act; creating the Higher Education Capital Needs Evaluation Committee; providing for membership; imposing duties; requiring certain annual reporting; providing for the creation of a Higher Education Capital Needs Five-Year Forecast; requiring certain criteria for report; requiring certain delivery; creating the Higher Education Capital Financing Fund; establishing nature of fund; placing the fund under the authority of the Oklahoma Capitol Improvement Authority; establishing revolving fund characteristics; authorizing and limiting uses; requiring specific adherence; requiring certain budgeting procedures; authorizing memoranda of understanding; limiting memoranda of understanding; clarifying legal status; requiring certain annual reporting by the Oklahoma Capitol Improvement Authority; amending 68 O.S. 2021, Section 2352, which relates to apportionment of income tax collections; providing for certain apportionment; authorizing certain deposit installments; amending 70 O.S. 2021, Section 3206, which relates to the powers and duties of the Oklahoma State Regents for Higher Education; establishing additional power and duty; amending 51 O.S. 2021, Section 6, which relates to dual office holding; providing exemption for persons appointed to the Oklahoma State System of Higher Education Capital Needs Evaluation Committee; providing for noncodification; providing for codification; and providing an effective date.

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

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

4 This act shall be known and may be cited as the "Higher
5 Education Capital Financing Act".

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

9 A. There is hereby created the Oklahoma State System of Higher
10 Education Capital Needs Evaluation Committee.

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

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

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

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

23 4. One person to be appointed by the Board of Regents of the
24 University of Oklahoma;

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

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

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

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

13 D. The Committee shall evaluate the capital requirements for
14 The Oklahoma State System of Higher Education each year and shall
15 establish a schedule for the projects and make recommendations to
16 the Governor and to the Legislature according to the provisions of
17 subsection E of this section.

18 E. Beginning December 31, 2024, and no later than December 31
19 each year thereafter, the Higher Education Capital Needs Evaluation
20 Committee shall submit in written or electronic format to the
21 Governor, the Speaker of the Oklahoma House of Representatives, the
22 President Pro Tempore of the Oklahoma State Senate, the
23 Appropriations and Budget Chair of the Oklahoma House of
24 Representatives, and the Appropriations Chair of the Oklahoma State
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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
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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 the
18 Oklahoma State Regents for Higher Education as provided by law and
19 with the board of regents for non-system-affiliated public colleges
20 and as deemed necessary by the Authority to administer expenditures
21 from and deposits to the Higher Education Capital Financing Fund;
22 provided that such memoranda of understanding do not conflict with
23 or impede the administration of capital projects specifically
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1 authorized by law. Such memoranda of understanding shall not
2 constitute a legal obligation of the State of Oklahoma.

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

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

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

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

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

16 C. No later than January 15 annually, the Oklahoma Capitol
17 Improvement Authority shall submit electronically to the Governor,
18 the Speaker of the Oklahoma House of Representatives, the President
19 Pro Tempore of the Oklahoma State Senate, the Appropriations and
20 Budget Chair of the Oklahoma House of Representatives, and the
21 Appropriations Chair of the Oklahoma State Senate a report detailing
22 impacts to the balance of the Higher Education Capital Financing
23 Fund occurring in the prior calendar year, including, but not
24 limited to, all distributions, expenditures, collections, deposits,
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1 and investment returns of the Higher Education Capital Financing
2 Fund.

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

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

23 1. For the fiscal year beginning July 1, 2002, the first Five
24 Million Eight Hundred Thousand Dollars (\$5,800,000.00) of revenue
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1 derived pursuant to the provisions of subsections A, B and E of
 2 Section 2355 of this title shall be apportioned to the Education
 3 Reform Revolving Fund; and for the fiscal year beginning July 1,
 4 2024, and for each of the four (4) succeeding fiscal years, the sum
 5 of Two Hundred Million Dollars (\$200,000,000.00) shall be
 6 apportioned to the Higher Education Capital Financing Fund, created
 7 pursuant to Section 3 of this act, provided that such amount may be
 8 deposited to the fund in equal installments over the course of the
 9 fiscal year. The remainder of such revenue for the fiscal year
 10 beginning July 1, 2002, and all such revenue for each fiscal year
 11 thereafter shall be apportioned monthly as follows:

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

| Fiscal Year | Amount |
|---|--------|
| FY 2003 and FY 2004 | 87.12% |
| FY 2005 | 86.91% |
| FY 2006 | 86.66% |
| FY 2007 | 86.16% |
| FY 2008 through FY 2022 | 85.66% |
| FY 2023 through FY 2027 | 85.41% |
| FY 2028 and each fiscal year thereafter | 85.66% |

1 Of the funds apportioned to the General Revenue Fund
2 pursuant to this subparagraph, until the expiration of
3 the Filmed in Oklahoma Act of 2021 as provided in
4 Section 11 of this act, Thirty Million Dollars
5 (\$30,000,000.00) shall be transferred to the Oklahoma
6 Tax Commission for deposit in the Filmed in Oklahoma
7 Program Revolving Fund,

8 b. the following amounts shall be paid to the State
9 Treasurer to be placed to the credit of the Education
10 Reform Revolving Fund of the State Department of
11 Education:

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

14 (2) for FY 2021:

15 (a) for the month beginning July 1, 2020,
16 through the month ending August 31, 2020,
17 eight and thirty-four one-hundredths percent
18 (8.34%), and

19 (b) for the month beginning September 1, 2020,
20 through the month ending June 30, 2021, nine
21 and eighty-four one-hundredths percent
22 (9.84%),

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

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% |
| FY 2023 through FY 2027 | 5.25% |

1 FY 2028 and each fiscal

2 year thereafter

5.0%

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

6 2. Beginning July 1, 2003, for any period of time as certified
7 by the Oklahoma Development Finance Authority and the Oklahoma
8 Department of Commerce to be necessary for the repayment of
9 obligations issued by the Oklahoma Development Finance Authority
10 pursuant to Section 3654 of this title if the other sources of
11 revenue paid to or apportioned to the Quality Jobs Program Incentive
12 Leverage Fund are not adequate including the proceeds from payment
13 pursuant to the guaranty required by subsection M of Section 3654 of
14 this title, an amount certified by the Oklahoma Development Finance
15 Authority to the Oklahoma Tax Commission shall be apportioned to the
16 Quality Jobs Program Incentive Leverage Fund before any other
17 apportionments are made as otherwise authorized by this paragraph.
18 The Oklahoma Development Finance Authority shall certify to the
19 Oklahoma Tax Commission the time as of which the revenue authorized
20 for apportionment pursuant to this paragraph is no longer required.
21 After the certification, the revenue derived from the income tax
22 shall be apportioned in the manner otherwise provided by this
23 section. Except as otherwise provided by this paragraph, for the
24 fiscal year beginning July 1, 2002, the first Forty-one Million One

1 Hundred Ninety Thousand Eight Hundred Dollars (\$41,190,800.00) of
2 revenue derived pursuant to the provisions of subsections D and E of
3 Section 2355 of this title shall be apportioned to the Education
4 Reform Revolving Fund. The remainder of such revenue for the fiscal
5 year beginning July 1, 2002, and all such revenue for each fiscal
6 year thereafter, subject to the apportionment requirements for the
7 Oklahoma Tax Commission and Office of Management and Enterprise
8 Services Joint Computer Enhancement Fund provided by Section 265 of
9 this title, shall be apportioned monthly as follows:

- 10 a. the following amounts shall be paid to the State
11 Treasurer to be placed to the credit of the General
12 Revenue Fund of the state for such fiscal year for the
13 support of the state government to be paid out only
14 pursuant to appropriation by the Legislature:

| 15 Fiscal Year | Amount |
|------------------------|--------|
| 16 FY 2003 and FY 2004 | 78.96% |
| 17 FY 2005 | 78.75% |
| 18 FY 2006 | 78.50% |
| 19 FY 2007 | 78.0% |

- 20 (1) (a) FY 2018 through FY 2022
21 until the apportionment to
22 the General Revenue Fund
23 equals the moving five-
24 year average amount for
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1 corporate income tax as
2 prescribed by paragraph 3
3 of this section 77.50%

4 (b) FY 2023 through FY 2027
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 77.25%

12 (c) FY 2028 and each fiscal
13 year thereafter until the
14 apportionment to the
15 General Revenue Fund
16 equals the moving five-
17 year average amount for
18 corporate income tax as
19 prescribed by paragraph 3
20 of this section 77.50%

21 (2) there shall be apportioned from the tax levy
22 imposed on corporate income tax to the Revenue
23 Stabilization Fund created by Section 34.102 of
24 Title 62 of the Oklahoma Statutes, or to the
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1 Constitutional Reserve Fund, as provided by
2 Section 34.102 of Title 62 of the Oklahoma
3 Statutes, the amount of revenue, if any, which
4 exceeds the moving five-year average amount as
5 defined pursuant to paragraph 3 of this section,

6 b. the following amounts shall be paid to the State
7 Treasurer to be placed to the credit of the Education
8 Reform Revolving Fund of the State Department of
9 Education:

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

12 (2) for FY 2021:

13 (a) for the month beginning July 1, 2020,
14 through the month ending August 31, 2020,
15 sixteen and five-tenths percent (16.5%), and

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

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

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

24 Fiscal Year Amount
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| | | |
|----|-----------------------------|-------|
| 1 | FY 2003 and FY 2004 | 3.54% |
| 2 | FY 2005 | 3.75% |
| 3 | FY 2006 | 4.0% |
| 4 | FY 2007 | 4.5% |
| 5 | FY 2008 through FY 2020 | 5.0% |
| 6 | FY 2021: | |
| 7 | (1) for the month beginning | |
| 8 | July 1, 2020, through | |
| 9 | the month ending August | |
| 10 | 31, 2020 | 5.0% |
| 11 | (2) for the month beginning | |
| 12 | September 1, 2020, | |
| 13 | through the month ending | |
| 14 | June 30, 2021 | 3.5% |
| 15 | FY 2022 | 5.0% |
| 16 | FY 2023 through FY 2027 | 5.25% |
| 17 | FY 2028 and each fiscal | |
| 18 | year thereafter | 5.0% |

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

3. "Moving five-year average for corporate income tax" means, for purposes of the apportionments prescribed by this section, the amount of income tax on corporations, as determined by the State

1 Board of Equalization in the manner prescribed by Section 34.103 of
2 Title 62 of the Oklahoma Statutes.

3 SECTION 6. AMENDATORY 70 O.S. 2021, Section 3206, is
4 amended to read as follows:

5 Section 3206. As provided in Article XIII-A of the Constitution
6 of Oklahoma, the State Regents shall constitute a coordinating board
7 of control for all state educational institutions, with the
8 following specific powers:

9 (a) It shall prescribe standards of higher education applicable
10 to each institution.

11 (b) It shall determine the functions and courses of study in
12 each of the institutions to conform to the standards prescribed.

13 (c) It shall grant degrees and other forms of academic
14 recognition for completion of the prescribed courses in all of such
15 institutions.

16 (d) It shall recommend to the State Legislature the budget
17 allocations to each institution.

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

22 (f) It shall allocate funds to each institution according to
23 its needs and functions from appropriations made by the Legislature.
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1 (g) It may coordinate private, denominational and other
2 institutions of higher learning with the State System under
3 regulations set forth by the State Regents.

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

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

7 (i) Accept federal funds and grants and use the same in
8 accordance with federal requirements; and accept and disburse
9 grants, gifts, devises, bequests and other monies and property from
10 foundations, corporations and individuals; and establish, award and
11 disburse scholarships and scholarship funds and rewards for merit
12 from any funds available for such purpose.

13 (j) Allocate revolving and other non-state-appropriated
14 educational and general funds.

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

18 (l) Prepare and publish annually a report to the Governor, the
19 Legislature, and institutions, setting forth the progress, needs,
20 and recommendations of state educational institutions and of the
21 State Regents; conduct studies, surveys and research projects to
22 gather information about the needs of state educational institutions
23 and make such additional reports and recommendations as it deems
24 necessary or as the Governor or the Legislature may direct, and
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1 publish such information obtained as may be considered worthy of
2 dissemination.

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

8 (n) Issue, on behalf of institutions within The Oklahoma State
9 System of Higher Education, other than the University of Oklahoma
10 and Oklahoma State University, and with the powers enumerated by
11 this act, its obligations for purposes of such capital projects as
12 the Regents may deem to be proper for the benefit of such
13 institutions. The obligations issued pursuant to the authority of
14 this paragraph shall be part of a comprehensive program for capital
15 maintenance of such institutions and the obligations shall be
16 special and limited obligations of the Oklahoma State Regents for
17 Higher Education and shall not constitute general obligations of the
18 State of Oklahoma.

19 (o) Exercise all powers necessary to comply with the provisions
20 of the Higher Education Capital Financing Act, including, but not
21 limited to, preparing and delivering annually to the Governor, the
22 Speaker of the Oklahoma House of Representatives, the President Pro
23 Tempore of the Oklahoma State Senate, the Appropriations and Budget
24 Chair of the Oklahoma House of Representatives, and the
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1 Appropriations Chair of the Oklahoma State Senate an annual report
2 on the infrastructure and construction needs of The Oklahoma State
3 System of Higher Education, to be known and cited as the Higher
4 Education Capital Needs Five-Year Forecast.

5 (p) Exercise all powers necessary or convenient to accomplish
6 the purposes and objectives of Article XIII-A of the Constitution of
7 Oklahoma.

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

10 Section 6. A. Except as may be otherwise provided, no person
11 holding an office under the laws of the state and no deputy of any
12 officer so holding any office shall, during the person's term of
13 office, hold any other office or be the deputy of any officer
14 holding any office, under the laws of the state. The provisions of
15 this section shall not apply to:

- 16 1. Notaries public;
- 17 2. Members of the State Textbook Committee;
- 18 3. County free fair board members;
- 19 4. Municipal and county law enforcement officers serving in
20 positions as law enforcement officers of both such governmental
21 entities upon such terms and conditions as are mutually approved by
22 resolutions adopted by the board of county commissioners and
23 governing body of the municipality employing such officers;
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1 5. Any person holding a county or municipal office or position,
2 or membership on any public trust authority, who is a member of a
3 board or commission that relates to federal, state, county or
4 municipal government and is created by the United States government,
5 the State of Oklahoma or a political subdivision of the state,
6 except where the duties of the offices or positions conflict;

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

12 7. Any trustee of a public trust, who is appointed as a trustee
13 of a different public trust or any trustee of the Tulsa County
14 Public Facilities Authority who may also be employed by the
15 Department of Transportation;

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

1 9. Any member of the Oklahoma Highway Patrol Division of the
2 Department of Public Safety who is elected to a local board of
3 education;

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

6 11. Any District Supervisor, Assistant District Supervisor,
7 Team Supervisor, Parole Officer 1 or Parole Officer 2 of the
8 Department of Corrections who is elected or appointed to a city
9 council;

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

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

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

18 15. Municipal or county law enforcement or peace officers
19 serving in positions as campus police officers or campus public
20 safety officers pursuant to the provisions of the Oklahoma Campus
21 Security Act, upon such terms and conditions as are mutually
22 approved by resolution adopted by the governing body of the
23 municipality or county and the governing board of the institution of
24 higher education;

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

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

11 18. Members of the University Hospitals Authority;

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

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

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

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

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

4 24. Any person who is a dispatcher or confinement officer at a
5 municipal or county jail who is a noncompensated reserve municipal
6 police officer or a reserve deputy sheriff;

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

9 26. Any park ranger under the Oklahoma Tourism and Recreation
10 Department or any game warden or reserve game warden employed by the
11 Department of Wildlife Conservation who is elected or appointed to a
12 local board of education or to a municipal governing body, board,
13 commission or similar entity;

14 27. Members of the Oklahoma State University Medical Center
15 Authority, the Oklahoma State University Medical Trust or the State
16 Board of Osteopathic Examiners;

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

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

21 30. Any person who is a state employee but not a member of the
22 state military forces, including district attorneys, assistant
23 district attorneys, district court judges, associate district court
24 judges and special judges, when detailed as a military trial judge
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1 pursuant to Section 826 of Title 44 of the Oklahoma Statutes or when
2 serving as an appellate military judge pursuant to Section 866 of
3 Title 44 of the Oklahoma Statutes when the Military Court of Appeals
4 is convened. The rules of procedure prescribed by the State Judge
5 Advocate pursuant to subsection L of Section 866 of Title 44 of the
6 Oklahoma Statutes shall define what constitutes the Military Court
7 of Appeals being "convened" for purposes of this paragraph; and

8 31. Members of the Oklahoma State System of Higher Education
9 Capital Needs Evaluation Committee.

10 The provisions of this section shall not prohibit any person
11 holding an office under the laws of the state or any deputy of any
12 officer so holding any office from serving upon the board of
13 Oklahoma Futures or upon the board of directors of the Oklahoma
14 Center for the Advancement of Science and Technology. The
15 provisions of this section shall not prohibit a member of the board
16 of directors of the Oklahoma Center for the Advancement of Science
17 and Technology from serving upon the board of Oklahoma Futures.

18 B. Except as provided in subsection C of this section,
19 salaries, emoluments or benefits that would otherwise be paid by the
20 agency or political subdivision to a loaned employee or officer
21 shall instead be paid to the regular employer of such employee. The
22 loaned employee shall in turn be paid regular salary and benefits
23 the same as if continuing regular employment with the permanent
24 employer.

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

SECTION 8. This act shall become effective November 1, 2024.

59-2-9843 MAH 01/17/24