

1 **SENATE FLOOR VERSION**

2 February 9, 2023

3 SENATE BILL NO. 105

By: Hall

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

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
State Government Asset Reduction and Cost Savings Program. Proceeds

1 from the liquidation of real properties shall be deposited into the
2 Maintenance of State Buildings Revolving Fund.

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

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

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

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

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

23 G. By February 1 of each year, the Office of Management and
24 Enterprise Services shall publish a report for the preceding

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

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

- 11 1. The Oklahoma Ordnance Works Authority;
- 12 2. The Commissioners of the Land Office;
- 13 3. The ~~Oklahoma~~ Department of Transportation; ~~and~~
- 14 4. The Oklahoma Turnpike Authority; and
- 15 5. The Grand River Dam Authority.

16 I. The Director of the Office of Management and Enterprise
17 Services may make recommendations to the Long-Range Capital Planning
18 Commission for liquidation of underutilized properties that have
19 environmental issues, create a liability for the state, or create
20 expenses that make the continued ownership of the underutilized
21 property undesirable and the property has been offered through two
22 public auctions or sealed bids and no viable bids were received. If
23 the Long-Range Capital Planning Commission approves the liquidation
24 of the property, the Office of Management and Enterprise Services

1 may accept a bid of less than ninety percent (90%) of the appraised
2 value in accordance with Section 327 of Title 61 of the Oklahoma
3 Statutes.

4 SECTION 2. This act shall become effective July 1, 2023.

5 SECTION 3. It being immediately necessary for the preservation
6 of the public peace, health or safety, an emergency is hereby
7 declared to exist, by reason whereof this act shall take effect and
8 be in full force from and after its passage and approval.

9 COMMITTEE REPORT BY: COMMITTEE ON GENERAL GOVERNMENT
10 February 9, 2023 - DO PASS

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