

1 STATE OF OKLAHOMA

2 1st Session of the 55th Legislature (2015)

3 SENATE BILL 224

By: Simpson

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5
6 AS INTRODUCED

7 An Act relating to the Strategic Military Planning
8 Commission, amending 74 O.S. 2011, Section 5401, as
9 amended by Section 1, Chapter 58, O.S.L. 2014 (74
10 O.S. Supp. 2014, Section 5401), which relates to
11 military installations; modifying Commission
12 representation; clarifying appointment procedure;
13 amending 74 O.S. 2011, Section 5402, which relates to
14 the intent of the Commission; expanding scope of
15 policies; amending 74 O.S. 2011, Section 5403, which
16 relates to Oklahoma Strategic Military Planning
17 Commission Incentive Fund; authorizing distribution
18 of monies; granting the Commission authority to
19 disperse monies to communities; and providing an
20 effective date.

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

22 SECTION 1. AMENDATORY 74 O.S. 2011, Section 5401, as
23 amended by Section 1, Chapter 58, O.S.L. 2014 (74 O.S. Supp. 2014,
24 Section 5401), is amended to read as follows:

Section 5401. A. There is hereby re-created the Oklahoma
Strategic Military Planning Commission.

B. The Oklahoma Strategic Military Planning Commission shall
consist of nine (9) members as follows:

1 1. ~~Five~~ Six persons to be appointed by the Governor, each of
2 whom shall represent, respectively, the interests of communities
3 that would be affected by realignment or closure of the following
4 military installations:

- 5 a. Altus Air Force Base,
- 6 b. Vance Air Force Base,
- 7 c. Fort Sill,
- 8 d. the Army Ammunition Plant located near McAlester, ~~and~~
- 9 e. Tinker Air Force Base, and
- 10 f. Oklahoma Army and Air National Guard facilities;

11 2. One person to be appointed by the Speaker of the House of
12 Representatives from the membership of the House and one person to
13 be appointed by the President Pro Tempore of the Senate from the
14 membership of the Senate. The members appointed pursuant to this
15 paragraph shall be ex officio and nonvoting members of the
16 Commission; and

17 3. The Secretary of Veterans Affairs, or successor member of
18 the Governor's Executive Cabinet who has responsibility for Veterans
19 Affairs, ~~and the Adjutant General of the Oklahoma Army and Air~~
20 ~~National Guard. The members appointed pursuant to this paragraph~~
21 ~~shall be ex officio and nonvoting members of the Commission~~ will be
22 serve as an ex officio and a non-voting member of the Commission.

23 C. The members of the Commission shall serve at the pleasure of
24 the appointing authority. The members of the Commission shall

1 select from among their membership a chair and vice-chair. The
2 chair and vice-chair shall serve for a period of one (1) year and
3 may succeed themselves in office.

4 D. The Commission shall be subject to the provisions of the
5 Oklahoma Open Meeting Act and the Oklahoma Open Records Act.

6 E. The Commission shall be authorized to meet at such times as
7 may be required in order to fulfill the duties and responsibilities
8 imposed upon it by law.

9 F. The provisions of this section shall cease to have the force
10 and effect of law and the Commission shall be dissolved by operation
11 of law on December 31, 2020.

12 G. The members of the Commission shall not be deemed to be
13 officers or to hold public office for purposes of Section 6 of Title
14 51 of the Oklahoma Statutes.

15 SECTION 2. AMENDATORY 74 O.S. 2011, Section 5402, is
16 amended to read as follows:

17 Section 5402. A. The purpose of the Oklahoma Strategic
18 Military Planning Commission shall be to analyze state policies
19 affecting military facilities currently in use by the United States
20 Department of Defense and the Oklahoma Army and Air National Guard
21 located within the state and such infrastructure as may support or
22 be affected by these Department of Defense or National Guard
23 facilities or any activity therein. Provided further that the
24 Commission may assist financially with projects designed to enhance

1 the operation, security, or support of such facilities and
2 associated activities, pursuant to the provisions of Section 5403 of
3 this title. The Commission shall also examine methods for improving
4 the private sector market value or potential for such military
5 facilities.

6 B. The Commission shall advise and recommend to the Governor
7 and to the Legislature, by reporting to the Speaker of the House of
8 Representatives and the President Pro Tempore of the Senate, state
9 policies which would:

10 1. Prevent Oklahoma's military facilities from being targeted
11 for closing or downsizing;

12 2. Maximize Oklahoma's input into the federal base closing and
13 realignment process;

14 3. Protect, to the greatest extent possible, the interests of
15 the communities and residents of areas located within and adjacent
16 to such military facilities in connection with such process;

17 4. Mitigate the effect of a reduction in military personnel
18 housed or assigned to such facilities, reduction in military
19 activity associated with such facilities, or other changes in either
20 civilian or military activity which have the potential to reduce
21 employment, business activity, personal income or other economic
22 growth in the affected areas; ~~and~~

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1 5. Encourage and facilitate the relocation of mission
2 responsibilities and resources to Oklahoma military facilities from
3 military bases located outside Oklahoma; and

4 6. Promote the military heritage of Oklahoma through projects
5 located or implemented on military installations.

6 C. Responsibility for the administrative direction,
7 coordination and support of the Commission shall be with the Office
8 of the Governor.

9 D. The Commission shall submit an annual written report of its
10 findings, conclusions and recommendations to the Governor, the
11 Speaker of the Oklahoma House of Representatives and the President
12 Pro Tempore of the Oklahoma State Senate not later than December 31.

13 E. The Oklahoma Department of Commerce, the Oklahoma Tax
14 Commission, the Oklahoma Employment Security Commission and other
15 agencies of state government shall provide such assistance to the
16 Commission as the Commission may require in order to perform the
17 duties imposed upon it.

18 F. Members of the Commission shall be reimbursed by their
19 appointing authority, except that members appointed from the
20 municipalities shall be reimbursed by the Oklahoma Department of
21 Commerce, for travel to meetings of the Commission pursuant to the
22 State Travel Reimbursement Act.

1 Legislators who serve as members of the Commission shall be
2 reimbursed for travel to meetings pursuant to Section 456 of Title
3 74 of the Oklahoma Statutes.

4 SECTION 3. AMENDATORY 74 O.S. 2011, Section 5403, is
5 amended to read as follows:

6 Section 5403. A. The Legislature finds that the five military
7 installations in this state, Tinker Air Force Base, Vance Air Force
8 Base, Altus Air Force Base, Fort Sill Army Post and the McAlester
9 Army Ammunition Plant, are vital to the economic health of Oklahoma
10 businesses and communities and an integral and important part of the
11 state economy. It is therefore in the state interest that these
12 installations not only be retained but if possible, be expanded from
13 their current substantial workforces.

14 B. There is hereby established a fund within the State Treasury
15 for the Department of Commerce to be known as the "Oklahoma
16 Strategic Military Planning Commission Incentive Fund". The fund
17 shall consist of all monies deposited into the fund by law. The
18 fund shall be a continuing fund not subject to fiscal year
19 limitations.

20 1. Monies in the fund shall be distributed by the Department to
21 voluntary associations of Oklahoma local governmental jurisdictions
22 or other legal entities which perform functions for the benefit of
23 or which exist for the primary benefit of Oklahoma local
24 governmental entities, for distribution to eligible local

1 governments, ~~as approved by the Oklahoma Strategic Military Planning~~
2 Commission; or

3 2. Monies in the fund shall be distributed by the Department to
4 voluntary associations of Oklahoma communities which perform
5 functions for the benefit of or which exist for the primary benefit
6 of Oklahoma communities, for distribution to eligible local
7 communities, as approved by the Oklahoma Strategic Military Planning
8 Commission.

9 C. In order for an entity to be eligible to obtain funds from
10 the Oklahoma Strategic Military Planning Commission Incentive Fund,
11 a local governmental entity shall be required to:

12 1. Demonstrate that it would be affected by realignment or
13 closure of a military installation specified in subsection A of this
14 section; and

15 2. Develop a plan, and file it and have it approved by the
16 Oklahoma Strategic Military Planning Commission, to expend funds
17 from local sources, matched in whole or in part with monies in the
18 fund, for public projects necessary to protect the interests of the
19 entity and its residents with respect to realignment or closure of
20 the military installation.

21 D. In order to be filed with and approved by the Commission,
22 the plan shall have first been approved by an affirmative vote of
23 two-thirds (2/3) of the members of the governing board of the local
24 governmental entity. The vote shall be memorialized in a document,

1 executed under oath, that states that the record of the vote is a
2 true and accurate account of the proceedings conducted by the
3 governing board to be filed with the Department.

4 E. Any entity which qualifies for funds pursuant to this
5 section shall be required to provide matching funds or to provide
6 equivalent value in order to obtain available funds or funds for
7 planning expenditures. No funds available pursuant to the
8 provisions of this section shall be used to pay any administrative
9 expenses of the entity requesting the funds. The Department shall
10 monitor expenditures made pursuant to this section to ensure
11 compliance with the provisions of this section. Misuse of funds by
12 an entity shall disqualify the entity from further funding for a
13 period of one (1) year from the date as of which any report by the
14 Department is issued revealing a violation of the requirements of
15 this section.

16 F. An entity which violates the provisions of this section
17 shall be liable to the State of Oklahoma for treble the amount of
18 funds identified as having been impermissibly used for the payment
19 or reimbursement of administrative expenses. The payment shall be
20 made to the Department for deposit in the Oklahoma Strategic
21 Military Planning Commission Incentive Fund and such funds shall
22 become available for distribution as otherwise provided by this
23 section; provided, no such funds shall be paid to an entity which
24 has been required to make the treble damage payment.

1 G. The expenditures from the Oklahoma Strategic Military
2 Planning Commission Incentive Fund, made in accordance with the
3 requirements of this section, shall be construed as an expenditure
4 of public funds in furtherance of governmental functions and for the
5 purpose of conferring general and uniform benefits resulting from
6 the expenditures.

7 SECTION 4. This act shall become effective November 1, 2015.

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