

STATE OF OKLAHOMA

2nd Session of the 43rd Legislature (1992)

SENATE BILL NO. 896

BY: MICKLE

AS INTRODUCED

AN ACT RELATING TO THE OFFICE OF PUBLIC AFFAIRS;
CREATING THE OKLAHOMA FACILITIES RENOVATION POOL
ACT; STATING SHORT TITLE; PROVIDING DEFINITIONS;
STATING AUTHORITY OF OFFICE OF PUBLIC AFFAIRS;
AUTHORIZING OFFICE OF PUBLIC AFFAIRS TO ADOPT
RENTAL RATE FOR RENTAL OF CERTAIN SPACE AND
PROVIDING GUIDELINES; REQUIRING FEE SCHEDULE BE
FURNISHED TO CERTAIN ENTITIES AND CONTAIN CERTAIN
INFORMATION; REQUIRING ASSESSMENT OF CERTAIN RENTAL
FEES; REQUIRING COLLECTION AND DEPOSIT OF CERTAIN
INCOME; PROVIDING FORMULAS FOR ESTABLISHMENT OF
POOL RENTAL RATES; CREATING OKLAHOMA FACILITIES
RENOVATION POOL REVOLVING FUND; PROVIDING FOR
INCLUSION AND EXCLUSION OF CERTAIN FACILITIES IN
POOL; PROVIDING FOR CODIFICATION; PROVIDING AN
EFFECTIVE DATE; AND DECLARING AN EMERGENCY.

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

SECTION 1. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 80 of Title 74, unless there is created a duplication in numbering, reads as follows:

This act shall be known and may be cited as the "Oklahoma Facilities Renovation Pool Act".

SECTION 2. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 80.1 of Title 74, unless there is created a duplication in numbering, reads as follows:

When used in this title, unless the context otherwise requires:

1. "Eligible facility" means any state-owned facility under the jurisdiction of the Office of Public Affairs with the exception of the Oklahoma Capitol Improvement Authority facilities and all other state-owned facilities under the jurisdiction of other state agencies, except those having less than three thousand (3,000) square feet and those delineated in subsection B of Section 6 of this act;

2. "Facility" means buildings, structures, improvements, real estate, and related interests in real estate and appurtenances, fixtures and fixed equipment, including, but not limited to, those for the purpose of housing either personnel, equipment, or functions, and all storage related thereto or any one or more than one, or any combination thereof, furnished and acquired pursuant to this act;

3. "Qualified facility" means an eligible facility which is either:

- a. structurally sound and is in a satisfactory state of repair as determined by the Office of Public Affairs, or
- b. determined by the Office of Public Affairs to be suitable for entry into the pool although not meeting the requirements of subparagraph a of this paragraph, or

c. under the jurisdiction of the Office of Public Affairs;

4. "Pool" means the Oklahoma Facilities Renovation Pool created by this act;

5. "Pool pledged revenues" means all legislative appropriations and all fees, charges, revenues, or receipts derived by the Office of Public Affairs from the operation, leasing, or other disposition of facilities in the pool, and shall include any monies appropriated to an agency for the purpose of making such rental payments, rental payments received with respect of such facilities from whatever sources, and receipts therefrom, and investment of such monies pursuant to this act;

6. "Pool rental rate" means the per square foot rental rate established by the Office of Public Affairs for every facility which is in the pool; and

7. "State-owned facility" means any facility, with the exception of the Oklahoma Capitol Improvement Authority facilities, title to which is vested in the state or any agency.

SECTION 3. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 80.2 of Title 74, unless there is created a duplication in numbering, reads as follows:

The Office of Public Affairs shall have the authority necessary to carry out and effectuate the purposes and provisions of this act, including, but not limited to, the authority to:

1. Lease all or any portion of any facility to any state or federal agency, state board or commission or political subdivision;

2. Collect reasonable rentals or charges for the use of and services provided for facilities in the pool in accordance with the provisions of this act, exclusively for the purpose of paying the expenses of improving, repairing, maintaining, and operating facilities in connection with its obligations;

3. Prescribe for the use of facilities in the pool the amount of rentals or charges, and make and enter into contracts with any board, commission, political subdivision or state or federal agency, for the use of and services provided for such facilities;

4. Sell, lease, release or otherwise dispose of facilities in the pool in accordance with applicable law; and

5. Promulgate any rules necessary to implement the provisions of this act.

SECTION 4. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 80.3 of Title 74, unless there is created a duplication in numbering, reads as follows:

A. The Office of Public Affairs shall be authorized to adopt a rental rate for the rental of space occupied by state agencies and other authorized occupants in office buildings owned by the state, taking into consideration costs of operation, security, maintenance, repair, renovation, rental fees for comparable space in privately owned buildings, and other factors deemed to be material for such purpose. The Office of Public Affairs shall, in adopting said fee schedule, assure that the space will be self-supporting from the income derived from the rental fees and that such income will be sufficient to pay the costs of operation, security, maintenance, repair and renovation.

B. A copy of the fee schedule adopted by the Office of Public Affairs shall be furnished to each affected state agency, the Director of State Finance, the President Pro Tempore of the Senate and the Speaker of the House of Representatives prior to September 1 of each year for use in the preparation of the budget for the fiscal year ending June 30, 1994, and each fiscal year thereafter. Each state agency shall list the state-owned office buildings in which it occupies space and the number of square feet it occupies in each, and shall include in its budget request the rental fee for such space, calculated according to the fee schedule.

C. Beginning July 1, 1992, and each year thereafter, rental fees shall be assessed against and collected from all state agencies and other authorized occupants for space in buildings included in the fee schedule.

D. Income derived from rental fees authorized pursuant to subsection A of this section shall be collected by the Office of Public Affairs and deposited in the revolving fund created in subsection A of Section 6 of this act for the payment of costs of operation, security, maintenance, repair, or renovation of such office buildings.

SECTION 5. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 80.4 of Title 74, unless there is created a duplication in numbering, reads as follows:

The Office of Public Affairs shall establish pool rental rates in amounts so that the annualized amount of pool revenues shall be sufficient to cover the cost of the following in each participating facility, as it applies, according to the following formulas:

1. Contingent upon no major system failures, one hundred percent (100%) of all costs of operations and maintenance, including, but not limited to:

- a. administrative services,
- b. all costs to maintain building wear, ventilating, and air conditioning system,
- c. electricity, water and sewer, gas, oil, and steam,
- d. parts, tools, and equipment needed to maintain the facilities,
- e. costs of service contracts to maintain the facilities,
- f. custodial services and all related supplies,
- g. general maintenance and upkeep of the facility, and
- h. costs of contracts to provide security for the facility; and

2. Maintenance reserve fund in the following amounts to meet the most severe capital improvement requirements:

- a. fiscal year ending June 30, 1993, shall equal thirty percent (30%) of operating expenses,
- b. fiscal year ending June 30, 1994, shall equal twenty-five percent (25%) of operating expenses,
- c. fiscal year ending June 30, 1995, shall equal twenty percent (20%) of operating expenses, and
- d. all years after the fiscal year ending June 30, 1995, shall equal fifteen percent (15%) of operating expenses.

SECTION 6. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 80.5 of Title 74, unless there is created a duplication in numbering, reads as follows:

A. There is hereby created in the State Treasury a revolving fund for the Office of Public Affairs to be designated the "Oklahoma Facilities Renovation Pool Revolving Fund". The fund shall be a continuing fund not subject to fiscal year limitations and shall consist of all rental and facility maintenance charges by participating state agencies. The following facilities shall be entered into the Oklahoma Facilities Renovation Pool:

1. All existing state-owned facilities under the jurisdiction of the Office of Public Affairs, excluding Oklahoma Capitol Improvement Authority facilities which are operated by the Office of Public Affairs and those delineated in subsection B of this section, shall be entered into the pool upon its creation;

2. Any agency which has facilities under its jurisdiction that are not automatically placed in the pool may elect to participate. Such agency may submit any of its eligible facilities for entry into the pool. Each of such eligible facilities which is determined by the Office of Public Affairs to be a qualified facility shall be entered into the pool upon such determination and upon transfer of

applicable appropriation or rentals to the Office of Public Affairs;
and

3. Each facility subsequently acquired by the State of Oklahoma which would be under the jurisdiction of the Office of Public Affairs shall be entered into the pool upon the earlier of:

- a. the completion of such acquisition, or
- b. payment in full of outstanding bonds issued by the Oklahoma Capitol Improvement Authority pursuant to Section 163 of Title 73 of the Oklahoma Statutes.

B. Office of Public Affairs maintenance facilities such as the paint shop, power house, etc., and all space in the State Capitol controlled and maintained by the State Legislature shall be excluded from the facilities pool. These facilities shall be repaired, maintained and operated through the use of direct appropriations.

SECTION 7. This act shall become effective July 1, 1992.

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

43-2-1486

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