

STATE OF OKLAHOMA

2nd Session of the 50th Legislature (2006)

COMMITTEE SUBSTITUTE
FOR
SENATE BILL 511

By: Shurden

COMMITTEE SUBSTITUTE

[Oklahoma Capitol Improvement Authority - powers of
the Oklahoma Capitol Improvement Authority -
codification - effective date -

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 159.1 of Title 73, unless there
is created a duplication in numbering, reads as follows:

In the event an agency has or receives appropriated or other
funds to be applied to a project subject to a bond issuance, the
agency may pay the Oklahoma Capitol Improvement Authority in advance
of the bond issuance. The Authority shall deposit these funds in an
interest bearing account with Office of the State Treasurer and use
the funds and the interest on such funds to pay bond expenses, to
reduce the total bond debt service, or to reduce the size of the
required issuance.

SECTION 2. AMENDATORY 73 O.S. 2001, Section 161, is
amended to read as follows:

Section 161. In addition to all other powers expressly
conferred, the Oklahoma Capitol Improvement Authority is hereby
authorized and empowered:

1. To adopt bylaws for the regulation of its affairs and the
conduct of its business;
2. To adopt an official seal and alter the same at pleasure;

3. To fix and revise from time to time rent for the use of any Authority building; provided that the rents when so fixed, plus revenues derived from other sources, shall produce sufficient revenue:

- a. to pay the annual cost of the operation, maintenance, and repair of such building,
- b. to pay as and when due the principal and interest on the bonds issued to pay for such building, ~~and~~
- c. to pay the annual costs of administering the bonds and the costs of providing security for such buildings,
and
- d. to accumulate and maintain reserves for such purposes;

4. To acquire, hold and dispose of real and personal property in the exercise of its powers and the performance of its duties under this act;

5. To acquire by purchase or otherwise, on such terms and conditions and in such manner as it may deem proper, or by the exercise of the power of condemnation in the manner hereinafter provided, such public or private property and interests therein as it may deem necessary for carrying out the provisions of this act. The exercise of the power of condemnation shall be in accordance with and subject to the provisions of any and all existing laws and statutes applicable to the exercise of the power of condemnation of property for public use. In any condemnation proceedings the court having jurisdiction of the suit, action or proceeding may make such orders as may be just to the Authority and to the owners of the property to be condemned and may require an undertaking or other security to secure such owners against any loss or damage by reason of the failure of the Authority to accept and pay for the property, but neither such undertaking or security nor any act or obligation of the Authority shall impose any liability upon the state or the

Authority except such as may be paid from the funds provided under the provisions of the act;

6. To make and enter into all contracts and agreements necessary or incidental to the performance of its duties and the execution of its powers under this act, and particularly to make and enter into contracts and agreements with the departments and agencies of the State of Oklahoma and/or federal government relating to the rent, amortization of cost and use of the building by such departments and agencies, or relating to the construction, improvement, repair, and maintenance of the highway infrastructure in this state;

7. To employ employees and agents as may be necessary in its judgment, including but not limited to legal counsel and such other professionals as may be needed for the issuance and administration of bonds issued under the provisions of this title and to fix their compensation; provided, that all such expenses shall be payable solely from the proceeds of bonds issued under this act or from revenues derived from the building;

8. To receive and accept from any federal agency grants or payments for or in aid of the construction of any project, and to receive and accept aid or contributions from any source of either money, property, labor or other things of value to be held, used and applied only for the purposes for which such grants and contributions may be made;

9. To do any and all things necessary to comply with rules, regulations or requirements of any state or federal agency administering any law enacted by the Congress of the United States to aid or encourage the construction or use of such building; and

10. To do all things necessary or convenient to carry out the powers expressly granted in this act.

SECTION 3. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 163.4 of Title 73, unless there is created a duplication in numbering, reads as follows:

In addition to any other services provided for in this act, the Department of Central Services is authorized to provide necessary support services to the Oklahoma Capitol Improvement Authority, including, but not limited to, financial accounting, planning and administration of Authority bond issues, administration of Authority financial matters generally, leasing or rental of Authority-financed facilities to state or other agencies, general clerical support, and serving as staff to the Authority.

SECTION 4. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 163.5 of Title 73, unless there is created a duplication in numbering, reads as follows:

Pursuant to contract with the Oklahoma Capitol Improvement Authority, the Department of Central Services is authorized to charge reasonable fees to the Authority for providing necessary support services. Such fees may include compensation for assisting the Authority in planning for and issuing bonds, or other financing, and for administering outstanding bond issues and other Authority programs. Fees charged by the Department for such services may not exceed ten (10) basis points or one-tenth of one percent (0.1%) of the principal amount of such proposed or outstanding bond issues, or the actual costs of the Department associated with providing support services to the Authority and employment of a minimum of four full-time employees as Authority staff, whichever amount is less.

SECTION 5. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 163.6 of Title 73, unless there is created a duplication in numbering, reads as follows:

A. State agencies and institutions whose facilities are proposed to be financed by the Oklahoma Capitol Improvement Authority pursuant to this act shall be required to obtain predesign

services and consultation from the Department of Central Services, Construction and Properties Division, for assistance in planning the construction or acquisition of such facilities and estimating the cost thereof, as a condition to consideration by the governing body of the Authority of such financing.

B. Agencies may apply to the Oklahoma Capitol Improvement Authority for reimbursement of the predesign cost required in subsection A of this section subsequent to the bond issuance associated with the predesign services.

SECTION 6. AMENDATORY 73 O.S. 2001, Section 173, as amended by Section 3, Chapter 481, O.S.L. 2002 (73 O.S. Supp. 2005, Section 173), is amended to read as follows:

Section 173. A. The Oklahoma Capitol Improvement Authority may contract with the Department of Central Services to maintain grounds and for housekeeping, maintenance and repair of properties under the jurisdiction of the Authority.

B. The Oklahoma Capitol Improvement Authority and the Department of Central Services ~~shall~~ may contract with the Department of Public Safety for dedicated security and law enforcement services in ~~all~~ any facilities under the jurisdiction of the Authority or Department within "State Capitol Park" in Oklahoma City and the J. Howard Edmondson Office Building, Robert S. Kerr Office Building and appurtenances thereto in Tulsa.

C. The Oklahoma Capitol Improvement Authority shall provide office and operations space for Department of Central Services' functions.

D. The Office of State Finance shall establish accounts for the Department of Central Services, by building or other improvement, as the Director of Central Services considers necessary to properly account and identify receipts and expenditures related to construction, repair, maintenance, insurance and other operating expenses of buildings and improvements owned, used or occupied by or

on behalf of the Oklahoma Capitol Improvement Authority, where the services are carried out by contract with the Authority.

SECTION 7. This act shall become effective July 1, 2006.

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.

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