

SENATE CHAMBER
STATE OF OKLAHOMA

DISPOSITION

☐ FLOOR AMENDMENT

No. _____

☐ COMMITTEE AMENDMENT

(Date)

Mr./Madame President:

I move to amend Senate Bill No. 756, by substituting the attached floor substitute for the title, enacting clause and entire body of the measure.

Submitted by:

Senator Marlatt

Marlatt-CD-FS-Req#1658
3/21/2017 4:02 PM

(Floor Amendments Only) Date and Time Filed: _____

☐ Untimely

☐ Amendment Cycle Extended

☐ Secondary Amendment

STATE OF OKLAHOMA

1st Session of the 56th Legislature (2017)

FLOOR SUBSTITUTE
FOR

SENATE BILL NO. 756

By: Marlatt of the Senate

and

McBride of the House

FLOOR SUBSTITUTE

[State Capitol Building - management and control of
space - State Capitol Preservation Commission -
effective date]

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

SECTION 1. AMENDATORY 73 O.S. 2011, Section 15, as
amended by Section 658, Chapter 304, O.S.L. 2012 (73 O.S. Supp.
2016, Section 15), is amended to read as follows:

Section 15. Except as otherwise provided by law, the custody,
supervision, and control of all work or material required in and
about the Capitol building and the grounds and appurtenances thereof
shall be exercised by the Office of Management and Enterprise
Services which shall make all requisitions for supplies, repairs, or
material required in the heating, lighting, plumbing, ventilation,
and operation of the Capitol building and grounds. All activities
related to restoration, preservation, enhancement or modification of

1 the Capitol building or grounds, as defined in Section 4101 of Title
2 74 of the Oklahoma Statutes, shall be approved by the State Capitol
3 Preservation Commission before commencement of such activity.
4 Maintenance, as defined in Section 4101 of Title 74 of the Oklahoma
5 Statutes, is exempt from such approval requirement.

6 SECTION 2. AMENDATORY 73 O.S. 2011, Section 15.1, as
7 last amended by Section 1, Chapter 335, O.S.L. 2016 (73 O.S. Supp.
8 2016, Section 15.1), is amended to read as follows:

9 Section 15.1. A. The Legislature shall have management and
10 control of the following space in the State Capitol Building:

11 1. The space on the third, fourth, fifth and sixth floors;

12 2. Approximately one thousand five hundred eighty-five (1,585)
13 square feet of space on the north side of the west wing of the
14 basement;

15 3. Approximately four thousand four hundred forty-six (4,446)
16 square feet of space on the north side of the east wing of the
17 basement;

18 4. Approximately four thousand seven hundred (4,700) square
19 feet of space on the south side of the west wing of the basement;

20 5. Approximately two thousand sixty-nine (2,069) square feet of
21 space on the east side of the north wing of the first floor;

22 6. Approximately fifteen thousand two hundred twenty (15,220)
23 square feet of space on the north and south sides of the west wing
24 of the first floor;

1 7. Approximately one hundred (100) square feet of space between
2 the restrooms and the northwest stairwells and approximately one
3 hundred (100) square feet of space between the restrooms and the
4 northeast stairwells on the second, third, fourth and fifth floors;
5 and

6 8. All space in the west wing of the second floor and all space
7 in the north wing of the second floor that was occupied by the
8 appellate courts prior to relocation to the Wiley Post Historical
9 Building; provided, the Supreme Court shall continue to have
10 exclusive management and control of the Supreme Court courtroom and
11 designated robing room located in the west wing of the second floor.

12 B. The space under the management and control of the
13 Legislature pursuant to the provisions of this section shall be
14 allotted as follows:

15 1. Except as otherwise provided in this subsection, all space
16 on the east side of the center of the State Capitol Building shall
17 be occupied by the Senate and all space on the west side of the
18 center of the State Capitol Building shall be occupied by the House
19 of Representatives;

20 2. The space specified in paragraph 5 of subsection A of this
21 section shall be occupied by the Legislative Service Bureau; and

22 3. All space in the north wings of the second, third and fifth
23 floors, other than the space specified in paragraph 7 of subsection
24 A of this section, shall be occupied by the Senate.

1 C. The Office of Management and Enterprise Services shall
2 establish an enclosed vending area within the utility shafts
3 accessible on the fourth floor of the State Capitol Building.

4 D. The authority of the Legislature to allot space may be
5 delegated to the President Pro Tempore of the Senate and the Speaker
6 of the House of Representatives. Any allotment other than as
7 provided in this section shall be executed pursuant to a written
8 agreement signed by the President Pro Tempore of the Senate and the
9 Speaker of the House of Representatives.

10 E. Each House of the State Legislature shall have the exclusive
11 charge of the purchase, use, allotment and disposition of its
12 respective chambers, committee rooms, fixtures, furniture, supplies
13 and apparatus, and shall be responsible for the use and preservation
14 of same. All activities related to restoration, preservation,
15 enhancement or modification of the Capitol building or grounds, as
16 defined in Section 4101 of Title 74 of the Oklahoma Statutes, in
17 space designated to the Senate and House of Representatives, shall
18 be approved by the State Capitol Preservation Commission before
19 commencement of such activity. Maintenance, as defined in Section
20 4101 of Title 74 of the Oklahoma Statutes, is exempt from such
21 approval requirement.

22 F. The provisions of this section shall not prohibit the
23 Legislature from allowing agencies of the executive or judicial
24 departments to use space within the State Capitol Building that is

1 under its management and control pursuant to a written agreement
2 signed by the President Pro Tempore of the Senate and the Speaker of
3 the House of Representatives.

4 G. The Office of Management and Enterprise Services shall cause
5 to be created a comprehensive set of architectural drawings
6 reflecting the physical layout of the Capitol spaces allocated to
7 the Legislature pursuant to this section. The President Pro Tempore
8 of the Senate and the Speaker of the House of Representatives shall
9 review and certify the architectural drawings created pursuant to
10 this subsection. The certification required by this subsection
11 shall be accomplished by the signature of each such officer upon the
12 face of the drawings. Upon certification, such architectural
13 drawings shall become the official record of the spaces allocated to
14 the Legislature within the State Capitol Building. The Secretary of
15 State shall attest the signatures required by this subsection and
16 the signed and attested architectural drawings shall be deposited
17 with the State Archivist, as defined in Section 204 of Title 67 of
18 the Oklahoma Statutes. The State Archivist shall hold the signed
19 and attested architectural drawings as an official record of the
20 State of Oklahoma. The Office of Management and Enterprise Services
21 shall provide two copies of the signed and attested architectural
22 drawings to the Secretary of the Senate and two copies to the Clerk
23 of the House of Representatives.

SECTION 3. AMENDATORY 74 O.S. 2011, Section 4101, is amended to read as follows:

Section 4101. As used in Sections 4101 through 4108 of this title:

1. "Public areas" means those areas in the State Capitol open to the general public for general visitation; ~~and~~

2. "Art" means fine art of museum quality representing the highest quality of art objects available to include paintings, graphic arts, art photography and sculpture, aesthetically aligned with recognized values, created by the conscious use of skill and creative imagination;

3. "Maintenance" means keeping spaces, structures and infrastructure in proper operating condition in a routine, scheduled or anticipated fashion to prevent failure and/or degradation. "Maintenance" restores an existing aspect of the State Capitol or grounds to its original working or aesthetic condition;

4. "Restoration" means the act or process of accurately depicting the form, features and character of the State Capitol as it appeared in 1917 (building) and 2002 (dome) by means of the removal of features from later periods in its history and reconstruction of missing features from the restoration period. The limited and sensitive upgrading of mechanical, electrical and plumbing systems and other code-required work to make properties functional is appropriate within a restoration project;

1 5. "Preservation" means the act or process of applying measures
2 necessary to sustain the existing form, integrity and materials of
3 an historic property. Work, including preliminary measures to
4 protect and stabilize the property, generally focuses upon the
5 ongoing maintenance and repair of historic materials and features,
6 rather than extensive replacement and new construction;

7 6. "Enhancement" means an increase or improvement upon the
8 quality, value or extent of the original design intent of the State
9 Capitol, Governor's Mansion or the respective grounds;

10 7. "Modification" means any change to an existing physical
11 attribute of the State Capitol, Governor's Mansion or the respective
12 grounds; and

13 8. "Grounds" means all land surrounding the State Capitol and
14 bordered by Lincoln Boulevard and the land contained within the
15 fence line surrounding the Governor's Mansion.

16 SECTION 4. AMENDATORY 74 O.S. 2011, Section 4102, as
17 last amended by Section 1, Chapter 237, O.S.L. 2015 (74 O.S. Supp.
18 2016, Section 4102), is amended to read as follows:

19 Section 4102. There is hereby re-created, to continue until
20 ~~July 1, 2019~~ July 1, 2022, in accordance with the provisions of the
21 Oklahoma Sunset Law, the State Capitol Preservation Commission which
22 shall be responsible for planning and ~~supervising~~ approving the
23 preservation ~~and~~ restoration, enhancement and modification of the
24 interior and exterior in all areas of the State Capitol Building,

1 hereinafter referred to as the Capitol, ~~and~~ the Governor's Mansion
2 and the respective grounds. The Commission shall control the
3 display of art objects in public areas of the Capitol and the
4 Governor's Mansion.

5 SECTION 5. AMENDATORY 74 O.S. 2011, Section 4103, as
6 last amended by Section 13, Chapter 209, O.S.L. 2013 (74 O.S. Supp.
7 2016, Section 4103), is amended to read as follows:

8 Section 4103. A. The State Capitol Preservation Commission
9 shall be composed of ~~fifteen (15)~~ thirteen (13) members as follows:

10 1. ~~Three members shall be appointed by the~~ The Governor;

11 2. ~~Three members shall be appointed by the~~ The President Pro
12 Tempore of the Senate;

13 3. ~~Three members shall be appointed by the~~ The Speaker of the
14 House of Representatives;

15 4. ~~One member shall be appointed by the Chief Justice of the~~
16 ~~Oklahoma Supreme Court~~ Senator who is a member of the majority party
17 appointed by the President Pro Tempore of the Senate; and

18 5. One Senator who is a member of the minority party appointed
19 by the President Pro Tempore of the Senate;

20 6. One member of the House of Representatives who is a member
21 of the majority party appointed by the Speaker of the House of
22 Representatives;

1 7. One member of the House of Representatives who is a member
2 of the minority party appointed by the Speaker of the House of
3 Representatives;

4 8. The Capitol Architect and Curator, who shall be a licensed
5 architect with experience in historic preservation projects
6 appointed by the Governor;

7 9. The Director of the Office of Management and Enterprise
8 Services or a designee; and

9 10. The following shall be ex officio non-voting members:

10 a. ~~Chairman~~ the Executive Director of the Oklahoma Arts
11 Council or a designee,

12 b. ~~President~~ the Executive Director of the Oklahoma
13 Historical Society or a designee,

14 c. ~~Capitol Architect and Curator,~~

15 ~~d.~~ the Superintendent of the Capitol, and

16 ~~e.~~

17 d. ~~Director of the Office of Management and Enterprise~~
18 ~~Services~~ the Executive Director of the Tourism and
19 Recreation Department or a designee.

20 ~~B. The initial term of office of the appointed members shall be~~
21 ~~as follows:~~

22 ~~1. One of the members appointed by the Governor, the President~~
23 ~~Pro Tempore of the Senate, the Speaker of the House of~~
24

~~Representatives, and the member appointed by the Chief Justice of the Oklahoma Supreme Court shall serve a one-year term;~~

~~2. One of the members appointed by the Governor, the President Pro Tempore of the Senate, and the Speaker of the House of Representatives shall serve a three-year term; and~~

~~3. One of the members appointed by the Governor, the President Pro Tempore of the Senate, and the Speaker of the House of Representatives shall serve a five-year term.~~

~~The term of office for each successor shall be for five (5) years. Any member of the Legislature who is appointed to the Commission shall serve only as long as the member is a member of the respective house from which the member was appointed.~~

~~C. The Commission shall elect a chair and a vice chair from its membership to serve for a period of two (2) years. All appointed voting and ex-officio members of the State Capitol Preservation Commission shall serve at the pleasure of their appointing authorities.~~

~~C. The first chair of the Commission shall be the Governor who will serve a term of two (2) years. Thereafter, the chair of the Commission will rotate between the Speaker of the House of Representatives, the President Pro Tempore of the Senate and the Governor for two-year increments in perpetuity. Members of the Commission shall not be compensated except for reimbursement as provided in the State Travel Reimbursement Act. The Commission~~

1 shall meet at least once per quarter and at the call of the chair as
2 needed. A quorum of the voting members must be present for any
3 action to be taken. The Commission shall be subject to the Open
4 Meeting Act.

5 D. ~~The Office of Management and Enterprise Services shall make~~
6 ~~the necessary arrangements for support services for the State~~
7 ~~Capitol Preservation Commission.~~ The Commission functions performed
8 by the Governor, the President Pro Tempore of the Senate, the
9 Speaker of the House of Representatives and appointed Senators and
10 Representatives are additional functions of their other public
11 offices and duties.

12 SECTION 6. AMENDATORY 74 O.S. 2011, Section 4104, as
13 last amended by Section 14, Chapter 209, O.S.L. 2013 (74 O.S. Supp.
14 2016, Section 4104), is amended to read as follows:

15 Section 4104. ~~A.~~ The State Capitol Preservation Commission
16 shall:

17 1. ~~Research, plan, and have control of modifications and decor~~
18 approve all work and activity related to preservation, restoration,
19 enhancement and modification in all areas of the interior and
20 exterior of the Capitol and, the Governor's Mansion and the
21 respective grounds. The Commission may require architectural
22 designs and a written description of the proposed work, or some
23 combination thereof, before taking action. Maintenance is exempt
24 from approval of the Commission. Activities related to the Capitol

1 Restoration Project, as outlined in Sections 345 and 346 of Title 73
2 of the Oklahoma Statutes are exempt from approval of the Commission;

3 2. Adopt design standards and preservation zones for the
4 Capitol, the Governor's Mansion and the respective grounds, which
5 shall serve as the primary reference for acceptable preservation,
6 restoration, enhancement and modification activities;

7 ~~2.~~ 3. Establish standards for the acquisition and display of
8 works of art for public display in the Capitol and the Governor's
9 Mansion and select such works. Such works of art shall be directly
10 related to the history and culture of the State of Oklahoma;

11 ~~3.~~ 4. Establish procedures by which private contributions of
12 suitable art can be accepted for the Capitol and the Governor's
13 Mansion. The Commission is authorized to accept and make proper
14 disposition of works of art as may be donated to the Commission and
15 this state;

16 ~~4. Have authority to approve and submit to the Long-Range~~
17 ~~Capital Planning Commission any proposed modification, alteration,~~
18 ~~renovation, repair, or construction on any part of the Capitol and~~
19 ~~the Governor's Mansion; and~~

20 5. Have final approval authority for any plans or programs for
21 the restoration, preservation, or display of fine art programs in
22 ~~and surrounding~~ the Capitol ~~and,~~ the Governor's Mansion and the
23 respective grounds.

1 ~~B. The Long Range Capital Planning Commission shall submit any~~
2 ~~capital construction or renovation project with respect to the State~~
3 ~~Capitol or the Governor's Mansion to the State Capitol Preservation~~
4 ~~Commission for its advisory opinion prior to consideration by the~~
5 ~~Long Range Capital Planning Commission.~~

6 SECTION 7. AMENDATORY 74 O.S. 2011, Section 4105, as
7 last amended by Section 15, Chapter 209, O.S.L. 2013 (74 O.S. Supp.
8 2016, Section 4105), is amended to read as follows:

9 Section 4105. There is hereby established the position of the
10 Capitol Architect and Curator who shall:

11 1. Develop the technical plans and programs for consideration
12 by the State Capitol Preservation Commission ~~and the Long Range~~
13 ~~Capital Planning Commission~~ with regard to preservation,
14 restoration, renovation, and preservation enhancement and
15 modification of the Capitol ~~and,~~ the Governor's Mansion and the
16 respective grounds;

17 2. Develop and enforce standards adopted for acquisition and
18 display of works of art in and surrounding the Capitol and the
19 Governor's Mansion;

20 3. ~~Coordinate space demands of the various agencies in the~~
21 ~~Capitol and the Governor's Mansion~~ Assume primary responsibility for
22 development and revision of the design standards and preservation
23 zones in the Capitol, Governor's Mansion and the respective grounds
24 and present them to the Commission for adoption;

1 4. Maintain a record of all structural and decor changes made
2 in the Capitol and the Governor's Mansion; and

3 5. Make recommendations to the State Capitol Preservation
4 Commission of necessary action on proposed modifications in decor or
5 design to ensure ~~preservation and maintenance of~~ the cultural and
6 historic integrity of the Capitol ~~and,~~ the Governor's Mansion and
7 the respective grounds remains intact.

8 The Director of the Office of Management and Enterprise Services
9 may contract for the services of a Capitol Architect and Curator or
10 employ such an individual on either a full- or part-time basis.
11 Compensation for the position will be in accord with similar
12 professional positions in state government.

13 SECTION 8. AMENDATORY 74 O.S. 2011, Section 4106, as
14 amended by Section 16, Chapter 209, O.S.L. 2013 (74 O.S. Supp. 2016,
15 Section 4106), is amended to read as follows:

16 Section 4106. The State Capitol Preservation Commission ~~and the~~
17 ~~Long-Range Capital Planning Commission are~~ is directed to maintain
18 close coordination with the executive, legislative and judicial
19 branches of government to ensure that the needs of each branch of
20 government are considered in all planned development and
21 modifications of the Capitol and the Governor's Mansion.

22 SECTION 9. AMENDATORY 74 O.S. 2011, Section 4108, is
23 amended to read as follows:

1 Section 4108. The provisions of Sections 4101 through 4107 of
2 this title shall apply to all modifications in the structure or
3 decor of the Capitol and the Governor's Mansion except for those
4 immediate emergency maintenance repairs needed to prevent loss or
5 damage to property or to protect the public during use of the
6 building.

7 SECTION 10. AMENDATORY 74 O.S. 2011, Section 4109, as
8 amended by Section 1014, Chapter 304, O.S.L. 2012 (74 O.S. Supp.
9 2016, Section 4109), is amended to read as follows:

10 Section 4109. By the order of the Director of the Office of
11 Management and Enterprise Services, restoration ~~and~~, preservation,
12 enhancement and modification projects of the State Capitol Building
13 or of the Governor's Mansion may be exempted from the provisions of
14 the Public Competitive Bidding Act of 1974, Section 101 et seq. of
15 Title 61 of the Oklahoma Statutes. For exempted State Capitol
16 Building or Governor's Mansion construction projects, the Office of
17 Management and Enterprise Services shall select among contractors
18 qualified by past experience to conduct historical preservation
19 projects.

20 SECTION 11. This act shall become effective November 1, 2017.

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