

STATE OF OKLAHOMA

1st Session of the 56th Legislature (2017)

SENATE BILL 756

By: Marlatt

AS INTRODUCED

An Act relating to state government; amending 73 O.S. 2011, Sections 15.4, as amended by Section 661, Chapter 304, O.S.L. 2012, 24, as amended by Section 664, Chapter 304, O.S.L. 2012, 26, as amended by Section 665, Chapter 304, O.S.L. 2012, 62.2, as amended by Section 666, Chapter 304, O.S.L. 2012 (73 O.S. Supp. 2016, Sections 15.4, 24, 26 and 62.2), which relate to Capitol Buildings; updating language; modifying flags displayed at Capitol; amending 73 O.S. 2011, Section 83.1, as last amended by Section 1, Chapter 251, O.S.L. 2015 (73 O.S. Supp. 2016, Section 83.1), which relates to the Capitol Grounds and Buildings; modifying membership of the Capitol-Medical Center Improvement and Zoning Commission; amending Section 1, House Joint Resolution No. 1033, p. 1742, O.S.L. 2014, as amended by Section 2, Chapter 335, O.S.L. 2016 (73 O.S. Supp. 2016, Section 345), which relates to the Oklahoma Capitol Improvement Authority; abolishing the State Capitol Repair Expenditure Oversight Committee; amending 74 O.S. 2011, Sections 4101, 4102, as last amended by Section 1, Chapter 237, O.S.L. 2015, 4103, as last amended by Section 13, Chapter 209, O.S.L. 2013, 4104, as last amended by Section 14, Chapter 209, O.S.L. 2013, 4108 and 4109, as amended by Section 1014, Chapter 304, O.S.L. 2012 (74 O.S. Supp. 2016, Sections 4102, 4103, 4104 and 4109), which relate to the State Capitol Preservation Commission; adding definitions; modifying responsibilities, membership, powers and duties of the State Capitol Preservation Commission; creating the State Capitol Preservation Office; providing for powers and duties of the Office; creating the State Capitol Preservation Office Revolving Fund; updating statutory language; modifying exemption for certain projects; repealing

1 73 O.S. 2011, Sections 15, as amended by Section 658,
2 Chapter 304, O.S.L. 2012, 15.1, as last amended by
3 Section 1, Chapter 335, O.S.L. 2016, 15.2, 15.3, 19,
4 as amended by Section 4, Chapter 253, O.S.L. 2013 and
5 22, as amended by Section 663, Chapter 304, O.S.L.
6 2012 (73 O.S. Supp. 2016, Sections 15, 15.1, 19 and
7 22), which relate to Capitol Buildings; repealing 74
8 O.S. 2011, Sections 4105, as last amended by Section
9 15, Chapter 209, O.S.L. 2013, 4106, as amended by
10 Section 16, Chapter 209, O.S.L. 2013 and 4107 (74
11 O.S. Supp. 2016, Sections 4105 and 4106), which
12 relate to the State Capitol Preservation Commission;
13 providing for codification; and providing an
14 effective date.

15
16
17
18
19
20
21
22
23
24
BE IT ENACTED BY THE PEOPLE OF THE STATE OF OKLAHOMA:

SECTION 1. AMENDATORY 73 O.S. 2011, Section 15.4, as
amended by Section 661, Chapter 304, O.S.L. 2012 (73 O.S. Supp.
2016, Section 15.4), is amended to read as follows:

Section 15.4. A. There is hereby authorized the creation of a
not-for-profit corporation to be known as "Friends of the Capitol"
to raise funds and to assist in the preservation and enhancement of
the Oklahoma Capitol and surrounding areas as defined in Section 1
of this title.

B. The board of directors of the corporation authorized in
subsection A of this section shall choose its own chairperson.

C. After proper incorporation, the not-for-profit corporation
is authorized and directed to apply for tax-exempt status under
Section 501(c)(3) of the Internal Revenue Code (26 U.S.C., Section
501(c)(3)).

1 D. In addition to funds received from the general public or
2 other public and private sources, the not-for-profit corporation may
3 receive funds from state agencies at such times and in such amounts
4 as may be appropriated by the Legislature for the Oklahoma Capitol
5 or made available to the corporation from state agencies from their
6 sources of revenue.

7 E. Costs to underwrite activities related to the preservation
8 and enhancement of the Oklahoma Capitol may be borne from revenues
9 of the not-for-profit corporation.

10 F. Upon the incorporation, the not-for-profit corporation shall
11 be authorized to hire staff and name advisory groups or steering
12 committees as necessary to assist in the preservation and
13 enhancement of the Oklahoma Capitol.

14 G. The corporation shall coordinate preservation ~~and,~~
15 restoration, enhancement, maintenance and modification projects in
16 conjunction with and the consent of the Capitol Preservation
17 Commission and the ~~Office of Management and Enterprise Services~~
18 State Capitol Preservation Office.

19 SECTION 2. AMENDATORY 73 O.S. 2011, Section 24, as
20 amended by Section 664, Chapter 304, O.S.L. 2012 (73 O.S. Supp.
21 2016, Section 24), is amended to read as follows:

22 Section 24. The ~~Office of Management and Enterprise Services~~
23 State Capitol Preservation Office shall display the current flag of
24 the United States of America, an Oklahoma state flag adopted by the

1 Oklahoma Legislature, the American Ex-Prisoner of War flag, ~~a flag~~
2 ~~to commemorate the centennial of the State of Oklahoma,~~ or a
3 combination thereof at the discretion of the Governor ~~on the~~
4 ~~fourteen flag poles located at the south plaza entrance to the State~~
5 ~~Capitol Building in the area bounded by the south Capitol Building~~
6 ~~steps on the north and by Northeast 22nd Street on the south.~~ The
7 flags shall be displayed in a dignified manner every day except when
8 the weather is inclement.

9 SECTION 3. AMENDATORY 73 O.S. 2011, Section 26, as
10 amended by Section 665, Chapter 304, O.S.L. 2012 (73 O.S. Supp.
11 2016, Section 26), is amended to read as follows:

12 Section 26. The ~~Office of Management and Enterprise Services~~
13 State Capitol Preservation Office shall cause to be displayed in an
14 appropriate and dignified manner north of the ~~State Capitol Building~~
15 the current flags, standards, or banners of all federally recognized
16 Native American tribal governments located within the boundaries of
17 the State of Oklahoma. The flags shall be displayed every day
18 except when the weather is inclement.

19 SECTION 4. AMENDATORY 73 O.S. 2011, Section 62.2, as
20 amended by Section 666, Chapter 304, O.S.L. 2012 (73 O.S. Supp.
21 2016, Section 62.2), is amended to read as follows:

22 Section 62.2. The Executive Director of the ~~Office of~~
23 ~~Management and Enterprise Services~~ State Capitol Preservation Office
24 is hereby authorized to enter into a written agreement with the Post

1 Office Department of the United States permitting said Department to
2 occupy and use adequate quarters in the ~~State~~ Capitol for a post
3 office free of cost to the United States. If additional space is
4 needed, the Executive Director of the Office ~~of Management and~~
5 ~~Enterprise Services~~ is hereby authorized to enter into written
6 agreements providing such additional space in the ~~State~~ Capitol.
7 The Office ~~of Management and Enterprise Services~~ shall also be
8 authorized to agree to furnish light, heat, water, janitor service
9 for said post office, and a safe receptacle in which to keep
10 property of the United States.

11 SECTION 5. AMENDATORY 73 O.S. 2011, Section 83.1, as
12 last amended by Section 1, Chapter 251, O.S.L. 2015 (73 O.S. Supp.
13 2016, Section 83.1), is amended to read as follows:

14 Section 83.1. A. There is hereby re-created to continue until
15 July 1, 2022, in accordance with the Oklahoma Sunset Law, a Capitol-
16 Medical Center Improvement and Zoning Commission to exercise the
17 functions and perform the duties hereinafter prescribed.

18 B. The Commission shall be composed of eleven (11) members as
19 follows:

20 1. The Director of the Office of Management and Enterprise
21 Services or his or her designee, who shall be ex officio chair of
22 the Capitol-Medical Center Improvement and Zoning Commission;

23 2. The Director of the Transportation Commission or his or her
24 designee;

1 3. The President of the University of Oklahoma or his or her
2 designee;

3 4. Two members appointed by the President Pro Tempore of the
4 Senate;

5 5. Two members appointed by the Speaker of the House of
6 Representatives;

7 6. The Chair of the Planning Commission of Oklahoma City or his
8 or her designee;

9 7. ~~The Chair of the Long Range Capital Planning Commission~~
10 Executive Director of the State Capitol Preservation Office or his
11 or her designee; and

12 8. Two members of the Commission appointed by the Governor,
13 with the advice and consent of the State Senate, for four-year
14 staggered terms with one term expiring on January 31 of each even-
15 numbered year.

16 C. One of the two members shall be appointed upon the
17 recommendation of the Citizens' Advisory Committee. The Commission
18 is authorized to appoint and hire a Director, who shall serve as the
19 chief administrative officer of the Commission, and other necessary
20 personnel. The Attorney General of the State of Oklahoma shall be
21 the legal advisor to the Commission in the same capacity as he or
22 she is to other boards and commissions.

23 D. At least one of the members appointed by the President Pro
24 Tempore of the Senate and the Speaker of the House of

1 Representatives shall be a resident within the boundaries of the
2 Capitol-Medical Center Improvement and Zoning District as set forth
3 in Section 83 of this title.

4 SECTION 6. AMENDATORY Section 1, House Joint Resolution
5 No. 1033, p. 1742, O.S.L. 2014, as amended by Section 2, Chapter
6 335, O.S.L. 2016 (73 O.S. Supp. 2016, Section 345), is amended to
7 read as follows:

8 Section 345. A. In addition to any other authorization
9 provided by law, the Oklahoma Capitol Improvement Authority is
10 authorized to issue obligations to acquire real property, together
11 with improvements located thereon, and personal property to
12 construct improvements to real property and to provide funding for
13 repairs, refurbishments and improvements to real and personal
14 property of the ~~State Capitol Building~~ in a total amount not to
15 exceed One Hundred Twenty Million Dollars (\$120,000,000.00). The
16 funds shall be used for the renovation, repair and remodeling of the
17 ~~State Capitol Building~~.

18 B. The Authority may hold title to the property and
19 improvements until such time as any obligations issued for this
20 purpose are retired or defeased and may lease the property and
21 improvements to the Office of Management and Enterprise Services.
22 Upon final redemption or defeasance of the obligations created
23 pursuant to this section, title to the property and improvements
24

1 shall be transferred from the Oklahoma Capitol Improvement Authority
2 to the Office of Management and Enterprise Services.

3 C. For the purposes of paying the costs for construction of the
4 real property and improvements, and providing funding for the
5 project authorized in subsection A of this section, and for the
6 purpose authorized in subsection D of this section, the Authority is
7 hereby authorized to borrow monies on the credit of the income and
8 revenues to be derived from the leasing of such property and
9 improvements and, in anticipation of the collection of such income
10 and revenues, to issue negotiable obligations in a total amount not
11 to exceed One Hundred Twenty Million Dollars (\$120,000,000.00)
12 whether issued in one or more series. The Authority is authorized
13 to capitalize interest on the obligations issued pursuant to this
14 section for a period of not to exceed one (1) year from the date of
15 issuance. For subsequent fiscal years, it is the intent of the
16 Legislature to appropriate to the Office of Management and
17 Enterprise Services sufficient monies to make rental payments for
18 the purpose of retiring the obligations created pursuant to this
19 section. To the extent funds are available from the proceeds of the
20 borrowing authorized by this subsection, the Oklahoma Capitol
21 Improvement Authority shall provide for the payment of professional
22 fees and associated costs related to the project authorized in
23 subsection A of this section.

1 D. The Authority may issue obligations in one or more series
2 and in conjunction with other issues of the Authority. The
3 Authority is authorized to hire bond counsel, financial consultants,
4 and such other professionals as it may deem necessary to provide for
5 the efficient sale of the obligations and may utilize a portion of
6 the proceeds of any borrowing to create such reserves as may be
7 deemed necessary and to pay costs associated with the issuance and
8 administration of such obligations.

9 E. The obligations authorized under this section may be sold at
10 either competitive or negotiated sale, as determined by the
11 Authority, and in such form and at such prices as may be authorized
12 by the Authority. The Authority may enter into agreements with such
13 credit enhancers and liquidity providers as may be determined
14 necessary to efficiently market the obligations. The obligations
15 may mature and have such provisions for redemption as shall be
16 determined by the Authority, but in no event shall the final
17 maturity of such obligations occur later than ten (10) years from
18 the first principal maturity date.

19 F. Any interest earnings on funds or accounts created for the
20 purposes of this section may be utilized as partial payment of the
21 annual debt service or for the purposes directed by the Authority.

22 G. The obligations issued under this section, the transfer
23 thereof and the interest earned on such obligations, including any
24 profit derived from the sale thereof, shall not be subject to

1 taxation of any kind by the State of Oklahoma, or by any county,
2 municipality or political subdivision therein.

3 H. The Authority may direct the investment of all monies in any
4 funds or accounts created in connection with the offering of the
5 obligations authorized under this section. Such investments shall
6 be made in a manner consistent with the investment guidelines of the
7 State Treasurer. The Authority may place additional restrictions on
8 the investment of such monies if necessary to enhance the
9 marketability of the obligations.

10 ~~I. There is hereby created a State Capitol Repair Expenditure~~
11 ~~Oversight Committee. The proceeds from the sale of obligations~~
12 ~~issued pursuant to the provisions of this section and Section 1 of~~
13 ~~Enrolled House Bill No. 3168 of the 2nd Session of the 55th Oklahoma~~
14 ~~Legislature that are needed for repairs to the interior and exterior~~
15 ~~of the State Capitol shall be subject to the approval of the State~~
16 ~~Capitol Repair Expenditure Oversight Committee; provided, however,~~
17 ~~the expenditure of those proceeds shall be subject to a request for~~
18 ~~proposal process.~~

19 ~~The Committee shall be composed of nine (9) members as follows:~~

20 ~~1. Three persons to be appointed by the Governor, one of whom~~
21 ~~shall serve as chair of the Committee;~~

22 ~~2. Three legislators to be appointed by the Speaker of the~~
23 ~~House of Representatives, two of whom shall be members of the~~
24

majority political party and one of whom shall be a member of the minority political party; and

~~3. Three legislators to be appointed by the President Pro Tempore of the Senate, two of whom shall be members of the majority political party and one of whom shall be a member of the minority political party.~~

~~Five members of the Committee shall constitute a quorum and the vote of five members shall be necessary for any action taken by the Committee. The Committee shall be staffed by employees of the Office of Management and Enterprise Services. The Committee shall be subject to the Oklahoma Open Meeting Act.~~

~~J. The Committee shall deliver a preliminary plan for the renovation, repair and remodeling of the State Capitol to the Director of the Office of Management and Enterprise Services no later than December 31, 2014. The preliminary plan shall include the following components:~~

~~1. Establishment of the Office of Management and Enterprise Services' goal and criteria for use by the vendor; and~~

~~2. Selection criteria for the design-build team vendor to be selected through a Request For Proposal process.~~

~~K. Following receipt of the preliminary plan as approved by the Committee, the Office of Management and Enterprise Services shall solicit Requests For Proposals to select the vendor for the project.~~

1 ~~L. The Committee shall deliver a final plan to the Director of~~
2 ~~the Office of Management and Enterprise Services no later than June~~
3 ~~30, 2015. The final plan shall include the following components:~~

4 ~~1. Approval of the final scope of work developed by the vendor;~~
5 ~~and~~

6 ~~2. Approval of the project phasing developed by the vendor.~~

7 ~~M. Following delivery of the final plan, the Committee shall~~
8 ~~continue to oversee the expenditure of proceeds from the sale of~~
9 ~~obligations issued pursuant to the provisions of this section and~~
10 ~~Section 1 of Enrolled House Bill No. 3168 of the 2nd Session of the~~
11 ~~55th Legislature, until completion of the renovation, repair and~~
12 ~~remodeling of the State Capitol. The Committee may also propose and~~
13 ~~approve amendments to the plan as it deems appropriate.~~

14 ~~N. The Director of the Office of Management and Enterprise~~
15 ~~Services shall have responsibility to substantially implement the~~
16 ~~plan as presented by the Committee; provided, the President Pro~~
17 ~~Tempore of the Senate or the Speaker of the House of Representatives~~
18 ~~shall approve all proposed designs related to renovation, repair and~~
19 ~~remodeling of space within the State Capitol Building under the~~
20 ~~management and control of the Legislature and allocated to that~~
21 ~~officer's house of the Legislature pursuant to the provisions of~~
22 ~~Section 15.1 of this title, and any subsequent changes to such~~
23 ~~plans. Joint approval of the President Pro Tempore of the Senate~~
24 ~~and the Speaker of the House of Representatives shall be required~~

1 ~~for such plans for space under the management and control of the~~
2 ~~Legislature and not allocated to a specific house of the~~
3 ~~Legislature. Such approval shall be in writing.~~

4 ~~O. Insofar as they are not in conflict with the provisions of~~
5 ~~this section, the provisions of Section 151 et seq. of this title~~
6 ~~shall apply to this section.~~

7 SECTION 7. AMENDATORY 74 O.S. 2011, Section 4101, is
8 amended to read as follows:

9 Section 4101. As used in Sections 4101 through ~~4108~~ 4109 of
10 this title:

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

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

18 2. "Enhancement" means an increase or improvement upon the
19 quality, value or extent of the original design intent of the
20 Capitol, Governor's Mansion, or the respective grounds;

21 3. "Grounds" means all land surrounding the State Capitol and
22 bordered by Lincoln Boulevard and the land contained within the
23 fence line surrounding the Governor's Mansion;
24

1 4. "Maintenance" means keeping spaces, structures and
2 infrastructure in proper operating condition in a routine, scheduled
3 or anticipated fashion to prevent failure or degradation;

4 5. "Modification" means any change to an existing physical
5 attribute of the Capitol, Governor's Mansion or the respective
6 grounds;

7 6. "Preservation" means the act or process of applying measures
8 necessary to sustain the existing form, integrity and materials of
9 an historic property. Work, including preliminary measures to
10 protect and stabilize the property, generally focuses upon the
11 ongoing maintenance and repair of historic materials and features,
12 rather than extensive replacement and new construction; and

13 7. "Restoration" means the act or process of accurately
14 depicting the form, features and character of the Capitol as the
15 building appeared in 1917, and the dome in 2002, by means of the
16 removal of features from later periods in its history and
17 reconstruction of missing features from the restoration period. The
18 limited and sensitive upgrading of mechanical, electrical and
19 plumbing systems and other code-required work to make properties
20 functional is appropriate within a restoration project.

21 SECTION 8. AMENDATORY 74 O.S. 2011, Section 4102, as
22 last amended by Section 1, Chapter 237, O.S.L. 2015 (74 O.S. Supp.
23 2016, Section 4102), is amended to read as follows:

1 Section 4102. There is hereby re-created, to continue until
2 July 1, ~~2019~~ 2022, in accordance with the provisions of the Oklahoma
3 Sunset Law, the State Capitol Preservation Commission ~~which shall be~~
4 ~~responsible for planning and supervising the preservation and~~
5 ~~restoration of the interior and exterior of the State Capitol~~
6 ~~Building, hereinafter referred to as the Capitol, and the Governor's~~
7 ~~Mansion. The Commission shall control the display of art objects in~~
8 ~~public areas of the Capitol and the Governor's Mansion.~~ The State
9 Capitol Preservation Commission shall provide the highest quality
10 maintenance, restoration, preservation, enhancement and modification
11 of and long-term planning for the interior and exterior of the State
12 Capitol, hereinafter referred to as the Capitol, Governor's Mansion,
13 and the respective grounds for the perpetual use by state government
14 and the enjoyment of all persons.

15 SECTION 9. AMENDATORY 74 O.S. 2011, Section 4103, as
16 last amended by Section 13, Chapter 209, O.S.L. 2013 (74 O.S. Supp.
17 2016, Section 4103), is amended to read as follows:

18 Section 4103. A. The State Capitol Preservation Commission
19 shall be composed of fifteen (15) members as follows:

- 20 1. ~~Three members shall be appointed by the~~ The Governor;
- 21 2. ~~Three members shall be appointed by the~~ The President Pro
22 Tempore of the Senate;
- 23 3. ~~Three members shall be appointed by the~~ The Speaker of the
24 House of Representatives;

1 4. One member ~~shall be~~ of the Senate appointed by the ~~Chief~~
2 ~~Justice of the Oklahoma Supreme Court~~ President Pro Tempore of the
3 Senate; and

4 5. One former senator appointed by the President Pro Tempore of
5 the Senate;

6 6. One member of the House of Representatives appointed by the
7 Speaker of the House;

8 7. One former member of the House of Representatives appointed
9 by the Speaker of the House;

10 8. One citizen-at-large appointed by the Governor; and

11 9. The Secretary of State.

12 10. The following shall be ex officio nonvoting members:

13 a. ~~Chairman~~ Executive Director of the Oklahoma Arts
14 Council or designee,

15 b. ~~President~~ Executive Director of the Oklahoma
16 Historical Society or designee,

17 c. ~~Capitol Architect and Curator~~ an officer with the
18 Department of Public Safety in charge of security of
19 the Capitol and grounds appointed by the Commissioner
20 of the Department of Public Safety,

21 d. ~~Superintendent of the Capitol~~ Executive Director of
22 the State Capitol Preservation Office, and

23 e. Director of the Office of Management and Enterprise
24 Services or a designee, and

1 ~~f. a licensed architect with experience in historic~~
2 ~~preservation projects appointed by the Governor.~~

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

5 ~~1. One of the members appointed by the Governor, the President~~
6 ~~Pro Tempore of the Senate, the Speaker of the House of~~
7 ~~Representatives, and the member appointed by the Chief Justice of~~
8 ~~the Oklahoma Supreme Court shall serve a one-year term;~~

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

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

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

19 ~~All appointed voting and ex officio members of the State Capitol~~
20 ~~Preservation Commission shall serve at the pleasure of their~~
21 ~~appointing authority.~~

22 ~~C. The Commission shall elect a chair and a vice-chair from its~~
23 ~~membership to serve for a period of two (2) years~~ The first
24 chairperson of the Commission shall be the Governor who will serve a

1 term of two (2) years. Thereafter, the chair of the Commission will
2 rotate between the Speaker of the House, President Pro Tempore of
3 the Senate and the Governor for two-year increments in perpetuity.

4 Members of the Commission shall not be compensated except for
5 reimbursement as provided in the State Travel Reimbursement Act.

6 1. The State Capitol Preservation Commission shall meet at
7 least once per quarter and at the call of the chairperson as needed.

8 2. A quorum of the voting members shall be present for any
9 action taken. A quorum is the majority of the appointed voting
10 members.

11 3. The Commission shall be subject to the Oklahoma Open Meeting
12 Act.

13 ~~D. The Office of Management and Enterprise Services shall make~~
14 ~~the necessary arrangements for support services for the State~~
15 ~~Capitol Preservation Commission~~ A person shall not be eligible for
16 appointment as the citizen-at-large of the Commission if the person
17 or the person's spouse:

18 1. Is employed by the State of Oklahoma;

19 2. Is a registered lobbyist in Oklahoma;

20 3. Is employed by or participates in the management of a
21 business entity or other organization receiving funds from the State
22 Capitol Preservation Office;

1 4. Owns or controls, directly or indirectly, more than a ten
2 percent (10%) interest in a business entity receiving funds from the
3 State Capitol Preservation Office;

4 5. Is currently a member of the House of Representatives or
5 Senate or has served in such capacity within three (3) years of the
6 appointment date;

7 6. Is currently the Lieutenant Governor, State Auditor and
8 Inspector, State Treasurer, Attorney General, Labor Commissioner,
9 Insurance Commissioner, Superintendent of Public Instruction, or
10 Corporation Commissioner or has served in such capacity within three
11 (3) years of the appointment date; or

12 7. Is currently a district judge or appellate judge or has
13 served in such capacity within three (3) years of the appointment
14 date.

15 E. The Commission functions performed by the Governor,
16 President Pro Tempore, Speaker of the House, Secretary of State, and
17 appointed senator and representative are additional functions of
18 their other public offices and duties.

19 SECTION 10. AMENDATORY 74 O.S. 2011, Section 4104, as
20 last amended by Section 14, Chapter 209, O.S.L. 2013 (74 O.S. Supp.
21 2016, Section 4104), is amended to read as follows:

22 Section 4104. A. The State Capitol Preservation Commission
23 shall provide oversight and advice to the State Capitol Preservation
24 Office and shall:

1 1. ~~Research, plan, and have control of modifications and decor~~
2 ~~of the interior and exterior of the Capitol and the Governor's~~
3 ~~Mansion;~~

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

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

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

17 5. ~~Have final approval authority for any plans or programs for~~
18 ~~the restoration, preservation, or display of fine art programs in~~
19 ~~and surrounding the Capitol and the Governor's Mansion.~~

20 B. ~~The Long Range Capital Planning Commission shall submit any~~
21 ~~capital construction or renovation project with respect to the State~~
22 ~~Capitol or the Governor's Mansion to the State Capitol Preservation~~
23 ~~Commission for its advisory opinion prior to consideration by the~~
24 ~~Long Range Capital Planning Commission~~ Provide guidance in the

1 maintenance, restoration, preservation, enhancement or modification
2 of the Capitol and Governor's Mansion and the respective grounds;

3 2. Review and accept the annual budget and the long-range
4 master plan submitted by the State Capitol Preservation Office for
5 the Capitol, Governor's Mansion and the respective grounds;

6 3. Review and accept all requests for preservation,
7 restoration, enhancement and modification to the Capitol, Governor's
8 Mansion and the respective grounds submitted by the State Capitol
9 Preservation Office. This shall not apply to actions deemed to be
10 maintenance necessary for the upkeep and function of the Capitol,
11 Governor's Mansion and the respective grounds;

12 4. Review and accept a security plan submitted by the State
13 Capitol Preservation Office for the Capitol, Governor's Mansion and
14 the respective grounds;

15 5. Review and accept administrative rules submitted by the
16 State Capitol Preservation Office concerning the Capitol, Governor's
17 Mansion, the respective contents and the respective grounds;

18 6. Review and adopt preservation zones and design standards
19 submitted by the State Capitol Preservation Office for the Capitol,
20 Governor's Mansion and the respective grounds;

21 7. Review and accept standards for the selection or acquisition
22 of works of art and monuments for permanent and temporary public
23 display in the Capitol, the Governor's Mansion and the respective
24 grounds. Such works of art shall be directly related to the history

1 and culture of the State of Oklahoma. The State Capitol
2 Preservation Commission shall be responsible for designating the
3 location for all works of art and monuments to be displayed;

4 8. Recommend an Executive Director of the State Capitol
5 Preservation Office to be appointed by the Governor;

6 9. Provide for the allocation of physical space in the Capitol
7 to tenants. Each tenant shall be responsible for assigning its
8 membership and personnel to locations within its allotted space; and

9 10. Provide for designation of parking space blocks to be
10 allotted to the tenants in the Capitol. Tenants will be responsible
11 for assignment of individual parking spaces.

12 B. As of the November 1, 2017, the State Capitol Preservation
13 Commission shall assume oversight responsibility of the Capitol
14 Restoration Project from the State Capitol Repair Expenditure
15 Oversight Committee.

16 SECTION 11. NEW LAW A new section of law to be codified
17 in the Oklahoma Statutes as Section 4105.1 of Title 74, unless there
18 is created a duplication in numbering, reads as follows:

19 A. The State Capitol Preservation Office shall be the custodian
20 of the Capitol, Governor's Mansion and the respective grounds. To
21 aid in these duties, the Office is established under the State
22 Capitol Preservation Commission. The Executive Director shall be
23 the head of the Office and shall be recommended by the Commission
24 and appointed by the Governor. The compensation of the Executive

1 Director shall be established by the Governor. All administration
2 and budgetary decisions for the Office shall be made by the
3 Executive Director.

4 B. The duties of the Office are as follows:

5 1. The Office shall have the responsibility for maintenance,
6 restoration, preservation, enhancement and modification of the
7 Capitol, Governor's Mansion and respective grounds including
8 facilities planning, facilities construction and facilities
9 administration;

10 2. The Office shall be responsible for all maintenance duties
11 necessary to properly preserve and maintain the Capitol, Governor's
12 Mansion and the respective grounds;

13 3. The Office shall be responsible for devising and developing
14 processes for tenants in the Capitol and Governor's Mansion to
15 submit requests for maintenance, restoration, preservation,
16 enhancement and modification and evaluating such requests;

17 4. The Office shall be responsible for submitting preservation
18 zones and design standards to the State Capitol Preservation
19 Commission;

20 5. The Office shall manage each project to ensure execution of
21 the highest quality work product, time-cost schedules and efficient
22 contract performance;

1 6. The Office shall be responsible for producing an annual
2 budget and submitting it to the State Capitol Preservation
3 Commission;

4 7. The Office shall be responsible for creating a long-range
5 master plan for the maintenance and upkeep of the Capitol,
6 Governor's Mansion and the respective grounds which shall be
7 submitted to the State Capitol Preservation Commission every three
8 (3) years;

9 8. The Office shall be responsible for operation of the visitor
10 center, visitor relations activities and tours in the Capitol;

11 9. The Office shall be responsible for producing educational
12 programs and materials related to the Capitol and Governor's Mansion
13 and the art, exhibits, monuments, memorials and displays in the
14 buildings and on the respective grounds;

15 10. The Office shall be responsible for operation of all dining
16 and vending services in the Capitol and shall approve food trucks
17 and other mobile food preparation vehicles on the grounds;

18 11. The Office shall be responsible for approving all displays,
19 both temporary and permanent, in the Capitol, Governor's Mansion and
20 on the respective grounds;

21 12. The Office shall be responsible for promoting the Capitol,
22 Governor's Mansion and the respective grounds through electronic and
23 print media;

1 13. The Office shall be responsible for taking and approving
2 reservations in all meeting rooms and areas of the Capitol and
3 grounds not allocated to the Legislature by the State Capitol
4 Preservation Commission;

5 14. The Office shall be responsible for approving all events
6 and gatherings in the Capitol and on the respective grounds;

7 15. The Office shall be responsible for curation of and care
8 for all exhibits, art, monuments and memorials at the Capitol,
9 Governor's Mansion and the respective grounds;

10 16. The Office shall coordinate with the Department of Public
11 Safety to ensure the safety of all visitors, employees and elected
12 officials who are in the Capitol, Governor's Mansion or on the
13 respective grounds. In cooperation with the Department of Public
14 Safety, a security plan shall be submitted to the State Capitol
15 Preservation Commission every three (3) years;

16 17. The Office shall be responsible for all maintenance, upkeep
17 and access to all parking lots on the grounds of the Capitol and
18 Governor's Mansion. The Office shall issue window stickers or other
19 means of identification for all vehicles with assigned parking
20 spaces;

21 18. The Office shall be responsible for submitting proposed
22 administrative rules to the State Capitol Preservation Commission to
23 govern the execution of the duties of the Office; and
24

1 19. The Office may collect rent from third-party vendors in the
2 Capitol and proceeds from the sale of merchandise or services
3 rendered. All revenues collected shall be deposited into the State
4 Capitol Preservation Office Revolving Fund created pursuant to
5 Section 12 of this act.

6 C. All duties prescribed to the Office in this act currently
7 being conducted in other state agencies will be transferred to the
8 State Capitol Preservation Office on November 1, 2017. All
9 personnel associated with such duties shall be reorganized under the
10 purview of the State Capitol Preservation Office on November 1,
11 2017.

12 D. The Executive Director is responsible for ensuring the
13 duties of the Office are carried out in an effective and efficient
14 manner. The Executive Director shall employ all staff and
15 consultants necessary to perform the duties of the Office,
16 including, but not limited to, a deputy director, attorney and
17 licensed architect. The Executive Director shall organize personnel
18 in the Office to ensure the duties of the Office are properly
19 administered.

20 SECTION 12. NEW LAW A new section of law to be codified
21 in the Oklahoma Statutes as Section 4107.1 of Title 74, unless there
22 is created a duplication in numbering, reads as follows:

23 A. There is created in the State Treasury the "State Capitol
24 Preservation Office Revolving Fund". The fund shall be a continuing

1 fund, not subject to fiscal year limitations, and all collections to
2 the fund are hereby appropriated to the Office. The revolving fund
3 shall consist of any monies received by the Office, pursuant to
4 statutory authority. Monies accruing to the revolving fund herein
5 created may be expended for the same purposes and in the same manner
6 as appropriated funds.

7 B. Expenditures from the revolving fund shall be made pursuant
8 to the laws of the state and the statutes relating to the Office.
9 Warrants for expenditures from the revolving fund shall be drawn by
10 the State Treasurer, based on claims signed by an authorized
11 employee or employees of the Office and approved for payment by the
12 Director of the Office of Management and Enterprise Services.

13 SECTION 13. AMENDATORY 74 O.S. 2011, Section 4108, is
14 amended to read as follows:

15 Section 4108. The provisions of Sections 4101 through ~~4107~~ 4109
16 of this title shall apply to all modifications in the structure or
17 decor of the Capitol ~~and the~~, Governor's Mansion and the respective
18 grounds except for those immediate emergency repairs needed to
19 prevent loss or damage to property or to protect the health and
20 safety of the public during use of the building.

21 SECTION 14. AMENDATORY 74 O.S. 2011, Section 4109, as
22 amended by Section 1014, Chapter 304, O.S.L. 2012 (74 O.S. Supp.
23 2016, Section 4109), is amended to read as follows:

1 Section 4109. ~~By the order of the Director of the Office of~~
2 ~~Management and Enterprise Services, restoration and preservation~~
3 Maintenance, restoration, preservation, enhancement and modification
4 projects of the ~~State Capitol, Building or of the~~ Governor's Mansion
5 and the respective grounds may be exempted from the provisions of
6 the Public Competitive Bidding Act of 1974, Section 101 et seq. of
7 Title 61 of the Oklahoma Statutes. For exempted ~~State~~ Capitol
8 ~~Building~~ or Governor's Mansion construction projects, the State
9 Capitol Preservation Office ~~of Management and Enterprise Services~~
10 shall select among contractors qualified by past experience to
11 conduct historical preservation projects.

12 SECTION 15. REPEALER 73 O.S. 2011, Sections 15, as
13 amended by Section 658, Chapter 304, O.S.L. 2012, 15.1, as last
14 amended by Section 1, Chapter 335, O.S.L. 2016, 15.2, 15.3, 19, as
15 amended by Section 4, Chapter 253, O.S.L. 2013 and 22, as amended by
16 Section 663, Chapter 304, O.S.L. 2012 (73 O.S. Supp. 2016, Sections
17 15, 15.1, 19 and 22), are hereby repealed.

18 SECTION 16. REPEALER 74 O.S. 2011, Sections 4105, as
19 last amended by Section 15, Chapter 209, O.S.L. 2013, 4106, as
20 amended by Section 16, Chapter 209, O.S.L. 2013 and 4107 (74 O.S.
21 Supp. 2016, Sections 4105 and 4106), are hereby repealed.

22 SECTION 17. This act shall become effective November 1, 2017.
23

24 56-1-542 CD 1/20/2017 8:03:26 AM