

FLOOR AMENDMENT
HOUSE OF REPRESENTATIVES
State of Oklahoma

SPEAKER:

CHAIR:

I move to amend HB3571 _____
Of the printed Bill
Page _____ Section _____ Lines _____
Of the Engrossed Bill

By striking the Title, the Enacting Clause, the entire bill, and by
inserting in lieu thereof the following language:

AMEND TITLE TO CONFORM TO AMENDMENTS

Adopted: _____

Amendment submitted by: Mark McBride

Reading Clerk

STATE OF OKLAHOMA

2nd Session of the 58th Legislature (2022)

FLOOR SUBSTITUTE
FOR

HOUSE BILL NO. 3571

By: McBride of the House

and

Thompson of the Senate

FLOOR SUBSTITUTE

An Act relating to the Oklahoma Capitol Improvement Authority; authorizing issuance of obligations; providing for authorized use of proceeds; providing for net proceeds amount; authorizing acquisition of title to certain assets by Oklahoma Capitol Improvement Authority; providing for transfer of title upon redemption or defeasance; authorizing Oklahoma Capitol Improvement Authority to borrow monies on credit of certain income or revenues; authorizing capitalization of interest for prescribed period of time; stating legislative intent with respect to appropriation of funds to the Office of Management and Enterprise Services; providing for payment of professional fees and costs; authorizing issuance of obligations in one or more series; requiring obligations to be issued in phases; specifying net proceeds amounts; authorizing engagement of certain professional services; providing for competitive or negotiated sale of obligations; providing for agreements with credit enhancers or liquidity providers; prescribing final maturity; authorizing use of interest for certain purposes; providing for exemption from state and local taxation; providing for investment of funds; providing for restrictions; providing for applicability of certain statutory provisions; imposing time limit for issuance of obligations; providing for effect of termination of issuing capacity on previously issued obligations; creating

1 Jim Thorpe Repair Expenditure Oversight Committee;
2 providing for membership; specifying powers and
3 duties; requiring plans; providing for solicitation
4 of proposals; specifying content of final plan;
5 providing for oversight; imposing duty on Office of
6 Management and Enterprise Services; providing for
7 codification; and providing an effective date.

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

9 SECTION 1. NEW LAW A new section of law to be codified
10 in the Oklahoma Statutes as Section 382 of Title 73, unless there is
11 created a duplication in numbering, reads as follows:

12 A. In addition to any other authorization provided by law, the
13 Oklahoma Capitol Improvement Authority is authorized to issue
14 obligations to acquire real property, together with improvements
15 located thereon, and personal property to construct improvements to
16 real property and to provide funding for repairs, refurbishments,
17 and improvements to real and personal property of the Jim Thorpe
18 Office Building and associated furniture, fixtures, and equipment in
19 a total amount not to exceed Seventy Million Dollars
20 (\$70,000,000.00). The funds shall be used for the renovation,
21 repair, and remodeling of the Jim Thorpe Office Building.

22 B. The Authority may hold title to the property and
23 improvements until such time as any obligations issued for this
24 purpose are retired or defeased and may lease the property and
improvements to the Office of Management and Enterprise Services.

1 Upon final redemption or defeasance of the obligations created
2 pursuant to this section, title to the property and improvements
3 shall be transferred from the Oklahoma Capitol Improvement Authority
4 to the Office of Management and Enterprise Services.

5 C. For the purposes of paying the costs for construction of the
6 real property and improvements, and providing funding for the
7 project authorized in subsection A of this section, and for the
8 purpose authorized in subsection D of this section, the Authority is
9 hereby authorized to borrow monies on the credit of the income and
10 revenues to be derived from the leasing of such property and
11 improvements and, in anticipation of the collection of such income
12 and revenues, to issue negotiable obligations in a total amount not
13 to exceed Seventy Million Dollars (\$70,000,000.00) whether issued in
14 one or more series. The Authority is authorized to capitalize
15 interest on the obligations issued pursuant to this section for a
16 period of not to exceed one (1) year from the date of issuance. For
17 subsequent fiscal years, it is the intent of the Legislature to
18 appropriate to the Office of Management and Enterprise Services
19 sufficient monies to make rental payments for the purpose of
20 retiring the obligations created pursuant to this section. To the
21 extent funds are available from the proceeds of the borrowing
22 authorized by this subsection, the Oklahoma Capitol Improvement
23 Authority shall provide for the payment of professional fees and
24 associated costs related to the project authorized in subsection A

1 of this section; provided, that no such fees or costs may be paid if
2 such payments would jeopardize the tax-advantaged status of the
3 bonds under federal law.

4 D. The Authority may issue obligations in one or more series
5 and in conjunction with other issues of the Authority. The
6 Authority is authorized to hire bond counsel, financial consultants,
7 and such other professionals as it may deem necessary to provide for
8 the efficient sale of the obligations and may utilize a portion of
9 the proceeds of any borrowing to create such reserves as may be
10 deemed necessary and to pay costs associated with the issuance and
11 administration of such obligations. The bonds shall be issued in
12 phases and, subject to the requirements of subsection J of this
13 section, the first phase shall be structured to provide not to
14 exceed Ten Million Dollars (\$10,000,000.00) in net proceeds to be
15 used, in part, to pay for architectural and engineering services in
16 order to complete the project. The remaining issuing capacity shall
17 be structured to provide not to exceed three additional increments
18 of Twenty Million Dollars (\$20,000,000.00) in net proceeds for a
19 total issuing capacity not to exceed the amount specified in
20 subsection A of this section.

21 E. The obligations authorized under this section may be sold at
22 either competitive or negotiated sale, as determined by the
23 Authority, and in such form and at such prices as may be authorized
24 by the Authority. The Authority may enter into agreements with such

1 credit enhancers and liquidity providers as may be determined
2 necessary to efficiently market the obligations. The obligations
3 may mature and have such provisions for redemption as shall be
4 determined by the Authority, but in no event shall the final
5 maturity of such obligations occur later than twenty-five (25) years
6 from the first principal maturity date.

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

10 G. The obligations issued under this section, the transfer
11 thereof, and the interest earned on such obligations, including any
12 profit derived from the sale thereof, shall not be subject to
13 taxation of any kind by the State of Oklahoma, or by any county,
14 municipality, or political subdivision therein.

15 H. The Authority may direct the investment of all monies in any
16 funds or accounts created in connection with the offering of the
17 obligations authorized under this section. Such investments shall
18 be made in a manner consistent with the investment guidelines of the
19 State Treasurer. The Authority may place additional restrictions on
20 the investment of such monies if necessary to enhance the
21 marketability of the obligations.

22 I. Insofar as they are not in conflict with the provisions of
23 this section, the provisions of Section 151 et seq. of Title 73 of
24 the Oklahoma Statutes shall apply to this section.

1 J. Unless at least fifty percent (50%) of the proceeds
2 authorized by the provisions of this section have been obtained by
3 sale of obligations by the Authority within three (3) years from the
4 effective date of this act, the provisions of this section shall
5 cease to have the force or effect of law with respect to any further
6 issuance of obligations by the Authority otherwise authorized by
7 this section. The provisions of this subsection shall not be
8 construed to limit the liability of the Authority with respect to
9 obligations issued pursuant to this section if the obligations were
10 issued prior to the termination of the remaining issuing capacity
11 nor shall the provisions of this subsection be construed in any way
12 to impair rights of any person or entity which has purchased any
13 obligations of the Authority pursuant to the provisions of this
14 section which were authorized at the time of such purchase.

15 K. There is hereby created a Jim Thorpe Repair Expenditure
16 Oversight Committee. The proceeds from the sale of obligations
17 issued pursuant to the provisions of this section that are needed
18 for repairs to the interior and exterior of the Jim Thorpe Building
19 shall be subject to the approval of the Jim Thorpe Repair
20 Expenditure Oversight Committee; provided, however, the expenditure
21 of those proceeds shall be subject to a request for proposal
22 process.

23 The Committee shall be composed of nine (9) members as follows:
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1 1. Three persons to be appointed by the Governor, one of whom
2 shall serve as chair of the Committee;

3 2. Three legislators to be appointed by the Speaker of the
4 House of Representatives, two of whom shall be members of the
5 majority political party and one of whom shall be a member of the
6 minority political party; and

7 3. Three legislators to be appointed by the President Pro
8 Tempore of the State Senate, two of whom shall be members of the
9 majority political party and one of whom shall be a member of the
10 minority political party. Five members of the Committee shall
11 constitute a quorum and the vote of five members shall be necessary
12 for any action taken by the Committee. The Committee shall be
13 staffed by employees of the Office of Management and Enterprise
14 Services. The Committee shall be subject to the Oklahoma Open
15 Meeting Act.

16 L. The Committee shall deliver a preliminary plan for the
17 renovation, repair and remodeling of the Jim Thorpe Building to the
18 Director of the Office of Management and Enterprise Services no
19 later than December 31, 2022. The preliminary plan shall include
20 the following components:

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

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

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

4 N. The Committee shall deliver a final plan to the Director of
5 the Office of Management and Enterprise Services no later than June
6 30, 2023. The final plan shall include the following components:

7 1. Approval of the final scope of work developed by the vendor;
8 and

9 2. Approval of the project phasing developed by the vendor.

10 O. Following delivery of the final plan, the Committee shall
11 continue to oversee the expenditure of proceeds from the sale of
12 obligations issued pursuant to the provisions of this section until
13 completion of the renovation, repair and remodeling of the Jim
14 Thorpe Office Building. The Committee may also propose and approve
15 amendments to the plan as it deems appropriate.

16 P. The Director of the Office of Management and Enterprise
17 Services shall have responsibility to substantially implement the
18 plan as presented by the Committee.

19 SECTION 2. This act shall become effective November 1, 2022.
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