

1  
2  
3  
4  
5  
6  
7  
8  
9  
0  
1  
2  
3  
4  
5  
6  
7  
8  
9  
0  
1  
2  
3  
4

April 13, 2022

BILL NO. 3571

By: McBride of the House

and

Thompson of the Senate

[ Oklahoma Capitol Improvement Authority -  
authorizing issuance of obligations - authorizing  
acquisition of title to certain assets by Oklahoma  
Capitol Improvement Authority - creating Jim Thorpe  
Repair Expenditure Oversight Committee -  
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 382 of Title 73, unless there is created a duplication in numbering, reads as follows:

A. In addition to any other authorization provided by law, the Oklahoma Capitol Improvement Authority is authorized to issue obligations to acquire real property, together with improvements located thereon, and personal property to construct improvements to real property and to provide funding for repairs, refurbishments, and improvements to real and personal property of the Jim Thorpe Office Building and associated furniture, fixtures, and equipment in a total amount not to exceed Seventy Million Dollars

1 (\$70,000,000.00). The funds shall be used for the renovation,  
2 repair, and remodeling of the Jim Thorpe Office Building.

3 B. The Authority may hold title to the property and  
4 improvements until such time as any obligations issued for this  
5 purpose are retired or defeased and may lease the property and  
6 improvements to the Office of Management and Enterprise Services.  
7 Upon final redemption or defeasance of the obligations created  
8 pursuant to this section, title to the property and improvements  
9 shall be transferred from the Oklahoma Capitol Improvement Authority  
10 to the Office of Management and Enterprise Services.

11 C. For the purposes of paying the costs for construction of the  
12 real property and improvements, and providing funding for the  
13 project authorized in subsection A of this section, and for the  
14 purpose authorized in subsection D of this section, the Authority is  
15 hereby authorized to borrow monies on the credit of the income and  
16 revenues to be derived from the leasing of such property and  
17 improvements and, in anticipation of the collection of such income  
18 and revenues, to issue negotiable obligations in a total amount not  
19 to exceed Seventy Million Dollars (\$70,000,000.00) whether issued in  
20 one or more series. The Authority is authorized to capitalize  
21 interest on the obligations issued pursuant to this section for a  
22 period of not to exceed one (1) year from the date of issuance. For  
23 subsequent fiscal years, it is the intent of the Legislature to  
24 appropriate to the Office of Management and Enterprise Services

1 sufficient monies to make rental payments for the purpose of  
2 retiring the obligations created pursuant to this section. To the  
3 extent funds are available from the proceeds of the borrowing  
4 authorized by this subsection, the Oklahoma Capitol Improvement  
5 Authority shall provide for the payment of professional fees and  
6 associated costs related to the project authorized in subsection A  
7 of this section; provided, that no such fees or costs may be paid if  
8 such payments would jeopardize the tax-advantaged status of the  
9 bonds under federal law.

10 D. The Authority may issue obligations in one or more series  
11 and in conjunction with other issues of the Authority. The  
12 Authority is authorized to hire bond counsel, financial consultants,  
13 and such other professionals as it may deem necessary to provide for  
14 the efficient sale of the obligations and may utilize a portion of  
15 the proceeds of any borrowing to create such reserves as may be  
16 deemed necessary and to pay costs associated with the issuance and  
17 administration of such obligations.

18 E. The obligations authorized under this section may be sold at  
19 either competitive or negotiated sale, as determined by the  
20 Authority, and in such form and at such prices as may be authorized  
21 by the Authority. The Authority may enter into agreements with such  
22 credit enhancers and liquidity providers as may be determined  
23 necessary to efficiently market the obligations. The obligations  
24 may mature and have such provisions for redemption as shall be

1 determined by the Authority, but in no event shall the final  
2 maturity of such obligations occur later than twenty-five (25) years  
3 from the first principal maturity date.

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

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

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

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

22 J. Unless at least fifty percent (50%) of the proceeds  
23 authorized by the provisions of this section have been obtained by  
24 sale of obligations by the Authority within three (3) years from the

1 effective date of this act, the provisions of this section shall  
2 cease to have the force or effect of law with respect to any further  
3 issuance of obligations by the Authority otherwise authorized by  
4 this section. The provisions of this subsection shall not be  
5 construed to limit the liability of the Authority with respect to  
6 obligations issued pursuant to this section if the obligations were  
7 issued prior to the termination of the remaining issuing capacity  
8 nor shall the provisions of this subsection be construed in any way  
9 to impair rights of any person or entity which has purchased any  
10 obligations of the Authority pursuant to the provisions of this  
11 section which were authorized at the time of such purchase.

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

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

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

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

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

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

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

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

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

21 M. Following receipt of the preliminary plan as approved by the  
22 Committee, the Office of Management and Enterprise Services shall  
23 solicit Requests For Proposals to select the vendor for the project.  
24

1 N. 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, 2023. 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 O. 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 until  
10 completion of the renovation, repair and remodeling of the Jim  
11 Thorpe Office Building. The Committee may also propose and approve  
12 amendments to the plan as it deems appropriate.

13 P. The Director of the Office of Management and Enterprise  
14 Services shall have responsibility to substantially implement the  
15 plan as presented by the Committee.

16 SECTION 2. It being immediately necessary for the preservation  
17 of the public peace, health or safety, an emergency is hereby  
18 declared to exist, by reason whereof this act shall take effect and  
19 be in full force from and after its passage and approval.

20 COMMITTEE REPORT BY: COMMITTEE ON APPROPRIATIONS  
21 April 13, 2022 - DO PASS AS AMENDED  
22  
23  
24