STATE OF OKLAHOMA

1st Session of the 44th Legislature (1993)

COMMITTEE SUBSTITUTE
FOR
HOUSE BILL NO. 1761 By: Hamilton (James)

COMMITTEE SUBSTITUTE

An Act relating to state government; amending 74 O.S. 1991, Section 1861, which relates to tourism bonds; providing exception to distribution of certain funds; authorizing the issuance of certain bonds for certain purposes; specifying certain cost amounts; specifying projects and costs; requiring the amount received from certain sales of lodge facilities to be used for certain purposes; providing for the pledging of certain revenues; requiring the Commission to revise certain charges for certain purposes; requiring the placement of certain funds in the 1993 Tourism Bond Revolving Account; committing certain funds for certain purposes; authorizing the Commission to make application to participate in certain reserve fund; stating that such bonds are not general obligation bonds and not an indebtedness to the state; disclaiming certain obligations; specifying such bonds as limited and special obligations of the Oklahoma Tourism and Recreation Commission; prohibiting the use of the faith and credit or taxing power of the state for certain purposes; providing for codification; providing an effective date; and declaring an emergency.

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

SECTION 1. AMENDATORY 74 O.S. 1991, Section 1861, is amended to read as follows:

Section 1861. A. The Oklahoma Tourism and Recreation Commission shall have the power and is authorized from time to time to issue negotiable bonds in anticipation of the collection of all or any part of its revenues, not to exceed Five Million Dollars ($5,000,000.00), for the purpose of constructing, reconstructing, improving, bettering or extending any properties which it is authorized to maintain or operate hereunder. ~~The~~ Except as otherwise provided in subsection F of this section, the Commission shall distribute eighty percent (80%) of the net bond proceeds to existing state parks. The eighty percent (80%) share

of funds will be allocated to parks according to the following procedure: fifty percent (50%) of a park's allocation will be derived by dividing a park's annual revenues by the sum of the total of annual revenues from all parks and multiplying this percentage by fifty percent (50%) of the eighty percent (80%) share of funds. Fifty percent (50%) of a park's allocation from the eighty percent (80%) share will be derived by dividing a park's annual attendance by the sum of the annual attendance from all parks and multiplying this percentage by fifty percent (50%) of the eighty percent (80%) share of funds. The remaining twenty percent (20%) of the net proceeds shall be distributed for capital improvements in new parks or to improve existing parks with low revenue generation. The Commission shall pledge, to the payment of the interest and principal on the principal of such bonds, all or any part of the revenues derived from the operation of the parks controlled and operated by the Commission.

B. The bonds authorized by this section shall be authorized by resolution of the Commission and may, as provided in such resolution:

1. Be issued in one or more series;

2. Bear such date or dates and may mature at such time not exceeding twenty-five (25) years from their respective dates;

3. Bear interest at such rate or rates not exceeding ten percent (10%) per annum;

4. Contain such terms, covenants and conditions.

Said bonds may be sold in such manner and upon such terms as the Commission shall determine; provided, the interest cost yield to maturity of any issue of said bonds shall not exceed ten percent (10%) per annum, payable semi-annually.

C. Any resolution authorizing the issuance of bonds under this act may contain covenants, including, but not limited to:

1. The purpose or purposes to which the proceeds of the sale of bonds may be applied, and the deposit, use, and disposition thereof;

2. The use deposit, securing of deposits and disposition of the revenues of the Commission, including the creating and maintenance of reserves;

3. The issuance of additional bonds payable from the revenues of the Commission;

4. The operation and maintenance of properties of the Commission;

5. The insurance to be carried thereon, and the use, deposit and disposition of insurance monies;

6. Books of account and the inspection and audit thereof and the accounting methods of the Commission;

7. The nonrendering of any free service by the Commission except for promotional activities as deemed in Section 1834 of Title 74 of the Oklahoma Statutes; and

8. The preservation of the properties of the Commission so long as any of the bonds remain outstanding, from any mortgage, sale, lease or other encumbrances not specifically permitted by the terms of the resolution.

D. In the discretion of the Commission, any bonds issued under the provisions of this act may be secured by a trust indenture by and between the Commission and a corporate trustee, which may be any trust company or bank having the powers of a trust company within the state. Any such trust indenture may pledge or assign the revenues from the operation of properties of the Commission, but shall not convey or mortgage any properties, except such revenues. Any such trust indenture or any resolution providing for the issuance of such bonds may contain such provisions for protecting and enforcing the rights and remedies of the bondholders as may be reasonable and proper and not in violation of law, including covenants setting forth the duties of the Commission in relation to:

1. The construction, improvement, maintenance, repair, operation and insurance of the improvements in connection with which such bonds shall have been authorized;

2. The custody, safeguarding and application of all monies; and

3. The employment of consulting engineers in connection with the construction or operation of such improvements.

It shall be lawful for any bank or trust company incorporated under the laws of the state, which may act as depository of the proceeds of bonds or of revenues, to furnish such indemnifying bonds or to pledge such securities as may be required by the Commission. Any such trust indenture may set forth the rights and remedies of the bondholders and of the trustee, and may restrict the individual right of action by bondholders as is customary in trust agreements or trust indentures securing bonds and debentures of corporations. In addition to the foregoing, any such trust indenture may contain such other provisions as the Commission may deem reasonable and proper for the security of the bondholders. All expenses incurred in carrying out the provisions of any such trust indenture may be treated as a part of the cost of operation of the improvements for which the bonds are authorized.

E. Monies received pursuant to the authority of this act, whether as proceeds from the sale of bonds or as revenues from the operations of the properties which have been identified for bond repayment purposes, shall be deemed to be trust funds, to be held and applied solely as provided in this act. The resolution authorizing the issuance of bonds of any issue, or the trust indenture securing such bonds, shall provide that any officer to whom, or any bank or trust company to which, such monies shall be paid, shall act as trustee of such monies and shall hold and apply the same for the purpose hereof, subject to such regulations as this act and such resolution or trust indenture may provide.

F. Issuance of revenue bonds by the Commission on or after July 1, 1993, are not subject to the distribution of bond proceeds as specified in subsection A of this section.

SECTION 2. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 1861.2 of Title 74, unless there is created a duplication in numbering, reads as follows:

A. The Oklahoma Tourism and Recreation Commission shall have the power and is authorized to issue revenue bonds pursuant to subsections B, C, D and E of Section 1861 of this title for the

purpose of constructing only the following capital projects at the prescribed costs:

PARK	AMOUNT
Beavers Bend	
- 2 twenty-plex units	$1,100,000
Fort Cobb	
- RV campground	40,000
Keystone	
- community building	125,000
- 3 new cabins (plus increased cabin occupancy)	240,000
Lake Murray	
- enclosed swimming pool	300,000
- Buzzards Roost improvements	125,000
Little Sahara	
- 14 additional RV pads	39,242
Little River	
- 8 screened shelters	80,000
Robbers Cave	
- 1 twenty-plex unit	550,000
Texoma	
- 8 cabanas/pool enclosure	523,000
Wister	
- cabin fireplaces & remodeling	40,000
McGee Creek	
- 8 screened shelters	80,000
Sequoyah Bay	
- group RV campground	130,000
Roman Nose	
- RV campground	37,500
TOTAL	$3,409,500

If any of the lodge facilities involved are sold to private entities, at any time in the future, prior to the payment of the

bonds issued by virtue of this act, the amount received shall first be used to pay any unredeemed bonds for such facilities.

B. For revenue bonds issued by the Commission on or after July 1, 1993, only revenues generated by the improvements made from the proceeds of the issue shall be pledged to the payment of bonds issued pursuant to this section. The Commission may revise such charges directly associated with such improvements from time to time whenever necessary to assure that such are sufficient to pay the principal of and interest on such bonds. All revenues generated pursuant to the provisions of this section shall be placed in the 1993 Tourism Bond Revolving Account. Any funds not required for the purposes of this section are hereby committed for major maintenance and repairs of state park facilities. If deemed advantageous to the issuance of revenue bonds, the Commission is hereby authorized to make application to the Oklahoma Development Finance Authority for participation in the Credit Enhancement Reserve Fund.

C. The revenue bonds being issued by the Oklahoma Tourism and Recreation Commission pursuant to this section shall not be general obligation bonds and shall not be an indebtedness to the State of Oklahoma. The Oklahoma Legislature shall not be obligated to appropriate funds for the repayment of the bonds issued pursuant to this section and shall be under no obligation to pay either the principal or the interest on such bonds. The bonds issued pursuant to this section are limited and special obligations of the Oklahoma Tourism and Recreation Commission and shall be payable solely from the pledged revenues from the projects involved and no other Department funds may be utilized in meeting the debt requirements of such bonds. Neither the faith and credit nor the taxing power of the State of Oklahoma or any political subdivision thereof is obligated to pay the principal of or the interest on the revenue bonds.

SECTION 3. This act shall become effective July 1, 1993.

SECTION 4. 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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