

STATE OF OKLAHOMA

1st Session of the 49th Legislature (2003)

HOUSE BILL HB1619

By: Wilson

AS INTRODUCED

An Act relating to tourism and recreation; directing the Oklahoma Capitol Improvement Authority to provide funding for certain repairs and improvements to Oklahoma Tourism and Recreation Department properties; authorizing the Authority to hold certain interest; providing for transfer of interest; allocating project costs; requiring a construction schedule; authorizing the Authority to borrow monies and issue obligations; stating legislative intent to make certain appropriations; providing for the payment of professional fees and costs; allowing the Authority to undertake certain action; providing for the sale and maturity of the obligations; providing for use of interest earnings; exempting obligations from taxation; authorizing the Authority to direct investments; providing for application of certain laws; providing for payment of bonds upon the sale of the facilities; directing the Oklahoma Capitol Improvement Authority to provide funding for certain repairs and improvements; providing for transfer of interest; allocating project costs; prohibiting financing if certain facilities are sold; providing for payment of unredeemed bonds; providing for codification; and declaring an 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 179.1 of Title 73, unless there is created a duplication in numbering, reads as follows:

A. The Oklahoma Capitol Improvement Authority shall provide for the funding for repairs, refurbishments and improvements to Oklahoma Tourism and Recreation Department properties and facilities, and may hold title to or a leasehold interest in the facilities until such time as the indebtedness created pursuant to this section shall be retired or defeased and shall lease such facilities to the

Department. Upon the retirement of the indebtedness created pursuant to this section, the title to the facilities and improvements thereon shall be transferred from the Oklahoma Capitol Improvement Authority to the Oklahoma Tourism and Recreation Department. Project costs are allocated in the following amounts and for the following purposes:

<u>Park/Description of Project</u>	<u>Amount</u>
Sequoyah Park: for the construction of a lagoon and ground application system and abandonment and reclamation of noncompliant lagoons:	\$3,028,000.00
Tenkiller State Park: for the installation of new lift stations and construction of a central lagoon system with aeration and drip irrigation ground application, additional sewer lines and replacement of nonfunctioning systems:	\$1,700,000.00
Contingencies and change orders:	<u>\$212,760.00</u>
Total Project Costs	\$4,940,760.00

B. Financing for the projects listed in subsection A shall follow a construction schedule submitted by the Oklahoma Tourism and Recreation Department. The construction schedule shall be certified by the Oklahoma Department of Central Services.

C. For the purpose of paying the costs for acquisition and construction of the real property and improvements and personal property and making the repairs, refurbishments, and improvements to real and personal property, and providing funding for the projects authorized in subsection A of this section, and for the purpose authorized in subsection D of this section, the Authority is hereby authorized to borrow monies on the credit of the income and revenues to be derived from the leasing of such real and personal property and improvements and, in anticipation of the collection of such

income and revenues, to issue negotiable obligations whether issued in one or more series.

D. It is the intent of the Legislature to appropriate or otherwise make available to the Oklahoma Tourism and Recreation Department from any funds available sufficient monies to make rental payments for the purposes of retiring the obligations created pursuant to this section.

E. To the extent funds are available from the proceeds of the borrowing authorized by subsection C of this section, the Oklahoma Capitol Improvement Authority shall provide for the payment of professional fees and associated costs related to the projects authorized in subsection A of this section.

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

G. The obligations authorized under this section may be sold at either competitive or negotiated sale, as determined by the Authority, and in such form and at such prices as may be authorized by the Authority. The Authority may enter into agreements with such credit enhancers and liquidity providers as may be determined necessary to efficiently market the obligations. The obligations may mature and have such provisions for redemption as shall be determined by the Authority, but in no event shall the final maturity of such obligations occur later than thirty (30) years from the first principal maturity date.

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

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

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

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

L. To the extent that the provisions of paragraph 3 of subsection K of Section 85.4 of Title 74 of the Oklahoma Statutes would otherwise be applicable, such provisions shall be inapplicable to assets acquired, for ownership or for use, through the proceeds from the obligations authorized by subsection A of this section.

M. If any of the lodge, park or golf course facilities involved in this section 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.

SECTION 2. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 179.2 of Title 73, unless there is created a duplication in numbering, reads as follows:

A. No bonds may be issued to fund projects in this section until the Oklahoma Capitol Improvement Authority has received certification from the Department that the projects in Section 1 of this act have been completed. Upon completion of the projects listed in Section 1 of this act, the Oklahoma Capitol Improvement Authority shall provide for the funding for repairs, refurbishments and improvements to Oklahoma Tourism and Recreation Department properties and facilities, and may hold title to or a leasehold interest in the facilities until such time as the indebtedness created pursuant to this section shall be retired or defeased and shall lease such facilities to the Department. Upon the retirement of the indebtedness created pursuant to this section, the title to the facilities and improvements thereon shall be transferred from the Oklahoma Capitol Improvement Authority to the Oklahoma Tourism and Recreation Department. Project costs are allocated in the following amounts and for the following purposes:

<u>Park/Description of Project</u>	<u>Amount</u>
Texoma State Park: to construct lagoons	
with ground application capacity:	\$2,900,000.00
Contingencies and change orders:	<u>\$130,500.00</u>
Total Project Costs	\$3,030,500.00

B. Under no circumstances shall the projects listed in subsection A of this section be financed if any of the lodge, park or golf course facilities involved in this section are sold to private entities as provided for in Section 1852.3 of Title 74 of the Oklahoma Statutes.

C. If any of the lodge, park or golf course facilities involved in subsection A of this section are sold to private entities, at any time in the future, as provided for in Section 1852.3 of Title 74 of the Oklahoma Statutes, 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 listed in this section.

D. Financing for the projects listed in subsection A of this section shall follow a construction schedule submitted by the Oklahoma Tourism and Recreation Department. The construction schedule shall be certified by the Oklahoma Department of Central Services.

E. For the purpose of paying the costs for acquisition and construction of the real property and improvements and personal property and making the repairs, refurbishments, and improvements to real and personal property, and providing funding for the projects authorized in subsection A of this section, and for the purpose authorized in subsection G of this section, the Authority is hereby authorized to borrow monies on the credit of the income and revenues to be derived from the leasing of such real and personal property and improvements and, in anticipation of the collection of such income and revenues, to issue negotiable obligations whether issued in one or more series.

F. It is the intent of the Legislature to appropriate or otherwise make available to the Oklahoma Tourism and Recreation Department from any funds available sufficient monies to make rental payments for the purposes of retiring the obligations created pursuant to this section.

G. To the extent funds are available from the proceeds of the borrowing authorized by subsection E of this section, the Oklahoma Capitol Improvement Authority shall provide for the payment of professional fees and associated costs related to the projects authorized in subsection A of this section.

H. The Authority may issue obligations in one or more series and in conjunction with other issues of the Authority. The Authority is authorized to hire bond counsel, financial consultants, and such other professionals as it may deem necessary to provide for the efficient sale of the obligations and may utilize a portion of the proceeds of any borrowing to create such reserves as may be

deemed necessary and to pay costs associated with the issuance and administration of such obligations.

I. The obligations authorized under this section may be sold at either competitive or negotiated sale, as determined by the Authority, and in such form and at such prices as may be authorized by the Authority. The Authority may enter into agreements with such credit enhancers and liquidity providers as may be determined necessary to efficiently market the obligations. The obligations may mature and have such provisions for redemption as shall be determined by the Authority, but in no event shall the final maturity of such obligations occur later than thirty (30) years from the first principal maturity date.

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

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

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

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

N. To the extent that the provisions of paragraph 3 of subsection K of Section 85.4 of Title 74 of the Oklahoma Statutes

would otherwise be applicable, such provisions shall be inapplicable to assets acquired, for ownership or for use, through the proceeds from the obligations authorized by subsection A of this section.

SECTION 3. 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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