

STATE OF OKLAHOMA

1st Session of the 50th Legislature (2005)

HOUSE BILL 1707

By: Balkman

AS INTRODUCED

An Act relating to public finance; enacting the Debt Financing Disclosure Act; defining terms; imposing reporting requirements upon local and state governmental entities with respect to indebtedness; specifying content of reports; requiring filing of information with certain public officials; requiring annual publication of information by Office of State Finance; providing for codification; and providing an effective date.

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 695.10A of Title 62, unless there is created a duplication in numbering, reads as follows:

This act shall be known and may be cited as the "Debt Financing Disclosure Act".

SECTION 2. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 695.10B of Title 62, unless there is created a duplication in numbering, reads as follows:

A. As used in this section:

1. "Governmental entity" means either a local governmental entity or a state governmental entity as defined by paragraphs 2 and 3 of this subsection;

2. "Local governmental entity" means any city, town, county, public trust having a single city, town or county, as its beneficiary, or having any combination of cities, towns or counties as multiple beneficiaries, common school district, career and technology education district, improvement or assessment district or

other entity or unit of local government not specifically identified by this paragraph with indebtedness issued and outstanding; and

3. "State governmental entity" means any agency, board, commission, department, authority, instrumentality, public trust having the State of Oklahoma as its beneficiary, or any other entity created pursuant to the Oklahoma Constitution or statutes which is not a political subdivision and which is not defined as a local governmental entity.

B. Each governmental entity shall prepare an annual report on a standard form prescribed by the State Bond Advisor for such purpose containing:

1. All existing and unpaid indebtedness represented by obligations issued by the governmental entity or on behalf of the governmental entity;

2. The identity of the issuing entity as reflected in the bond resolution pursuant to which the obligations were sold to third persons;

3. The original term of the indebtedness, the remaining period of time within which the indebtedness is to be repaid and the interest rate being paid for the applicable reporting period;

4. Whether the indebtedness has been or is expected to be refinanced and the terms of the refinancing, including the remaining period of time for repayment of the indebtedness and applicable interest rate or rates;

5. The identify of the attorney or attorneys who represented the governmental entity in connection with the issuance of the indebtedness and the total fees paid to such attorney or attorneys in connection with the issuance;

6. The identity of the financial advisor or underwriter who represented the governmental entity in connection with the issuance of the indebtedness and the total fees paid to such financial advisor or underwriter;

7. The identity of any consultant, whether financial or otherwise, whose services were engaged as part of the issuance of obligations representing the indebtedness of the entity; and

8. All other expenses paid by the governmental entity including, but not limited to, printing expenses, trustee fees or other costs related to the issuance of the obligations.

C. The information required by subsection B of this section shall be filed with the State Board of Equalization, the Governor, the Speaker of the Oklahoma House of Representatives, the President Pro Tempore of the State Senate and the Director of the Office of State Finance not later than the last day of January, or the first regular day of business succeeding such date, each year for indebtedness outstanding during the preceding calendar year.

D. The provisions of this section shall be in addition to any other requirements of law governing the disclosure of information related to the indebtedness identified in the report required by this section.

E. The Office of State Finance shall compile the information submitted to it pursuant to this section and shall publish the information or an executive summary of the information in a newspaper of general circulation throughout the state not later than the last day of June each year. Once the first publication of the information occurs, the subsequent publications of the information shall occur during the same month as originally selected. If the information is published in summary form, the summary shall separately identify the indebtedness represented by state governmental entities from the indebtedness represented by local governmental entities.

SECTION 3. This act shall become effective November 1, 2005.

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