

1 STATE OF OKLAHOMA

2 2nd Session of the 51st Legislature (2008)

3 CONFERENCE COMMITTEE
4 SUBSTITUTE
5 FOR ENGROSSED
6 HOUSE BILL NO. 2351

By: Miller and Jones of the
House

7 and

8 Johnson (Mike),
9 Crutchfield, Myers and
10 Adelson of the Senate

11 CONFERENCE COMMITTEE SUBSTITUTE

12 An Act relating to public finance; amending Section
13 1, Chapter 417, O.S.L. 2005 (73 O.S. Supp. 2007,
14 Section 332), which relates to the Oklahoma Capitol
Improvement Authority; modifying authorized issuance
amount for certain assets; and declaring an
emergency.

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

18 SECTION 1. AMENDATORY Section 1, Chapter 417, O.S.L.
19 2005 (73 O.S. Supp. 2007, Section 332), is amended to read as
20 follows:

21 Section 332. A. In addition to any other authorization
22 provided by law, the Oklahoma Capitol Improvement Authority is
23 authorized to issue obligations to provide funding for repairs,
24 refurbishments and improvements to real and personal property and

1 for funding for completion of renovation of the Wiley Post
2 Historical Building for occupancy by the appellate courts with debt
3 retirement payments to be made as provided herein.

4 B. The Authority may hold title to the real and personal
5 property and improvements until such time as any obligations issued
6 for this purpose are retired or defeased and may lease the real
7 property and improvements to the state appellate courts. Upon final
8 redemption or defeasance of the obligations created pursuant to this
9 section, title to the real and personal property and improvements
10 shall be transferred from the Oklahoma Capitol Improvement Authority
11 to the Oklahoma Supreme Court.

12 C. For the purpose of paying the costs for acquisition and
13 construction of the real property and improvements and personal
14 property and making the repairs, refurbishments, and improvements to
15 real and personal property, and providing funding for the project
16 authorized in subsection A of this section, and for the purpose
17 authorized in subsection D of this section, the Authority is hereby
18 authorized to borrow monies on the credit of the income and revenues
19 to be derived from the leasing of such real and personal property
20 and improvements, and in anticipation of the collection of such
21 income and revenues, to issue notes, bonds or other evidences of
22 obligation in an amount necessary to generate net proceeds of
23 ~~Twenty one Million Six Hundred Fifty Thousand Dollars~~
24 ~~(\$21,650,000.00)~~ Thirty-two Million Six Hundred Fifty Thousand

1 Dollars (\$32,650,000.00) after providing for the costs of issuance,
2 credit enhancement, reserves and other expenses related to the
3 financing. Net proceeds of the financing will be deposited into a
4 construction fund to provide for the financing of the project
5 described in subsection A of this section. Earnings that result
6 from the investment of the construction fund may be used for the
7 project authorized in subsection A of this section or for other
8 legal purposes approved by the Authority, whether issued in one or
9 more series. It is the intent of the Legislature to appropriate to
10 the Oklahoma Supreme Court sufficient monies to make rental payments
11 for the purposes of retiring the obligations created pursuant to
12 this section. To the extent funds are available from the proceeds
13 of the borrowing authorized by this subsection, the Oklahoma Capitol
14 Improvement Authority shall provide for the payment of professional
15 fees and associated costs related to the projects authorized in
16 subsection A of this section.

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

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

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

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

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

3 I. Insofar as they are not in conflict with the provisions of
4 this section, the provisions of Section 151 et seq. of ~~Title 73 of~~
5 ~~the Oklahoma Statutes~~ this title shall apply to this section.

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

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