

1 STATE OF OKLAHOMA

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

3 HOUSE BILL 3069

By: Shannon and Cargill

4
5
6 AS INTRODUCED

7 An Act relating to public finance; authorizing the
8 Oklahoma Capitol Improvement Authority to issue
9 obligations; authorizing obligations for Native
10 American Cultural Center Museum for the Native
11 American Cultural and Educational Authority;
12 providing for debt retirement payments; prescribing
13 procedures related to acquisition and transfer of
14 title; imposing certain requirements on borrowing
15 money; stating legislative intent; authorizing
16 payment of certain costs; providing methods for
17 issuance of obligations; authorizing hiring of
18 certain professionals for certain purposes; providing
19 for sale of obligations by certain methods; limiting
20 maturity of obligations; providing for utilization of
21 certain interest earnings; providing tax exemption;
22 providing for investment of certain monies; providing
23 for codification; providing an effective date; and
24 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 304.1 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

1 obligations to acquire real property, together with improvements
2 located thereon, and personal property, to construct buildings and
3 other improvements to real property and to provide funding for
4 improvements to real and personal property and for funding for
5 construction of a Native American Cultural Center Museum for the
6 Native American Cultural and Educational Authority in a total amount
7 not to exceed:

8 1. Twenty-five Million Dollars (\$25,000,000.00), without regard
9 to any requirements for the existence of privately donated or
10 pledged funds, that shall be authorized for issuance effective July
11 1, 2008; and

12 2. An additional amount not to exceed Five Million Dollars
13 (\$5,000,000.00) if the Native American Cultural and Educational
14 Authority provides satisfactory evidence to the Oklahoma Capitol
15 Improvement Authority that Fifteen Million Dollars (\$15,000,000.00)
16 or more in privately donated or pledged funds has been committed to
17 the expenses for the construction or furnishing or equipping or
18 operational expenses of the Native American Cultural Center Museum.
19 For purposes of this paragraph, a statement prepared by a Certified
20 Public Accountant shall constitute satisfactory evidence of the
21 existence of the required amount of privately donated or pledged
22 funds.

23

24

1 B. Debt retirement payments for the obligations issued pursuant
2 to subsection A of this section shall be made as provided by this
3 section.

4 C. 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 agencies indicated herein. Upon
8 final redemption or defeasance of the obligations created pursuant
9 to this section, title to the real and personal property and
10 improvements shall be transferred from the Oklahoma Capitol
11 Improvement Authority to the Native American Cultural and
12 Educational Authority.

13 D. For the purpose of paying the costs for acquisition and
14 construction of the real property and improvements and personal
15 property and making the improvements to real and personal property,
16 providing funding for the project authorized in subsection A of this
17 section, and for the purpose authorized in subsection E of this
18 section, the Authority is hereby authorized to borrow monies on the
19 credit of the income and revenues to be derived from the leasing of
20 such real and personal property and improvements and, in
21 anticipation of the collection of such income and revenues, to issue
22 negotiable obligations in a total amount not to exceed the amounts
23 specified in paragraph 1 or 2 of subsection A of this section or
24 both such amounts, whether issued in one or more series. For the

1 fiscal year ending June 30, 2009, and subsequent fiscal years, it is
2 the intent of the Legislature to appropriate to the Native American
3 Cultural and Educational Authority sufficient monies to make rental
4 payments for the purposes of retiring the obligations created
5 pursuant to paragraphs 1 and 2 of this section. To the extent funds
6 are available from the proceeds of the borrowing authorized by this
7 subsection, the Oklahoma Capitol Improvement Authority shall provide
8 for the payment of professional fees and associated costs related to
9 the projects authorized in subsection A of this section.

10 E. 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 F. 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 thirty (30) years from
3 the first principal maturity date.

4 G. 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 H. 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 I. 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 J. 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 SECTION 2. This act shall become effective July 1, 2008.

23 SECTION 3. It being immediately necessary for the preservation
24 of the public peace, health and safety, an emergency is hereby

1 declared to exist, by reason whereof this act shall take effect and
2 be in full force from and after its passage and approval.

3

4 51-2-8842 MAH 01/16/08

5

6

7

8

9

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24