

SUBCOMMITTEE AMENDMENT
HOUSE OF REPRESENTATIVES
State of Oklahoma

SPEAKER:

CHAIR:

I move to amend SB878
Page _____ Section _____ Lines _____
Of the printed Bill
Of the Engrossed Bill

By striking the Title, the Enacting Clause, the entire bill, and by inserting in lieu thereof the following language:

AMEND TITLE TO CONFORM TO AMENDMENTS

Adopted: _____

Amendment submitted by: Randy Terrill _____

Reading Clerk

STATE OF OKLAHOMA

1st Session of the 52nd Legislature (2009)

PROPOSED SUBCOMMITTEE
SUBSTITUTE
FOR ENGROSSED
SENATE BILL NO. 878

By: Johnson (Mike) of the
Senate

and

Miller of the House

PROPOSED SUBCOMMITTEE SUBSTITUTE

(public finance - duties of the Attorney General -

effective date -

emergency)

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

SECTION 1. AMENDATORY 62 O.S. 2001, Section 15, is
amended to read as follows:

Section 15. ~~(a)~~ A. In all stages of proceedings leading to the
issuance and sale of general obligation bonds pledging the full
faith and credit of the state, it shall be a duty of the Attorney
General to perform all necessary legal work incident thereto.
Neither the Attorney General nor any other officer of the state may
use any public funds to pay for the services of a private attorney

1 or consulting fee in connection with such work. Neither the
2 Attorney General nor Assistant Attorney General shall receive any
3 remuneration, other than ~~his~~ salary, for legal services performed in
4 proceedings leading to the issuance and sale of bonds as provided in
5 this act. If a "marketing" opinion is desired, the bond buyers
6 shall pay for its procurement.

7 ~~(b)~~ B. In all proceedings leading to the issuance and sale of
8 revenue bonds by any state agency acting pursuant to a specific
9 legislative validating act, a private attorney or attorneys may be
10 employed when the legislative validating act does not prohibit such
11 employment. The employment contract with ~~said~~ the private attorney
12 or attorneys shall be filed of record with the Attorney General. In
13 no case shall the employed private attorney be paid a fee in excess
14 of that authorized in the validating act. In addition, the Attorney
15 General is authorized to charge an examination fee for review and
16 approval of revenue bond or note proceedings, as provided for in
17 subsection E of this section. If a "marketing" opinion is desired,
18 the bond buyers shall pay for its procurement.

19 ~~(c)~~ C. In all proceedings leading to the issuance and sale of
20 general obligation bonds or revenue bonds by any state agency acting
21 pursuant to a specific legislative validating act, any financial or
22 marketing consultant employed by the state for services relative to
23 the marketing of such bonds shall not be paid a fee in excess of
24 that authorized in the validating act.

1 ~~(d) Nothing~~ D. Except for the provisions of subsection E of
2 this section, nothing herein shall apply to legal proceedings
3 leading to the issuance or sale of bonds pursuant to Article 10,
4 Sections 26, 27 and 35 of Oklahoma Constitution or to any obligation
5 issued by public trusts under the Public Trust Act (except those
6 trusts created by the state as contrasted to its subdivisions or
7 other governmental entities), the Interlocal Cooperation Act and the
8 Local Industrial and Development Act.

9 E. In all proceedings leading to the issuance and sale of
10 revenue bonds or notes by any state agency, or the issuance and sale
11 of general or limited obligation bonds pledging the faith and
12 credit, whether general or special, of the state or any political
13 subdivision thereof, where the Attorney General is required by law
14 to review such proceedings, the Attorney General is authorized to
15 charge and collect a nonrefundable examination fee, payable at the
16 time the proceedings are finally approved and bonds or notes are
17 delivered. The issuer may reimburse itself for the examination fee
18 from the proceeds of the bond or note issue. Such examination fee
19 shall not exceed the following amounts:

20 1. Three one-hundredths of one percent (0.03%) of the first
21 Five Million Dollars (\$5,000,000.00) of the principal amount of
22 bonds or notes issued; and

23 2. Two one-hundredths of one percent (0.02%) of any principal
24 amount of bonds or notes issued in excess of Five Million Dollars

1 (\$5,000,000.00), up to and including Fifty Million Dollars

2 (\$50,000,000.00); and

3 3. One one-hundredth of one percent (0.01%) of any principal
4 amount of bonds or notes in excess of Fifty Million Dollars
5 (\$50,000,000.00).

6 All fees collected as authorized by this subsection shall be
7 deposited in the Attorney General's Revolving Fund created in
8 Section 20 of Title 74 of the Oklahoma Statutes.

9 SECTION 2. AMENDATORY 70 O.S. 2001, Section 4008, is
10 amended to read as follows:

11 Section 4008. All bonds issued hereunder shall have on the
12 backs thereof the certificate required by Section 29 of Article ~~10~~ X
13 of the Constitution of Oklahoma. Such bonds and any bonds or other
14 obligations issued under the Oklahoma Higher Education Promise of
15 Excellence Act of 2005 shall be submitted to the Attorney General of
16 Oklahoma for ~~his~~ examination; and such bonds, when having been
17 examined and certified as legal obligations by the Attorney General
18 in accordance with such requirements as he or she may make, shall be
19 incontestable in any court in the State of Oklahoma unless suit
20 thereon shall be brought in a court having jurisdiction thereof
21 within thirty (30) days from the date of such approval. Bonds so
22 approved by the Attorney General shall be prima facie valid and
23 binding obligations according to their terms, and the only defense
24 which may be offered thereto in any suit instituted after such

1 thirty-day period shall have expired shall be forgery, fraud or
2 violation of the Constitution.

3 SECTION 3. This act shall become effective July 1, 2009.

4 SECTION 4. It being immediately necessary for the preservation
5 of the public peace, health and safety, an emergency is hereby
6 declared to exist, by reason whereof this act shall take effect and
7 be in full force from and after its passage and approval.

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9 52-1-7420 GRS 03/24/09

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