

1 STATE OF OKLAHOMA

2 2nd Session of the 52nd Legislature (2010)

3 COMMITTEE SUBSTITUTE

4 FOR

5 HOUSE BILL NO. 3167

By: Hickman

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8 COMMITTEE SUBSTITUTE

9 An Act relating to public finance; amending Section
10 3, Chapter 309, O.S.L. 2009 (62 O.S. Supp. 2009,
11 Section 891.3), which relates to the Oklahoma
12 Community Economic Development Pooled Finance Act;
13 modifying definitions; and declaring an emergency.

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

15 SECTION 1. AMENDATORY Section 3, Chapter 309, O.S.L.
16 2009 (62 O.S. Supp. 2009, Section 891.3), is amended to read as
17 follows:

18 Section 891.3 1. "Authority" means the Oklahoma Development
19 Finance Authority;

20 2. "Bonds" means any form of obligation issued by the Oklahoma
21 Development Finance Authority pursuant to this act;

22 3. "Business entity" means a corporation, limited liability
23 company, general partnership, limited partnership, or such other
24 entity conducting a lawful activity which is organized pursuant to

1 the laws of the state or which is authorized to do business in the
2 state if organized under the law of another jurisdiction;

3 4. "Community Economic Development Pooled Finance Revolving
4 Fund" means the fund created pursuant to Section 15 of this act;

5 5. "Conduit issuer" means the Oklahoma Development Finance
6 Authority acting for the benefit of either a combination of local
7 government entities or a local government entity or entities in
8 conjunction with a for-profit business entity pursuant to the
9 provisions of this act;

10 6. "Credit Enhancement Reserve Fund" means that fund created
11 pursuant to Section 5063.3 of Title 74 of the Oklahoma Statutes;

12 7. "Debt" means bonds, notes, or other evidence of indebtedness
13 issued by the Oklahoma Development Finance Authority;

14 8. "Department" means the Oklahoma Department of Commerce;

15 9. "Economic Development Pool" means proceeds of obligations
16 sold by the Authority to provide resources for eligible local
17 government entities or a local government entity in conjunction with
18 a for-profit business entity to finance an eligible economic
19 development project;

20 10. "Eligible local government entity" means:

21 a. a city,

22 b. a town,

23 c. a county,

24 d. any combination of cities, towns, or counties, or

1 e. a public trust with a beneficiary or beneficiary which
2 is a city, town, county or some combination of such
3 entities as authorized by Section 176 of Title 60 of
4 the Oklahoma Statutes;

5 11. "For-profit business" means any lawful activity conducted
6 by a business entity with the goal or expectation of selling goods,
7 services or other property at a price greater than the actual costs
8 incurred by the business;

9 12. "Infrastructure" means:

10 a. county roads,

11 b. county bridges,

12 c. municipal streets,

13 d. municipal bridges,

14 e. any railway or utility system owned by an eligible
15 local government entity,

16 f. water treatment facilities,

17 ~~f.~~ g. solid waste management facilities,

18 ~~g.~~ h. water treatment and distribution systems, or

19 ~~h.~~ i. any asset or project identified by the eligible local
20 government entities necessary for essential government
21 functions if the asset is owned by a local government
22 entity or entities;

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1 13. "Infrastructure Pool" means proceeds of obligations sold by
2 the Authority to provide resources for eligible local government
3 entities to provide financing for infrastructure;

4 14. "Pooled financing" means an agreement, pursuant to the
5 provisions of this act or pursuant to the Interlocal Cooperation
6 Act, among two or more eligible local governmental entities or
7 involving a local government entity or entities in conjunction with
8 a for-profit business entity to use proceeds from a tax levy or
9 other authorized source of revenue to make payments of principal,
10 interest, and other related costs in connection with an obligation
11 issued by the Oklahoma Development Finance Authority for the benefit
12 of the entities entering into such agreement according to the terms
13 of the agreement and according to the requirements of any ballot
14 submitted to the voters of the respective eligible local
15 governmental entities. Pooled financing does not mean or include
16 the use of any ad valorem tax revenues derived from a levy imposed
17 pursuant to Section 26 of Article X of the Oklahoma Constitution;
18 and

19 15. "Private activity bonds" means those obligations the
20 interest income from which may be exempt from federal income tax
21 pursuant to the provisions of the Internal Revenue Code of 1986, as
22 amended.

23 SECTION 2. 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.

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