

**EHB 3167**

**THE STATE SENATE**  
**Wednesday, March 24, 2010**

**ENGROSSED**

**House Bill No. 3167**

**As Amended**

ENGROSSED HOUSE BILL NO. 3167 - By: Hickman and Walker of the House  
and Mazzei, Ivester and Stanislawski of the Senate.

[ **public finance - Oklahoma Community Economic Development**  
**Pooled Finance Act -**

**emergency ]**

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

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

Section 891.3 As used in this act:

1. "Authority" means the Oklahoma Development Finance  
Authority;

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

3. "Business entity" means a corporation, limited liability  
company, general partnership, limited partnership, or such other  
entity conducting a lawful activity which is organized pursuant to  
the laws of the state or which is authorized to do business in the  
state if organized under the law of another jurisdiction;

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

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

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

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

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

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

18          10. "Eligible local government entity" means:

19           a. a city,

20           b. a town,

21           c. a county,

22           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;

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.

1           SECTION 2. It being immediately necessary for the preservation  
2 of the public peace, health and safety, an emergency is hereby  
3 declared to exist, by reason whereof this act shall take effect and  
4 be in full force from and after its passage and approval.  
5 COMMITTEE REPORT BY: COMMITTEE ON FINANCE, dated 3-23-10 - DO PASS,  
6 As Amended and Coauthored.