

1 STATE OF OKLAHOMA

2 1st Session of the 52nd Legislature (2009)

3 SENATE BILL 632

By: Corn

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5
6 AS INTRODUCED

7 An Act relating to public safety; creating the Matt
8 Evans/Jeff Rominger Interoperable Communications Act;
9 authorizing Department of Public Safety to acquire a
10 certain communication system upon receipt of certain
11 monies; authorizing the Oklahoma Capitol Improvement
12 Authority to acquire and construct certain property
13 and to provide funding for certain repairs,
14 refurbishments, improvements and projects;
15 authorizing borrowing of certain amount of money for
16 certain purposes; authorizing issuance of certain
17 obligations; stating legislative intent; authorizing
18 Authority to hold title to certain property;
19 requiring transfer of title under certain
20 circumstance; providing for payment of certain fees
21 and costs; prescribing procedures for issuance of
22 certain obligations; authorizing payment of fees and
23 hiring of personnel; authorizing certain agreements;
24 providing for use of interest earnings; exempting
certain obligations, transfers and interest from
taxation; authorizing investment of funds;
prescribing procedures for investment; authorizing
Oklahoma Capitol Improvement Authority to issue
obligations in certain circumstance; making certain
provisions applicable to such Authority; authorizing
refinancing of obligations; stating purpose for
certain issuance of bonds; allowing maturity of
obligations to be extended; providing terms and
conditions for certain obligations; providing for
codification; and providing an effective date.

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

2 SECTION 1. NEW LAW A new section of law to be codified
3 in the Oklahoma Statutes as Section 2-124.2 of Title 47, unless
4 there is created a duplication in numbering, reads as follows:

5 Sections 1 and 2 of this act shall be known and may be cited as
6 the "Matt Evans/Jeff Rominger Interoperable Communications Act".

7 SECTION 2. NEW LAW A new section of law to be codified
8 in the Oklahoma Statutes as Section 2-124.3 of Title 47, unless
9 there is created a duplication in numbering, reads as follows:

10 Upon receipt of sufficient monies provided for such purpose, the
11 Department of Public Safety is authorized to do all things necessary
12 to acquire a statewide 800 megahertz public safety communication
13 system including, but not limited to, purchasing real property and
14 constructing facilities necessary for the operation of such system.

15 SECTION 3. NEW LAW A new section of law to be codified in
16 the Oklahoma Statutes as Section 322 of Title 73, unless there is
17 created a duplication in numbering, reads as follows:

18 A. For the purpose of paying the costs for acquisition of a
19 statewide 800 megahertz public safety communication system to be
20 used by the Department of Public Safety and making repairs,
21 refurbishments and improvements to real and personal property
22 necessary to efficiently utilize such communication system, and
23 providing funding therefor and for the purpose authorized in
24 subsection B of this section, the Oklahoma Capitol Improvement

1 Authority is hereby authorized to borrow monies on the credit of the
2 income and revenues to be derived from the leasing of such real and
3 personal property and improvements and, in anticipation of the
4 collection of such income and revenues, to issue negotiable
5 obligations in a total amount sufficient, after deduction of costs
6 of issuance, reserves and cost of any credit enhancement, to
7 generate Fifty Million Seven Hundred Thousand Dollars
8 (\$50,700,000.00) in net proceeds to be expended on such project
9 whether issued in one or more series. Insofar as not in conflict
10 with the provisions of this section, the provisions of Section 151
11 et seq. of Title 73 of the Oklahoma Statutes shall apply to the
12 obligations issued under this section by the Oklahoma Capitol
13 Improvement Authority. It is the intent of the Legislature to
14 appropriate to the Department of Public Safety from such sources as
15 may be necessary sufficient monies to make rental payments for the
16 purposes of retiring the obligations created pursuant to this
17 section. The Authority may hold title to the real and personal
18 property and improvements until such time as any obligations issued
19 for this purpose are retired or defeased and may lease the real
20 property and improvements to the Department of Public Safety. Upon
21 final redemption or defeasance of the obligations created pursuant
22 to this section, title to the real and personal property and
23 improvements shall be transferred from the Oklahoma Capitol
24 Improvement Authority to the Department of Public Safety.

1 B. To the extent funds are available from the proceeds of the
2 borrowing authorized by subsection A of this section, the Oklahoma
3 Capitol Improvement Authority shall provide for the payment of
4 professional fees and associated costs related to the projects
5 authorized in subsection A of this section.

6 C. The Oklahoma Capitol Improvement Authority may issue
7 obligations in one or more series and in conjunction with other
8 issues of the Authority. The Authority may issue short-term
9 obligations in anticipation of the sale of the bonds authorized by
10 this section as may be necessary to provide for the efficient
11 financing of the projects. The Authority is authorized to hire bond
12 counsel, financial consultants, and such other professionals as it
13 may deem necessary to provide for the efficient sale of the
14 obligations and may utilize a portion of the proceeds of any
15 borrowing to create such reserves as may be deemed necessary and to
16 pay costs associated with the issuance and administration of such
17 obligations.

18 D. The obligations authorized under this section may be sold at
19 either competitive or negotiated sale, as determined by the Oklahoma
20 Capitol Improvement Authority, and in such form and at such prices
21 and bearing interest at a fixed or variable rate as may be
22 authorized by the Authority. The Authority may enter into
23 agreements with such credit enhancers and liquidity providers as may
24 be determined necessary to efficiently market the obligations. The

1 obligations may mature and have such provisions for redemption as
2 shall be determined by the Authority.

3 E. Any interest earnings on funds or accounts created for the
4 purposes of this section may be utilized as partial payment of the
5 annual debt service or for the purposes directed by the Oklahoma
6 Capitol Improvement Authority. The interest earnings in the
7 construction funds created pursuant to this section shall be used
8 for the projects set forth herein. Following completion of the
9 projects, as evidenced by a certificate of completion provided by
10 the Department of Public Safety, any monies remaining in the
11 construction funds may be used for additional projects authorized by
12 the Legislature or for any other lawful purposes, as directed by the
13 Authority.

14 F. 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 thereof.

19 G. The Oklahoma Capitol Improvement Authority may direct the
20 investment of all monies in any funds or accounts created in
21 connection with the offering of the obligations authorized under
22 this section. Such investments shall be made in a manner consistent
23 with the investment guidelines of the State Treasurer. The Oklahoma
24 Capitol Improvement Authority may place additional restrictions on

1 the investment of such monies if necessary to enhance the
2 marketability of the obligations.

3 H. The Oklahoma Capitol Improvement Authority is authorized to
4 issue bonds, notes, or other obligations for the purpose of
5 refinancing or restructuring obligations issued pursuant to this
6 section. To the extent funds are available from the proceeds of the
7 borrowing authorized by this subsection, the Authority shall provide
8 for the payment of professional fees and associated costs approved
9 by the Office of State Bond Advisor. The Authority is authorized to
10 hire bond counsel, financial consultants, and such other
11 professionals as may be deemed necessary to provide for the
12 efficient sale of the obligations and may utilize a portion of the
13 proceeds of any borrowing to create such reserves as may be deemed
14 necessary and to pay costs associated with the issuance and
15 administration of such obligations. An issuance of bonds under this
16 subsection may be undertaken to achieve an overall debt service
17 savings, modify restrictive bond document covenants, or reduce
18 payment requirements during periods of fiscal stress. To achieve
19 these restructuring objectives, the Oklahoma Capitol Improvement
20 Authority is authorized to extend the final maturity of outstanding
21 obligations if necessary, but in no event shall the final maturity
22 of an individual bond issue be extended more than five (5) years
23 without the approval of the Council of Bond Oversight. The
24 obligations authorized under this subsection may be sold at either

1 competitive or negotiated sale, as determined by the Authority, and
2 in such form and at such prices as may be authorized by the
3 Authority. The Authority may issue obligations in one or more
4 series and may set such other terms and conditions as may be
5 necessary in its judgment to achieve an efficient refinancing. The
6 Authority may enter into agreements with such credit enhancers and
7 liquidity providers as may be determined necessary to efficiently
8 market the obligations, including the purchase of surety policies or
9 other financial instruments to be utilized in lieu of reserve funds.
10 The obligations may mature and have such provisions for redemption
11 as shall be determined by the Authority. The Authority is hereby
12 specifically authorized to purchase surety policies or other
13 financial instruments to replace existing debt service reserves.
14 Any payment for such policies or other instruments may be made from
15 the cash reserves being replaced or any other legally available
16 source.

17 SECTION 4. This act shall become effective November 1, 2009.

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