

1 **CORRECTED**

2 **SENATE FLOOR VERSION**

3 April 1, 2014

4 **AS AMENDED**

5 ENGROSSED HOUSE  
6 BILL NO. 3100

By: Jackson, Denney and Biggs  
of the House

and

Griffin and Marlatt of the  
Senate

7  
8  
9  
10 **[ public finance - designation of pool amounts -**  
11 **Oklahoma Housing Finance Agency - rural areas -**  
12 **effective date ]**

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

14 SECTION 1. AMENDATORY 62 O.S. 2011, Section 695.24, is  
15 amended to read as follows:

16 Section 695.24 A. 1. Fifteen and five-tenths percent (15.5%)  
17 of the state ceiling shall be reserved and placed in the Student  
18 Loan Pool.

19 2. For the period January 1 through September 1 of each  
20 calendar year, the Student Loan Pool shall be allocated to qualified  
21 student loan bonds issued by eligible state issuers. Allocations  
22 will be available to issuers on a first-come, first-serve basis.

23 B. Twelve percent (12%) of the state ceiling shall be reserved  
24 and placed in a pool designated as the Economic Development Pool.

1 For the period January 1 through September 1 of each calendar year,  
2 allocations from this pool may be made only upon the recommendation  
3 of the Director of the Oklahoma Department of Commerce and following  
4 review and approval by the Council of Bond Oversight. In order to  
5 approve the recommendation, the Council of Bond Oversight must find  
6 that the project seeking an allocation from this pool will result in  
7 the creation of manufacturing jobs in this state or will in some  
8 other way contribute to an economic development objective of this  
9 state. For purposes of this subsection, "manufacturing jobs" means  
10 jobs created by manufacturing facilities as that term is defined in  
11 subparagraphs a, b, and c of paragraph 1 of subsection B of Section  
12 2902 of Title 68 of the Oklahoma Statutes.

13 C. 1. Twelve percent (12%) of the state ceiling shall be  
14 reserved and placed in a pool to be designated the Qualified Small  
15 Issue Pool.

16 2. For the period January 1 through September 1 of each  
17 calendar year, the Qualified Small Issue Pool shall be allocated to  
18 qualified small issue bond projects undertaken by either state or  
19 local issuers. Allocations will be available to issuers on a first-  
20 come, first-serve basis.

21 D. 1. One percent (1%) of the state ceiling shall be reserved  
22 and placed in a pool to be designated the Beginning Agricultural  
23 Producer Pool.

24

1           2. For the period January 1 through September 1 of each  
2 calendar year, the Beginning Agricultural Producer Pool shall be  
3 allocated pursuant to the criteria established in Section 5063.23 of  
4 Title 74 of the Oklahoma Statutes.

5           E. 1. Two and five-tenths percent (2.5%) of the state ceiling  
6 shall be reserved and placed in a pool to be designated the Exempt  
7 Facility Pool.

8           2. For the period January 1 through September 1 of each  
9 calendar year, the Exempt Facility Pool shall be allocated to exempt  
10 facility bonds issued by either state or local issuers. Allocations  
11 will be available to issuers on a first-come, first-serve basis.

12           F. 1. Except as otherwise provided by this subsection, fifteen  
13 percent (15%) of the state ceiling shall be reserved and placed in a  
14 pool to be designated the Oklahoma Housing Finance Agency Pool.  
15 From the state ceiling amount reserved pursuant to the provisions of  
16 this subsection, the Oklahoma Housing Finance Agency shall set aside  
17 twenty percent (20%) of such amount in order to promote housing in  
18 rural areas of the state. As used in this subsection, "rural areas"  
19 shall include any county with a population of less than one hundred  
20 thousand (100,000) persons according to the 2012 update to the most  
21 recent Federal Decennial Census, but may include a county with a  
22 population in excess of such number if no municipality located  
23 within such county has a population in excess of one hundred  
24 thousand (100,000) persons according to the 2012 update to the most

1 recent Federal Decennial Census, which municipal population figure  
2 shall exclude military personnel as reflected in the information  
3 available from the United States Census Bureau. The Oklahoma  
4 Housing Finance Agency shall adopt administrative rules to provide  
5 criteria for the use of the rural set aside amount to promote  
6 housing in areas of high economic growth with high demand for  
7 housing. Provided, however, that the allocation of the state  
8 ceiling to the Oklahoma Housing Finance Agency as otherwise  
9 authorized pursuant to this subsection shall be increased up to ten  
10 percent (10%) of the state ceiling amount for any calendar year  
11 subsequent to a certification by the Oklahoma Strategic Military  
12 Planning Commission that the available housing stock in an area  
13 located on or near a military installation at risk for closure or  
14 adverse realignment pursuant to federal law is inadequate and an  
15 increase in available funds for construction or rehabilitation of  
16 such housing would make closure or an adverse realignment of the  
17 military installation less likely. The certification by the  
18 Oklahoma Strategic Military Planning Commission shall be made and  
19 communicated to the State Bond Advisor not later than November 15  
20 each year. The Oklahoma Strategic Military Planning Commission  
21 shall make a specific recommendation to the State Bond Advisor  
22 regarding the percentage increase to be adopted for the Oklahoma  
23 Housing Finance Agency ~~pool~~ Pool for the ensuing year. The State  
24 Bond Advisor shall make the final determination regarding the amount

1 of such increase. Any certification made by the Oklahoma Strategic  
2 Military Planning Commission shall be valid only for the calendar  
3 year immediately following such certification.

4 2. a. For the period January 1 through September 1 of each  
5 year, the Oklahoma Housing Finance Agency Pool shall  
6 be allocated to qualified single family bonds,  
7 multifamily bonds, or mortgage credit certificates  
8 issued by the Oklahoma Housing Finance Agency.

9 b. Provided, thirty-five percent (35%) of the allocation  
10 from the Oklahoma Housing Finance Agency Pool shall be  
11 set aside for at least three (3) months for the  
12 origination of single-family loans in counties with  
13 populations of three hundred thousand (300,000) or  
14 less.

15 G. 1. Four percent (4%) of the state ceiling shall be reserved  
16 and placed in a pool to be designated the State Issuer Pool. For  
17 the period commencing January 1 of each calendar year through  
18 September 1 of the same year, the State Issuer Pool shall be  
19 allocated to those qualified small issuer projects undertaken by  
20 state issuers which have issued in excess of Seventy-five Million  
21 Dollars (\$75,000,000.00) in qualified small issue bonds.

22 2. Notwithstanding the provisions of this section, a state  
23 issuer specifically limited in jurisdiction to one county shall be  
24 treated as a local issuer for the purposes of allocation.

1 H. Seventeen and five-tenths percent (17.5%) of the state  
2 ceiling shall be reserved and placed in a pool to be designated the  
3 Local Issuer Single Family Pool. For the period commencing January  
4 1 of each calendar year through September 1 of the same year, the  
5 Local Issuer Single Family Pool shall be allocated to single-family  
6 projects undertaken by local issuers in counties with populations of  
7 three hundred thousand (300,000) or less on a first-come, first-  
8 serve basis with no single local issuer or project to receive an  
9 allocation in excess of Ten Million Dollars (\$10,000,000.00) from  
10 the Local Issuer Single Family Pool. An issuer which has not  
11 received any allocation from the State Issuer Pool and having a  
12 single-family project limited in jurisdiction to twenty counties or  
13 less, each of which has a population of three hundred thousand  
14 (300,000) or less, shall be considered a local issuer for the  
15 purposes of this subsection.

16 I. Twelve and five-tenths percent (12.5%) of the state ceiling  
17 shall be reserved and placed in a pool to be designated the  
18 Metropolitan Area Housing Pool. Allocations from the Metropolitan  
19 Area Housing Pool may only be made to any public trust created to  
20 provide single-family housing having a county with a population in  
21 excess of three hundred thousand (300,000) as its sole beneficiary  
22 and which has issued tax exempt single-family housing revenue bonds  
23 in the amount of at least Four Hundred Million Dollars  
24 (\$400,000,000.00). Provided, no more than fifty percent (50%) of

1 the amount allocated pursuant to this subsection shall be awarded to  
2 any single county.

3 J. Eight percent (8%) of the state ceiling shall be  
4 reserved and placed in a pool to be designated the Rural Area  
5 Housing Pool which shall be allocated to single-family  
6 projects undertaken by other local issuers in counties with  
7 populations of three hundred thousand (300,000) persons or  
8 less on a first-come, first-serve basis with no single local  
9 issuer or project to receive an allocation in excess of four  
10 percent (4%) of the state ceiling.

11 K. Provided, however, that the percentage otherwise authorized  
12 by subsections A, B, C, D, E, F, G, H, I and J of this section shall  
13 be proportionately reduced by the amount of increase in the  
14 percentage authorized to the Oklahoma Housing Finance Agency as a  
15 result of a recommendation by the Oklahoma Strategic Military  
16 Planning Commission pursuant to paragraph 1 of subsection F of this  
17 section.

18 L. The state ceiling for each calendar year shall be allocated  
19 within the categories set forth in subsections A, B, C, D, E, F, G,  
20 H, I and J of this section to all private activity bonds, as  
21 follows:

22 1. Except as provided in Section 695.21 et seq. of this title,  
23 the state ceiling shall be allocated in the order in which  
24 confirmations are issued;

1           2. The State Bond Advisor shall issue confirmations in the  
2 order in which fully and properly completed applications for state  
3 ceiling allocation are received. The State Bond Advisor shall have  
4 the limited authority to defer or deny confirmation on applications  
5 for state ceiling allocation which appear to be incomplete or  
6 premature based upon information submitted or which fail to show  
7 demand for funds pursuant to subsections F and G of Section 695.25  
8 of this title; and

9           3. The State Bond Advisor shall have no discretionary control  
10 regarding the issuance of confirmations, except as specifically  
11 provided in the Oklahoma Private Activity Bond Allocation Act.

12           In the event a confirmation or application is denied, the State  
13 Bond Advisor, within five (5) business days following such denial,  
14 shall send written notice of such denial to the applicant together  
15 with a brief recital of the reason therefor.

16           M. 1. On September 2 of each calendar year, nonallocated sums  
17 remaining in the Economic Development Pool, Qualified Small Issue  
18 Pool, the Beginning Agricultural Producer Pool, the Exempt Facility  
19 Pool, the Student Loan Pool, the Oklahoma Housing Finance Agency  
20 Pool, the State Issuer Pool, the Local Issuer Single Family Pool,  
21 the Metropolitan Area Housing Pool and the Rural Area Housing Pool  
22 shall be consolidated into the Consolidated Pool.

23           2. All local issuers and state issuers shall be entitled to  
24 obtain allocations from the Consolidated Pool for any private

1 activity bond or mortgage credit certificate program based on the  
2 chronological order of completed applications received after January  
3 1 of each calendar year which applications have not received an  
4 allocation.

5 SECTION 2. This act shall become effective January 1, 2015.

6 COMMITTEE REPORT BY: COMMITTEE ON FINANCE  
7 April 1, 2014 - DO PASS AS AMENDED  
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