

1 ENGROSSED SENATE  
2 BILL NO. 94

By: Pugh of the Senate

3 and

4 Martinez of the House  
5  
6

7 An Act relating to Public Finance; amending 62 O.S.  
8 Sections 4, Chapter 275, O.S.L. 2012, as amended by  
9 Section 2, Chapter 374, O.S.L. 2017, 695.7, as last  
10 amended by Section 3, Chapter 374, O.S.L. 2017,  
11 695.8, as amended by Section 7, Chapter 275, O.S.L.  
12 2012, 695.9, as amended by Section 8, Chapter 275,  
13 O.S.L. 2012, Section 5, Chapter 374, O.S.L. 2017,  
14 695.11 and 695.19 (62 O.S. Supp. 2018, Sections  
15 695.6a, 695.7, 695.8, 695.9 and 695.10a), which  
16 relate to the Oklahoma Bond Oversight and Reform Act;  
17 updating references; amending 62 O.S. 2011, Sections  
18 695.23, 695.24 and 695.25, which relate to the  
19 Oklahoma Private Activity Bond Allocation Act;  
20 updating references; amending Section 1, Chapter 278,  
21 O.S.L. 2017 (62 O.S. Supp. 2018, Section 34.200-1),  
22 which relates to the Oklahoma State Finance Act;  
23 updating references; amending 73 O.S. 2011, Section  
24 156.1, which relates to the Oklahoma Capitol  
Improvement Authority; updating reference; and  
providing an effective date.

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

SECTION 1. AMENDATORY Section 4, Chapter 275, O.S.L.  
2012, as amended by Section 2, Chapter 374, O.S.L. 2017 (62 O.S.  
Supp. 2018, Section 695.6a), is amended to read as follows:

Section 695.6a. A. The Council of Bond Oversight shall consist  
of five (5) members as follows:

1        1. One member shall be appointed by the President Pro Tempore  
2 of the Senate;

3        2. One member shall be appointed by the Speaker of the House of  
4 Representatives;

5        3. Two members shall be appointed by the Governor, with the  
6 advice and consent of the Senate; and

7        4. The State Treasurer or his or her designee shall be a  
8 member.

9        B. Three members shall constitute a quorum. The affirmative  
10 vote of three members shall be necessary for any action to be taken  
11 by the Council.

12        C. Members appointed to the Council shall serve a term of four  
13 (4) years and may be removed for cause by the appointing authority.  
14 Members may be reappointed for additional terms.

15        D. A vacancy on the Council shall be filled in the same manner  
16 as the original appointment, to hold office during the unexpired  
17 term for which the member was appointed. The Council shall elect  
18 one of its members chair and may elect such other officers as it  
19 deems necessary. No vacancy in the membership of the Council shall  
20 impair the right of the Council to exercise all duties of the  
21 Council.

22        E. The ~~Oklahoma State Bond Advisor~~ State Treasurer, as provided  
23 in Section 695.7 of this title, shall provide support staff as  
24 necessary to implement the purposes and functions of the Council.

1 F. The Attorney General shall provide legal counsel to the  
2 Council.

3 G. No member of the Oklahoma State Legislature shall be  
4 eligible to serve as a member of the Council.

5 SECTION 2. AMENDATORY 62 O.S. 2011, Section 695.7, as  
6 last amended by Section 3, Chapter 374, O.S.L. 2017 (62 O.S. Supp.  
7 2018, Section 695.7), is amended to read as follows:

8 Section 695.7. A. The State Treasurer shall engage the  
9 services of a person knowledgeable in the current state of the art  
10 of national and international standards for the issuance of  
11 obligations by governmental entities and experienced in the  
12 negotiation of fees for various goods and services requisite to or  
13 deemed desirable in the issuance of such obligations as well as the  
14 negotiation of other matters essential to provide the best current  
15 price and terms of the issuance of such obligations for the benefit  
16 of the State of Oklahoma, who shall have the title "~~Oklahoma State~~  
17 ~~Bond Advisor~~" "Deputy Treasurer for Debt Management".

18 When hiring a person to the position of ~~Oklahoma State Bond~~  
19 ~~Advisor~~ Deputy Treasurer for Debt Management, the State Treasurer  
20 shall conduct a national search in seeking requests for proposals  
21 for the position.

22 B. The ~~Oklahoma State Bond Advisor~~ State Treasurer may employ  
23 the necessary staff to carry out the duties ~~of the Bond Advisor~~  
24

1 related to debt management and the ~~duties of~~ the Council of Bond  
2 Oversight, ~~with approval of the State Treasurer.~~

3 C. 1. Except as provided in Section 695.8 of this title, prior  
4 to engaging the services of underwriters, bond or other legal  
5 counsel, financial advisors, consultants, a financial institution to  
6 serve as trustee, paying agent or in any fiduciary capacity in  
7 connection with any program, indenture or general resolution of the  
8 State Governmental Entity, or any other experts, except as provided  
9 in Section 5062.8 of Title 74 of the Oklahoma Statutes, the State  
10 Governmental Entity shall, in conjunction with a State Governmental  
11 Entity Financing, request proposals for such services from a  
12 plurality of persons engaged in the particular activity for such  
13 services and the selection of such persons shall be made on the  
14 basis of the response to the request which is the most economical  
15 and will provide competent service which furthers the best interest  
16 of the State Governmental Entity and the state. In negotiating  
17 requests for proposals to engage such services, the State  
18 Governmental Entity shall seek the advice and assistance of the  
19 ~~Oklahoma State Bond Advisor~~ Deputy Treasurer for Debt Management.

20 Under no circumstances shall proprietary inducements be granted.

21 The ~~Oklahoma State Bond Advisor~~ Deputy Treasurer for Debt Management  
22 shall provide assistance and advice to State Governmental Entities  
23 with respect to the issuance of obligations by the State  
24 Governmental Entities, review, negotiate, and approve or disapprove

1 the fees and expenses for goods and services requisite to or deemed  
2 desirable in the issuance of State Governmental Entity obligations  
3 and State Governmental Entity Financing and shall represent the  
4 interests of the state before rating agencies and credit enhancement  
5 providers.

6 2. Any State Governmental Entity or Local Governmental Entity  
7 proposing to make a significant modification to the terms of any  
8 State Governmental Entity Financing, including modification of  
9 collateral by substitution, swap, or other derivative product shall  
10 first obtain the written approval of the ~~Oklahoma State Bond Advisor~~  
11 Deputy Treasurer for Debt Management. If the ~~Oklahoma State Bond~~  
12 ~~Advisor~~ Deputy Treasurer for Debt Management denies approval, the  
13 State Governmental Entity or Local Governmental Entity may request  
14 the Council of Bond Oversight to review and approve proposed  
15 modifications.

16 D. The ~~Oklahoma State Bond Advisor~~ Deputy Treasurer for Debt  
17 Management shall serve as an advisor to the Governor and to the  
18 Legislature with respect to issuance of indebtedness reviewed by the  
19 Council and shall prepare an annual report to be submitted to the  
20 Governor, the President Pro Tempore of the Senate and the Speaker of  
21 the House of Representatives as of January 15 each year. The report  
22 shall contain a summary of the issuance of indebtedness by State  
23 Governmental Entities during the preceding year.

1 E. ~~The Oklahoma State Bond Advisor~~ Deputy Treasurer for Debt  
2 Management or any member of the immediate family of the ~~Oklahoma~~  
3 ~~State Bond Advisor~~ Deputy Treasurer for Debt Management shall not  
4 have any direct or indirect financial or contractual relationship  
5 with any firm or corporation or any officer, partner or principal  
6 stockholder of any firm or corporation directly involved in public  
7 finance.

8 SECTION 3. AMENDATORY 62 O.S. 2011, Section 695.8, as  
9 amended by Section 7, Chapter 275, O.S.L. 2012 (62 O.S. Supp. 2018,  
10 Section 695.8), is amended to read as follows:

11 Section 695.8. A. The Council of Bond Oversight shall:

12 1. Make determinations as to whether the purposes for which  
13 obligations proposed to be issued by a State Governmental Entity, in  
14 conjunction with a State Governmental Entity Financing, are for the  
15 furtherance and accomplishment of authorized and proper public  
16 functions or purposes of the state or of any county or municipality,  
17 as specified in the statutes governing public trusts organized  
18 pursuant to Title 60 of the Oklahoma Statutes;

19 2. Review proposed issuance of debt by State Governmental  
20 Entities for compliance with any applicable provisions of federal,  
21 state or other laws;

22 3. Review such other matters as the Council deems relevant to  
23 the Application, including, without limitation, sources of repayment  
24 and security for the obligation. However, the Council shall not

1 review the merits of the project. The Council shall only determine  
2 that the project has a legal and beneficial purpose which can be  
3 legitimately funded by bond or similar indebtedness, issued by a  
4 State Governmental Entity or Local Governmental Entity;

5 4. a. Except as provided in subparagraph b of this  
6 paragraph, review the findings of the Program  
7 Development and Credit Review Committee to determine  
8 if the Rules Regarding the Administration of the  
9 Credit Enhancement Reserve Fund and related  
10 regulations and policies as implemented by the  
11 Oklahoma Development Finance Authority adequately and  
12 sufficiently fulfill the intents and purposes of the  
13 Credit Enhancement Reserve Fund Act, provided such  
14 provision shall not apply to Credit Enhancement  
15 Reserve Fund applications approved by the Bond  
16 Oversight Commissions prior to May 30, 1990; and,  
17 except as provided in subparagraph b of this  
18 paragraph, approve or disapprove any bonds or  
19 indebtedness being issued by the Oklahoma Development  
20 Finance Authority to the extent ~~said~~ the bonds or  
21 indebtedness are enhanced or supported pursuant to the  
22 Credit Enhancement Reserve Fund Act.

23 b. The Council shall not be required to review or approve  
24 individual projects or loans under the Small Business

1 Credit Enhancement Program created by Section 5063.4b  
2 of Title 74 of the Oklahoma Statutes, or the Oklahoma  
3 Beginning Agricultural Producer Pool Act, but may  
4 approve a package of such projects or loans in  
5 advance. Each project or loan shall be individually  
6 listed in the package and the dollar amount of the  
7 project or loan shall be specifically set out together  
8 with the total dollar amount involved in the package.  
9 The Council or the ~~Oklahoma State Bond Advisor~~ Deputy  
10 Treasurer for Debt Management may, in their  
11 discretion, remove any such individual project or loan  
12 from the package submitted, for individual action.  
13 Should the Oklahoma Development Finance Authority  
14 submit an application to the Council for the approval  
15 of an obligation or credit enhancement under these two  
16 programs, the application shall be deemed approved if  
17 not disapproved by the Council within forty-five (45)  
18 days of filing such an application or, as to an  
19 individual project or loan, removed from the submitted  
20 package within such forty-five-day period.

21 c. The Council may establish maximum compensation levels  
22 to be paid to individuals and firms acting in a  
23 fiduciary capacity in connection with Credit  
24 Enhancement Reserve Fund Program financings. The



1 Council may set such compensation levels for a one-  
2 year period and such compensation will be applicable  
3 to all individuals and firms participating in the  
4 program for that period. Providers of such services  
5 selected prior to making application may be employed  
6 subject to the established maximum compensation  
7 levels. Prior to December 31 of each year, the  
8 Council shall review market conditions and set new  
9 compensation levels for the program. Provided, such  
10 compensation levels may not exceed the compensation  
11 levels obtained by the Oklahoma Development Finance  
12 Authority through its most recent invitation to bid  
13 for the services of individuals and firms acting in a  
14 fiduciary capacity in connection with Credit  
15 Enhancement Reserve Fund Program financing; and

16 5. Adopt, amend and repeal rules to regulate affairs of the  
17 Council and to implement the powers and purposes of the Council.

18 B. The Council ~~may establish budgets~~ and Deputy Treasurer for  
19 Debt Management, in order to fulfill ~~its~~ their duties pursuant to  
20 the Oklahoma Bond Oversight and Reform Act ~~and,~~ shall be authorized  
21 to charge and collect a fee, in accordance with the rules of the  
22 Council, derived from proceeds of bond issues approved by the  
23 Council.  
24

1       SECTION 4.       AMENDATORY       62 O.S. 2011, Section 695.9, as  
2 amended by Section 8, Chapter 275, O.S.L. 2012 (62 O.S. Supp. 2018,  
3 Section 695.9), is amended to read as follows:

4       Section 695.9.   A.   No State Governmental Entity or Local  
5 Governmental Entity shall issue any State Governmental Entity  
6 Financing obligations unless such obligations have been approved by  
7 the Council of Bond Oversight as provided for in Section 695.8 of  
8 this title; provided, however, that in no event shall the Council's  
9 approval be required for the issuance of any obligations pursuant to  
10 a remarketing or a change in interest rate or maturity under the  
11 terms of indentures or agreements securing obligations heretofore  
12 issued prior to July 1, 1987, or pursuant to the provisions of the  
13 Oklahoma Bond Oversight and Reform Act.

14       B.   1.   With respect to any State Governmental Entity Financing  
15 proposed to be obtained through the issuance of its obligations, any  
16 State Governmental Entity or Local Governmental Entity shall file  
17 with the Council a written description of the nature, need and  
18 purpose of such proposed financing.   The Council shall review the  
19 description of the proposed financing in order to either approve or  
20 disapprove the purpose to be served by the issuance of ~~said~~ the  
21 State Governmental Entity obligations and for compliance with any  
22 applicable provisions of federal, state or other laws.

23       2.   With respect to bonds or indebtedness proposed to be issued  
24 by the Oklahoma Development Finance Authority which will be enhanced

1 or supported pursuant to the Credit Enhancement Reserve Fund Act,  
2 the Council shall review the description of such proposed financing  
3 in accordance with paragraph 1 of this subsection and additionally  
4 shall approve or disapprove the proposed financing on a  
5 determination of sufficient compliance with the Rules Regarding the  
6 Administration of the Credit Enhancement Reserve Fund as implemented  
7 by the Oklahoma Development Finance Authority. Such determinations  
8 by the Council shall be based on a written report prepared for and  
9 provided to the Council by the Program Development and Credit Review  
10 Committee as provided in Section 5062.6a of Title 74 of the Oklahoma  
11 Statutes, provided the Council shall not be bound to follow the  
12 conclusions reached by the committee in such reports. All orders  
13 issued by the Council approving or disapproving bonds or  
14 indebtedness enhanced or supported pursuant to the Credit  
15 Enhancement Reserve Fund Act shall be final and shall not be subject  
16 to any type of appeal.

17 3. Except as provided in paragraph 4 of this subsection,  
18 approval provided for in paragraph 1 of this subsection shall expire  
19 one hundred eighty (180) days after such approval. Provided, if  
20 such approval expires, nothing shall prevent the State Governmental  
21 Entity from refiling with the Council for approval of such financing  
22 and, if granted, any one subsequent approval of such financing shall  
23 be valid for a period, not to exceed one hundred eighty (180) days,  
24 as determined by the Council.

1        4. Applicants having received approval, as provided for in  
2 paragraph 1 of this subsection, may request and the ~~Oklahoma State~~  
3 ~~Bond Advisor~~ Deputy Treasurer for Debt Management may grant, at the  
4 ~~Oklahoma State Bond Advisor's~~ his or her discretion, a single one-  
5 hundred-eighty-day extension. Any request for an extension must be  
6 made at least five (5) business days prior to the expiration of the  
7 original approval. Applicants failing to request an extension in  
8 this manner may refile with the Council as provided for in paragraph  
9 3 of this subsection.

10       5. In the event there is a substantial change in the nature or  
11 purpose of a proposed financing after approval by the Council, the  
12 prior approval shall be void and the State Governmental Entity shall  
13 be required to seek approval from the Council in the manner provided  
14 in paragraph 1 of this subsection.

15       C. Local Governmental Entities, within ten (10) days following  
16 the date funds become available to the issuer from the sale of any  
17 obligation, shall file with the Council a copy of the official  
18 statement or notice of sale and any other information concerning the  
19 proposed financing required by the Council.

20       D. Upon the request of a Local Governmental Entity, the  
21 ~~Oklahoma State Bond Advisor~~ Deputy Treasurer for Debt Management may  
22 provide advice and assistance to the Local Governmental Entity with  
23 respect to the issuance of obligations. The ~~Oklahoma State Bond~~  
24

1 ~~Advisor~~ State Treasurer may assess reasonable fees for such  
2 services.

3 SECTION 5. AMENDATORY Section 5, Chapter 374, O.S.L.  
4 2017 (62 O.S. Supp. 2018, Section 695.10a), is amended to read as  
5 follows:

6 Section 695.10a. A. As used in this section, "public finance  
7 service provider" means underwriters, bond or other legal counsel,  
8 financial advisors, consultants, and financial institutions who  
9 serve as trustee, paying agent or in any fiduciary capacity, who  
10 seek to provide services to State Governmental Entities or Local  
11 Governmental Entities with regard to the issuance of bonds, notes or  
12 other evidences of indebtedness.

13 B. Any public finance service provider shall be required to  
14 make a disclosure, upon such form as the ~~State Bond Advisor~~ Deputy  
15 Treasurer for Debt Management may prescribe, of any and all direct  
16 financial contributions made by the public finance service provider  
17 which exceed Five Thousand Dollars (\$5,000.00) in any calendar year  
18 on a cumulative basis to any nonprofit organization, regardless of  
19 its exempt status pursuant to the provisions of the Internal Revenue  
20 Code of 1986, as amended, the primary purpose of which is to provide  
21 services to one or more political subdivisions of the state or the  
22 membership of which consists primarily of public school  
23 administrators, common school districts or common school district  
24 boards of education, common school superintendents, career

1 technology districts or career technology district governing boards,  
2 municipal government entities, county commissioners or other public  
3 officials or local government entity having authority to issue debt  
4 obligations either directly or which is the beneficiary of a public  
5 trust organized pursuant to the provisions of Section 176 ~~et. seq.~~  
6 et seq. of Title 60 of the Oklahoma Statutes.

7 C. In addition, the public finance service provider shall be  
8 required to make disclosure of any and all direct financial  
9 contributions which exceed One Hundred Dollars (\$100.00) on a  
10 cumulative basis during any calendar year made to any elected  
11 officials or employees of a State Governmental Entity or Local  
12 Governmental Entity to which financial services are to be provided  
13 in connection with issuance of debt obligations or contributions  
14 made to any individuals associated with any of the nonprofit  
15 organizations described by subsection B of this section.

16 D. The disclosure shall be filed annually with the ~~Oklahoma~~  
17 ~~State Bond Advisor~~ Deputy Treasurer for Debt Management not later  
18 than January 15, or the first business day after such date if  
19 January 15 is not a date upon which the State Treasurer's office is  
20 open for business, and shall include an itemized description of all  
21 direct financial contributions made to any and all of the entities  
22 described by subsections B and C of this section by the public  
23 finance service provider during the immediately preceding calendar  
24 year.

1 E. Any public finance service provider shall submit a copy of  
2 the most recent disclosure document on file with the ~~Oklahoma State~~  
3 ~~Bond Advisor~~ Deputy Treasurer for Debt Management as required  
4 pursuant to subsection D of this section prior to the selection of a  
5 public finance service provider by any county, city, town, common  
6 school district, career technology district or other local  
7 government entity or any public trust organized pursuant to the  
8 provisions of Section 176 et seq. of Title 60 of the Oklahoma  
9 Statutes having one or more political subdivisions as its  
10 beneficiary or beneficiaries, with respect to the issuance of any  
11 obligations described by subsection A of this section. The  
12 disclosure document shall be provided to each member of the  
13 governing board of the unit of local government to which services  
14 will be provided and, if applicable, to each member of the board of  
15 trustees of any public trust as described in this subsection to  
16 which public finance services will be provided. If the board of  
17 trustees of such public trust is comprised of persons who are also  
18 members of the governing board of the unit of local government, the  
19 disclosure document may be provided to the members of the governing  
20 board of the unit of local government and the document will not be  
21 required to be provided to any member of the board of trustees of  
22 the public trust unless such person is not a member of the governing  
23 board of the unit of local government.

1       SECTION 6.       AMENDATORY       62 O.S. 2011, Section 695.11, is  
2 amended to read as follows:

3       Section 695.11. The provisions of the Oklahoma Central  
4 Purchasing Act shall not be applicable to any actions of a State  
5 Governmental Entity in regard to the sale and issuance of its  
6 obligations, including any contracts and undertakings relating  
7 thereto; however, such issuance, contracts and undertakings shall be  
8 subject to the provisions of ~~this act~~ the Oklahoma Bond Oversight  
9 and Reform Act regarding review or approval of such matters by the  
10 ~~Oklahoma State Bond Advisor~~ Deputy Treasurer for Debt Management.

11       SECTION 7.       AMENDATORY       62 O.S. 2011, Section 695.19, is  
12 amended to read as follows:

13       Section 695.19. Notwithstanding any other provision of law, a  
14 State Governmental Entity, as such term is defined in Section 695.3  
15 of ~~Title 62 of the Oklahoma Statutes~~ this title, is authorized to  
16 issue refunding bonds for the purpose of refinancing existing bonds  
17 or obligations without further authorization from the Legislature  
18 provided the issuance of the refunding bonds and any services, fees  
19 and expenses related thereto are reviewed and approved by the  
20 ~~Oklahoma State Bond Advisor~~ Deputy Treasurer for Debt Management and  
21 the Council of Bond Oversight pursuant to the provisions of the  
22 Oklahoma Bond Oversight and Reform Act.

23       SECTION 8.       AMENDATORY       62 O.S. 2011, Section 695.23, is  
24 amended to read as follows:



1       Section 695.23. As used in the Oklahoma Private Activity Bond  
2 Allocation Act:

3       1. "Application for state ceiling allocation" means the written  
4 application form provided by the ~~State Bond Advisor~~ Deputy Treasurer  
5 for Debt Management which shall be filed by or on behalf of the  
6 issuer in compliance with the requirements of this act;

7       2. "Beginning Agricultural Producer Pool" means the portion of  
8 the state ceiling reserved for bonds relating to the Oklahoma  
9 Beginning Agricultural Producer Pool Act;

10       3. "Carryforward" shall have the same meaning as in Section  
11 146(f) of the Internal Revenue Code;

12       4. "Confirmation" means a written confirmation of allocation  
13 issued by the ~~State Bond Advisor~~ Deputy Treasurer for Debt  
14 Management;

15       5. "Consolidated Pool" means an aggregation of unallocated sums  
16 of the state ceiling derived from pools as set forth in subsection M  
17 of Section 695.24 of this title;

18       6. "Economic Development Pool" means that portion of the state  
19 ceiling reserved for projects specifically authorized by the Council  
20 of Bond Oversight, as provided for in subsection B of Section 695.24  
21 of this title;

22       7. "Exempt facility bonds" means exempt facility bonds as  
23 defined in Section 142(a) of the Internal Revenue Code;

1        8. "Exempt Facility Pool" means the portion of the state  
2 ceiling reserved for exempt facility bonds;

3        9. "Final certification" or "final certificate" means a  
4 certification or certificate filed with the ~~State Bond Advisor~~  
5 Deputy Treasurer for Debt Management by or on behalf of the issuer  
6 specifying the exact amount of indebtedness issued by an issuer, or,  
7 in the case of mortgage credit certificates, a copy of the document  
8 or election filed with the Internal Revenue Service exchanging bond  
9 issuance authority for mortgage credit certificate issuance  
10 authority;

11       10. "Internal Revenue Code" means the Internal Revenue Code of  
12 1986 (26 U.S.C., Section 1 et seq.), as amended;

13       11. "Issued" means any issue of bonds which have been delivered  
14 and the purchase price therefor remitted to or for the account of  
15 the issuer, or a copy of the document or election filed with the  
16 Internal Revenue Service exchanging bond issuance authority for  
17 mortgage credit certificate issuance authority;

18       12. "Issuer" or "issuing authority" means any public trust or  
19 other entity which is authorized to issue tax-exempt bonds, notes  
20 and other like obligations, or has the authority to exchange single-  
21 family mortgage bond authority for mortgage credit certificate  
22 authority, under the Constitution or laws of the state;

23       13. "Local issuer" means any municipality, county or public  
24 trust having counties or municipalities or combinations thereof as

beneficiary, or a public trust having the state as beneficiary with jurisdiction limited to one county of the state;

14. "Local Issuer Single Family Pool" means the portion of the state ceiling reserved for local issuers of single-family, mortgage revenue bonds and mortgage credit certificates;

15. "Metropolitan Area Housing Pool" means the portion of the state ceiling reserved pursuant to subsection I of Section 695.24 of this title;

16. "Mortgage credit certificate election" means a document or election filed by an issuer with the Internal Revenue Service exchanging single-family mortgage bond issuance authority for mortgage credit certificate issuance authority;

17. "Mortgage credit certificates" shall have the same meaning as in Section 25(c) of the Internal Revenue Code;

18. "Oklahoma Housing Finance Agency Pool" means that portion of the state ceiling reserved for single-family bonds, multifamily bonds, and mortgage credit certificates issued by the Oklahoma Housing Finance Agency;

19. "Private activity bonds" or "bonds" means any bonds or notes or other evidence of indebtedness, the interest on which is exempt from tax pursuant to the Internal Revenue Code, and mortgage credit certificates, except those bonds or certificates specifically excluded from the state ceiling under the terms of federal legislation;

1       20. "Qualified small issue" used in the context of "bond" or  
2 "bonds" or the "Qualified Small Issue Pool" shall have the meaning  
3 as in Section 144(a) of the Internal Revenue Code;

4       21. "Qualified Small Issue Pool" means the portion of the state  
5 ceiling reserved for qualified small issue bonds;

6       22. "Qualified student loan bonds" shall have the same meaning  
7 as in Section 144(b) of the Internal Revenue Code;

8       23. "Rural Area Housing Pool" means the portion of the state  
9 ceiling reserved pursuant to subsection J of Section 695.24 of this  
10 title;

11       24. "State" means the State of Oklahoma;

12       25. "State Bond Advisor" means the ~~Oklahoma State Bond Advisor~~  
13 Deputy Treasurer for Debt Management or his or her designee;

14       26. "State ceiling" means the limit which is prescribed by the  
15 Internal Revenue Code in Section 146 and in such other applicable  
16 sections of the Internal Revenue Code on the amount of private  
17 activity bonds which may be issued collectively by all of the  
18 issuers of the state during a calendar year;

19       27. "State issuer" means any public trust having the state as  
20 beneficiary or any state agency or other entity with powers to issue  
21 private activity bonds, provided that the term shall not include a  
22 public trust or any local issuer with the state as beneficiary whose  
23 jurisdiction is limited to one county;

1        28. "State Issuer Pool" means the portion of the state ceiling  
2 reserved for state issuers of qualified small issuer projects; and

3        29. "Student Loan Pool" means the portion of the state ceiling  
4 reserved for qualified student loan bonds.

5        SECTION 9.        AMENDATORY        62 O.S. 2011, Section 695.24, is  
6 amended to read as follows:

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

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

14       B. Twelve percent (12%) of the state ceiling shall be reserved  
15 and placed in a pool designated as the Economic Development Pool.  
16 For the period January 1 through September 1 of each calendar year,  
17 allocations from this pool may be made only upon the recommendation  
18 of the Director of the Oklahoma Department of Commerce and following  
19 review and approval by the Council of Bond Oversight. In order to  
20 approve the recommendation, the Council of Bond Oversight must find  
21 that the project seeking an allocation from this pool will result in  
22 the creation of manufacturing jobs in this state or will in some  
23 other way contribute to an economic development objective of this  
24 state. For purposes of this subsection, "manufacturing jobs" means

1 jobs created by manufacturing facilities as that term is defined in  
2 subparagraphs a, b, and c of paragraph 1 of subsection B of Section  
3 2902 of Title 68 of the Oklahoma Statutes.

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

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

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

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

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

22 2. For the period January 1 through September 1 of each  
23 calendar year, the Exempt Facility Pool shall be allocated to exempt  
24

1 facility bonds issued by either state or local issuers. Allocations  
2 will be available to issuers on a first-come, first-serve basis.

3 F. 1. Except as otherwise provided by this subsection, fifteen  
4 percent (15%) of the state ceiling shall be reserved and placed in a  
5 pool to be designated the Oklahoma Housing Finance Agency Pool.

6 Provided, however, that the allocation of the state ceiling to the  
7 Oklahoma Housing Finance Agency as otherwise authorized pursuant to  
8 this subsection shall be increased up to ten percent (10%) of the  
9 state ceiling amount for any calendar year subsequent to a  
10 certification by the Oklahoma Strategic Military Planning Commission  
11 that the available housing stock in an area located on or near a  
12 military installation at risk for closure or adverse realignment  
13 pursuant to federal law is inadequate and an increase in available  
14 funds for construction or rehabilitation of such housing would make  
15 closure or an adverse realignment of the military installation less  
16 likely. The certification by the Oklahoma Strategic Military  
17 Planning Commission shall be made and communicated to the ~~State Bond~~  
18 ~~Advisor~~ Deputy Treasurer for Debt Management not later than November  
19 15 each year. The Oklahoma Strategic Military Planning Commission  
20 shall make a specific recommendation to the ~~State Bond Advisor~~  
21 Deputy Treasurer for Debt Management regarding the percentage  
22 increase to be adopted for the Oklahoma Housing Finance Agency pool  
23 for the ensuing year. The ~~State Bond Advisor~~ Deputy Treasurer for  
24 Debt Management shall make the final determination regarding the

1 amount of such increase. Any certification made by the Oklahoma  
2 Strategic Military Planning Commission shall be valid only for the  
3 calendar 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~~ Deputy Treasurer for Debt Management

2 shall issue confirmations in the order in which fully and properly  
3 completed applications for state ceiling allocation are received.

4    ~~The State Bond Advisor~~ Deputy Treasurer for Debt Management shall  
5 have the limited authority to defer or deny confirmation on  
6 applications for state ceiling allocation which appear to be  
7 incomplete or premature based upon information submitted or which  
8 fail to show demand for funds pursuant to subsections F and G of  
9 Section 695.25 of this title; and

10       3.    ~~The State Bond Advisor~~ Deputy Treasurer for Debt Management

11 shall have no discretionary control regarding the issuance of  
12 confirmations, except as specifically provided in the Oklahoma  
13 Private Activity Bond Allocation Act.

14       In the event a confirmation or application is denied, the ~~State~~  
15 ~~Bond Advisor~~ Deputy Treasurer for Debt Management, within five (5)  
16 business days following such denial, shall send written notice of  
17 such denial to the applicant together with a brief recital of the  
18 reason therefor.

19       M.    1.    On September 2 of each calendar year, nonallocated sums  
20 remaining in the Economic Development Pool, Qualified Small Issue  
21 Pool, the Beginning Agricultural Producer Pool, the Exempt Facility  
22 Pool, the Student Loan Pool, the Oklahoma Housing Finance Agency  
23 Pool, the State Issuer Pool, the Local Issuer Single Family Pool,

1 the Metropolitan Area Housing Pool and the Rural Area Housing Pool  
2 shall be consolidated into the Consolidated Pool.

3 2. All local issuers and state issuers shall be entitled to  
4 obtain allocations from the Consolidated Pool for any private  
5 activity bond or mortgage credit certificate program based on the  
6 chronological order of completed applications received after January  
7 1 of each calendar year which applications have not received an  
8 allocation.

9 SECTION 10. AMENDATORY 62 O.S. 2011, Section 695.25, is  
10 amended to read as follows:

11 Section 695.25. A. On January 1 of each calendar year or the  
12 first business day thereafter, the ~~State Bond Advisor~~ Deputy  
13 Treasurer for Debt Management shall determine the maximum total  
14 volume of private activity bonds that may be issued pursuant to  
15 federal law by the state during that year.

16 B. On or before February 15 of each calendar year, the ~~State~~  
17 ~~Bond Advisor~~ Deputy Treasurer for Debt Management shall cause to be  
18 published in The Oklahoma Register, or any successor publication, a  
19 notice specifying the amount of the state ceiling for the calendar  
20 year.

21 C. Allocations from the pools set forth in Section 695.24 of  
22 this title will be processed on the basis of the chronological order  
23 of receipt of completed applications for state ceiling allocation  
24 unless otherwise provided in said section, and on the basis of the

1 information and provisions set forth in subsections D, E, F, G and H  
2 of this section. Allocations from the Consolidated Pool will be  
3 processed on the basis of the system set out in subsection M of  
4 Section 695.24 of this title and on the basis of information and  
5 provisions set forth in subsections D, E, F, G and H of this  
6 section.

7 D. An issuer which proposes to issue private activity bonds for  
8 a specific project or purpose shall make application for an  
9 allocation of a portion of the state ceiling for the particular  
10 project or purpose by submitting to the ~~State Bond Advisor~~ Deputy  
11 Treasurer for Debt Management an application for state ceiling  
12 allocation together with copies of the following:

13 1. A certified copy of the resolution or other action adopted  
14 by the issuer for the purpose of taking "official action" as  
15 required by the Treasury Regulations relating to Section 103 of the  
16 Internal Revenue Code, if the issuer of private activity bonds for  
17 which the allocation is requested requires "official action" under  
18 applicable Treasury Regulations and the Internal Revenue Code; and

19 2. A final resolution of the beneficiary of the issuer  
20 evidencing its approval of the issuance of the issuer's obligations,  
21 if the issuer is a municipal or county public trust, or a  
22 certificate signed by the Governor of the state evidencing his  
23 approval of the issuance of the issuer's obligations, to the extent  
24

1 required under the Internal Revenue Code, if the issuer is a public  
2 trust having the state as its beneficiary.

3 E. The application for state ceiling allocation shall contain  
4 the following information:

5 1. The name and mailing address of the issuer, the beneficiary  
6 and jurisdiction thereof, the name of the presiding officer of the  
7 issuer and the respective pool from which an allocation is  
8 requested;

9 2. The name and mailing address or other definitive description  
10 of the location of the project or bonds and the purpose for which an  
11 allocation of the state ceiling is requested, the name and mailing  
12 address of both the initial owner or operator of the project, where  
13 applicable, and an appropriate person from whom information  
14 regarding the project or bonds can be obtained, and the name and  
15 address of the person to whom the confirmation should be sent;

16 3. The amount of the state ceiling which the Issuer is  
17 requesting;

18 4. A statement of bond counsel for the issuer that the proposed  
19 issue requires, pursuant to Section 103, Section 146 or such other  
20 applicable sections of the Internal Revenue Code, an allocation of a  
21 portion of the state ceiling; and

22 5. Where applicable, the intention to exchange single-family  
23 mortgage bond authority for mortgage credit certificates.

1 F. 1. Applications for single-family mortgage bonds or  
2 mortgage credit certificate programs shall also include the  
3 submission of information demonstrating a reasonable expectation to  
4 use an allocation of the state ceiling for its intended purpose.  
5 This information shall include historical usage of mortgage revenue  
6 bond proceeds or mortgage credit certificates in the geographic area  
7 subject to an application over the previous twenty-four-month period  
8 and the impact of known or possible competing programs that would  
9 act to reduce demand. This information may also include demand  
10 surveys. Provided, in cases where historical usage cannot be  
11 documented, demand surveys shall be included with an application.

12 2. Applications for qualified student loan bonds shall also  
13 include the submission of information showing a reasonable  
14 expectation to use the state ceiling for its intended purpose. This  
15 information shall include historical lending activity over the  
16 previous twenty-four-month period as well as a demonstration of need  
17 based upon such factors as increased enrollment costs, enrollment  
18 increases, or new federal regulations that act to increase demand by  
19 making changes to eligibility requirements to certain federally  
20 guaranteed or subsidized student loan programs. This information  
21 may also include demand surveys. Provided, in cases where  
22 historical usage cannot be documented, demand surveys shall be  
23 included with an application.

1        3. Applications shall also include evidence of a structure to  
2 deliver the financing derived from single-family mortgage bond  
3 proceeds or mortgage credit certificates or from qualified student  
4 loan bond proceeds to ultimate users, particularly the extent of  
5 lender participation in the case of mortgage revenue bonds or  
6 mortgage credit certificate programs.

7        G. 1. Upon receipt of the completed application for state  
8 ceiling allocation, copies of the official action and final  
9 resolutions or certificates as required by subsection D of this  
10 section and the information required by subsections E and F of this  
11 section and assuming availability of the sum requested and  
12 compliance with the Oklahoma Private Activity Bond Allocation Act,  
13 the ~~State Bond Advisor~~ Deputy Treasurer for Debt Management shall  
14 send, within five (5) business days of the receipt thereof, a  
15 confirmation of the allocation of the state ceiling for the subject  
16 project or purpose to the person designated in the application for  
17 state ceiling allocation. Provided, the ~~State Bond Advisor~~ Deputy  
18 Treasurer for Debt Management may reject an application or deny a  
19 confirmation pursuant to the provisions of this subsection.

20        2. The ~~State Bond Advisor~~ Deputy Treasurer for Debt Management  
21 may reject any application which is incomplete or filed with  
22 insufficient information. The ~~State Bond Advisor~~ Deputy Treasurer  
23 for Debt Management may reject any application where, in the ~~State~~  
24 ~~Bond Advisor's~~ Deputy Treasurer for Debt Management judgment, a



1 reasonable likelihood has not been shown that single-family mortgage  
2 and student loan bond proceeds or mortgage credit certificates will  
3 be used for their intended public purposes. In the event an  
4 application or confirmation is denied, within five (5) business days  
5 following such denial, the ~~State Bond Advisor~~ Deputy Treasurer for  
6 Debt Management shall send the applicant written notice of the  
7 denial of an application or confirmation together with the reason or  
8 reasons therefor. In the case of disapprovals of applications or  
9 confirmations, an applicant may appeal the disapproval by submitting  
10 a new application to the Council of Bond Oversight, along with an  
11 explanation addressing the reasons for disapproval cited in the  
12 ~~State Bond Advisor's~~ Deputy Treasurer for Debt Management letter.  
13 The Council of Bond Oversight, through affirmative action of the  
14 Council, may accept an application rejected by the ~~State Bond~~  
15 ~~Advisor~~ Deputy Treasurer for Debt Management, or order the ~~State~~  
16 ~~Bond Advisor~~ Deputy Treasurer for Debt Management to issue a  
17 confirmation of allocation, subject to provisions of the Oklahoma  
18 Private Activity Bond Allocation Act. Applicants may submit only  
19 one new application based on an appeal of any specific application  
20 previously submitted.

21 3. Only complete applications, as determined by the ~~State Bond~~  
22 ~~Advisor~~ Deputy Treasurer for Debt Management, shall be used to  
23 establish the chronological order of applications. In the case of a  
24

1 new application submitted based on an appeal, chronological order  
2 shall be established at the time the new application is submitted.

3 H. An original confirmation shall cease to be effective to  
4 assure allocation of any portion of the state ceiling unless the  
5 bonds, notes, other evidences of indebtedness, or the appropriate  
6 election filed with the Internal Revenue Service exchanging mortgage  
7 bond authority for mortgage credit certificate authority have been  
8 issued or filed within one hundred twenty (120) days after the date  
9 of such confirmation. No extensions shall be granted. Such  
10 issuance shall be evidenced by the mailing, transmittal or delivery  
11 of a final certification to the ~~State Bond Advisor~~ Deputy Treasurer  
12 for Debt Management within the time specified by this subsection.

13 Receipt by an issuer of a confirmation as contemplated by this  
14 section shall entitle the issuer to rely conclusively upon the  
15 accuracy of the ~~State Bond Advisor's~~ Deputy Treasurer for Debt  
16 Management's mathematical calculation and the allocation for  
17 purposes of closing.

18 I. The confirmation given in advance of bond issuance or  
19 mortgage credit certificate election will assure allocation for only  
20 the amount of such bonds or mortgage credit certificate authority as  
21 is therein set forth, unless a supplementary application for state  
22 ceiling allocation for an increase in amount is filed with and a  
23 supplementary confirmation is issued by the ~~State Bond Advisor~~  
24 Deputy Treasurer for Debt Management for such requested allocation

1 prior to such bond issuance or such election, pursuant to the  
2 Oklahoma Private Activity Bond Allocation Act. The supplementary  
3 confirmation shall be effective for the same period as the prior  
4 confirmation which it supplements. Provided, however, no  
5 supplementary confirmation shall be effective to preempt any  
6 intervening confirmation as to allocation of a portion of the state  
7 ceiling.

8 J. Notwithstanding the provisions of this section, all  
9 confirmation dates for an issue of private activity bonds or  
10 mortgage credit certificate programs expire on December 20 of each  
11 calendar year. Final certification of issuance shall be delivered  
12 to the ~~State Bond Advisor~~ Deputy Treasurer for Debt Management by  
13 9:00 a.m. on December 20 of each calendar year.

14 K. On or after 9:00 a.m. on December 20 of each calendar year,  
15 issuing authorities may apply to the ~~State Bond Advisor~~ Deputy  
16 Treasurer for Debt Management to carry forward a portion of the  
17 state ceiling for such calendar year allocated to any qualified  
18 carryforward project, as said term is used in Section 103(n)(10) and  
19 146(f) of the Internal Revenue Code and which shall be evidenced by  
20 the issuance of confirmations for all carryforward projects within  
21 the limitations of the state ceiling. Provided, issuers or projects  
22 with more than Twenty Million Dollars (\$20,000,000.00) of  
23 carryforward outstanding as of the date of the application for  
24 carryforward shall only be eligible for carryforward allocations to

1 the extent other issuers with less than Twenty Million Dollars  
2 (\$20,000,000.00) of outstanding carryforward authority do not fully  
3 commit the state ceiling. Allocations on carryforward projects  
4 shall be processed on the basis of the chronological receipt of  
5 applications. No portion of the state ceiling carried forward for  
6 any given year may be carried forward for a period in excess of  
7 three (3) calendar years following the calendar year in which the  
8 carryforward arose, except as otherwise permitted under federal law.

9 L. The ~~State Bond Advisor~~ Deputy Treasurer for Debt Management  
10 shall maintain continuous and cumulative records which shall include  
11 a list and cumulative dollar total of the private activity bonds for  
12 which:

13 1. Private activity bonds have been issued or state ceiling  
14 exchanged for mortgage credit certificate authority and final  
15 certifications have been received by the ~~State Bond Advisor~~ Deputy  
16 Treasurer for Debt Management;

17 2. Confirmations of carryforward have been issued; and

18 3. Confirmations in effect and outstanding for which no private  
19 activity bonds or mortgage credit certificate elections have been  
20 issued or filed.

21 The ~~State Bond Advisor~~ Deputy Treasurer for Debt Management shall  
22 keep continuous and cumulative records and totals for each of the  
23 categories specified in paragraphs 1, 2 and 3 of this subsection as  
24 well as the aggregate total of all categories. The ~~State Bond~~

1 ~~Advisor~~ Deputy Treasurer for Debt Management shall not give further  
2 confirmations at such time as the aggregate amount of bonds, other  
3 indebtedness, carryforward or mortgage credit certificate elections  
4 specified by paragraphs 1, 2 and 3 of this subsection equals the  
5 state ceiling authorized for the applicable year. The ~~State Bond~~  
6 ~~Advisor~~ Deputy Treasurer for Debt Management shall not award a  
7 confirmation if such award would cause indebtedness, carryforward or  
8 elections as specified by paragraphs 1, 2 and 3 of this subsection  
9 to exceed the state ceiling. Confirmation records shall be compiled  
10 and furnished to any local issuer and state issuer upon written  
11 request and payment of a fee of Fifteen Dollars (\$15.00) which shall  
12 be apportioned to the General Revenue Fund. Upon issuance of a  
13 confirmation, the amounts of the proposed bond issue, mortgage  
14 credit certificate election and carryforward confirmation shall be  
15 included in the continuing, mathematical calculation, until the same  
16 shall have been terminated in accordance with this section.

17 M. The person signing any confirmation for any allocations  
18 granted pursuant to the Oklahoma Private Activity Bond Allocation  
19 Act shall certify under penalty of perjury that such allocation was  
20 not made in consideration of any bribe, gift, gratuity or direct or  
21 indirect contribution to any political campaign.

22 N. A state or local issuer, who intentionally overissues  
23 mortgage credit certificates or bonds, shall be prohibited from  
24 making application for an allocation of the state ceiling for any

1 purpose for a period of three (3) years following discovery of such  
2 over issuance.

3 SECTION 11. AMENDATORY Section 1, Chapter 278, O.S.L.  
4 2017 (62 O.S. Supp. 2018, Section 34.200-1), is amended to read as  
5 follows:

6 Section 34.200-1. A. The State ~~Bond Advisor~~ Treasurer in  
7 cooperation with the Office of Management and Enterprise Services  
8 shall produce a written debt affordability study (study) to be  
9 presented to the Legislature and the Governor.

10 B. The study shall be used to determine Oklahoma's debt  
11 position relative to its benchmark debt ratio of debt service as a  
12 percentage of revenues. The study shall incorporate information  
13 available in other sources, such as the Annual ~~Report of the~~  
14 ~~Oklahoma State Bond Advisor and the Bonded Indebtedness Report~~  
15 produced by the State Treasurer, into an analysis of Oklahoma's debt  
16 position.

17 C. The study shall include the net tax-supported and net  
18 revenue-supported debt of this state for the most recently concluded  
19 fiscal year. It shall also include the debt for the most recently  
20 concluded fiscal year of state agencies and state-beneficiary public  
21 trusts which are authorized to issue debt.

22 D. The study shall include the following:

23 1. Projections of debt service, future debt issuance, and debt  
24 to capacity, such as debt service as a percentage of revenues. Each

1 projection shall extend at least five (5) years from the study's  
2 fiscal year of publication;

3 2. A discussion of Oklahoma's unfunded pension liabilities and  
4 the impact of these liabilities on the state's ability to borrow and  
5 cost of debt;

6 3. An identification and calculation of relevant metrics  
7 including, but not limited to, debt service as a percentage of  
8 revenues, total debt as a percentage of state personal income, and  
9 total debt per capita;

10 4. A comparison of debt metrics to a select group of at least  
11 ten other states so that Oklahoma may be able to measure and  
12 contextualize its debt relative to other states;

13 5. A sensitivity analysis to understand the effects of  
14 uncertain conditions. This sensitivity analysis may include  
15 analysis on the impact of debt ratios of revenues being above or  
16 below expectations or interest rates increasing or decreasing from  
17 positions at time of publication; and

18 6. An estimate of available debt capacity the state may issue  
19 over the next five (5) years without causing the benchmark debt  
20 ratio of debt service as a percentage of revenues to exceed five  
21 percent (5%). This estimate is based on the state's net tax-  
22 supported debt and the debt of the relevant state units and  
23 agencies.

1 E. In preparing any authorization of new debt, the debt-issuing  
2 entity, the Legislature, and the Governor shall take the study's  
3 recommendations and estimates into consideration. In addition, the  
4 study's recommendations and estimates shall be taken into  
5 consideration by the Legislature and the Governor during capital  
6 planning and budgeting processes.

7 F. The State ~~Bond Advisor~~ Treasurer and the Office of  
8 Management and Enterprise Services shall report the results of the  
9 study to the Legislature by transmitting a copy to the Speaker of  
10 the House of Representatives, the President Pro Tempore of the State  
11 Senate, and to the Governor on or before January 15 of each year.

12 G. The study's recommendations and estimates shall be advisory  
13 and not binding.

14 SECTION 12. AMENDATORY 73 O.S. 2011, Section 156.1, is  
15 amended to read as follows:

16 Section 156.1. A. The Oklahoma Capitol Improvement Authority  
17 is authorized to issue bonds, notes, or other obligations for the  
18 purpose of refinancing or restructuring its outstanding obligations.

19 B. The bonds or other obligations issued pursuant to this  
20 section shall not at any time be deemed to constitute a debt of the  
21 state or of any political subdivision thereof or a pledge of the  
22 faith and credit of the state or any such political subdivision.

23 C. Such bonds or other obligations shall contain on the face  
24 thereof a statement that neither the faith and credit nor the taxing



1 power of the state or any political subdivision thereof is pledged,  
2 or may hereafter be pledged to the payment of the principal of or  
3 the interest on such bonds.

4 D. To the extent funds are available from the proceeds of the  
5 borrowing authorized by this section, the Oklahoma Capitol  
6 Improvement Authority shall provide for the payment of professional  
7 fees and other associated costs approved by the ~~Oklahoma State Bond~~  
8 ~~Advisor~~ Deputy Treasurer for Debt Management. The Authority is  
9 authorized to hire bond counsel, financial consultants, and such  
10 other professionals as it may deem necessary to provide for the  
11 efficient sale of the obligations and may utilize a portion of the  
12 proceeds of any borrowing to create such reserves as may be deemed  
13 necessary and to pay costs associated with the issuance and  
14 administration of such obligations.

15 E. An issuance of bonds under this section may be undertaken to  
16 achieve an overall debt service savings, modify restrictive bond  
17 document covenants, or reduce payment requirements during periods of  
18 fiscal stress. To achieve these objectives, the Authority is  
19 authorized to extend the final maturity of its outstanding  
20 obligations if necessary, but in no event shall the final maturity  
21 of an individual bond issue be extended more than ten (10) years  
22 without the approval of the Council of Bond Oversight.

23 F. The obligations authorized under this section may be sold at  
24 either competitive or negotiated sale, as determined by the

1 Authority, and in such form and at such prices as may be authorized  
2 by the Authority. The Authority may issue obligations in one or  
3 more series and may set such other terms and conditions as may be  
4 necessary, in its judgment to achieve an efficient financing. The  
5 Authority may enter into agreements with such credit enhancers and  
6 liquidity providers as may be determined necessary to efficiently  
7 market the obligations, including the purchase of surety policies or  
8 other financial instruments to be utilized in lieu of reserve funds.  
9 The obligations may mature and have such provisions for redemption  
10 as shall be determined by the Authority, but in no event shall the  
11 final maturity of such obligations occur later than thirty (30)  
12 years from the delivery date.

13 G. Any interest on the funds or accounts created for the  
14 purposes of this section may be utilized as partial payment of the  
15 annual debt service or for the purposes directed by the Authority.

16 H. The obligations issued under this section, the transfer  
17 thereof and the interest earned on such obligations, including any  
18 profit derived from the sale thereof, shall not be subject to  
19 taxation of any kind by the State of Oklahoma, or by any county,  
20 municipality or political subdivision therein.

21 I. The Authority may direct the investment of all monies in any  
22 funds or accounts created in connection with the offering of the  
23 obligations authorized under this section. Such investments shall  
24 be made in a manner consistent with the investment guidelines of the

1 State Treasurer. The Authority may place additional restrictions on  
2 the investment of such monies if necessary to enhance the  
3 marketability of the obligations.

4 J. The obligations issued under this section shall be retired  
5 by payments made to the Oklahoma Capitol Improvement Authority from  
6 the various agencies that entered into leases and other agreements  
7 in connection with the original financings. To the extent required  
8 by the Authority, such agencies are authorized and directed to enter  
9 into new lease agreements with the Authority.

10 K. The Authority is hereby specifically authorized to purchase  
11 surety policies or other financial instruments to replace existing  
12 debt service reserves. Any payment for such policies or other  
13 instruments may be made from the cash reserves being replaced or any  
14 other legally available source.

15 L. The Oklahoma Department of Transportation shall make  
16 payments from the State Transportation Fund to pay obligations  
17 incurred pursuant to agreements with the Oklahoma Capitol  
18 Improvement Authority. It is the intent of the Oklahoma Legislature  
19 to maintain the funding level of the State Transportation Fund as  
20 required in order for the Department of Transportation to fully pay  
21 any and all obligations incurred by the Department of Transportation  
22 with respect to agreements entered into by the Department of  
23 Transportation and the Oklahoma Capitol Improvement Authority. With  
24 respect to other state agencies that have entered into agreements

1 with the Oklahoma Capitol Improvement Authority, it is the intent of  
2 the Oklahoma Legislature to appropriate sufficient monies to make  
3 rental payments for the purposes of retiring the obligations created  
4 pursuant to this section.

5 M. Insofar as they are not in conflict with the provisions of  
6 this section, the provisions of Section 151 et seq. of ~~Title 73 of~~  
7 ~~the Oklahoma Statutes~~ this title shall apply to bonds issued  
8 pursuant to this section, including the provision relating to the  
9 exclusive original jurisdiction of the Supreme Court of the State of  
10 Oklahoma.

11 SECTION 13. This act shall become effective November 1, 2019.

12 Passed the Senate the 13th day of February, 2019.

13  
14 \_\_\_\_\_  
15 Presiding Officer of the Senate

16 Passed the House of Representatives the \_\_\_\_ day of \_\_\_\_\_,  
17 2019.

18  
19 \_\_\_\_\_  
20 Presiding Officer of the House  
21 of Representatives  
22  
23  
24