

1 STATE OF OKLAHOMA

2 2nd Session of the 58th Legislature (2022)

3 HOUSE BILL 4099

By: Frix

6 AS INTRODUCED

7 An Act relating to public finance; authorizing
8 issuance of certain net amount of obligations by
9 Oklahoma Capitol Improvement Authority for funding of
10 certain projects for the Oklahoma Historical Society;
11 providing for debt retirement payments; directing how
12 title is to be held and when it is to be transferred;
13 authorizing capitalization of certain interest for
14 specified period of time; stating legislative intent;
15 requiring Authority to pay certain fees and costs
16 under certain circumstances; providing methods of
17 issuance for obligations; authorizing hiring of
18 certain professionals; authorizing payment of certain
19 costs by creating reserves; limiting maturity of
20 obligations; providing for utilization of certain
21 interest earnings; providing tax exemption; providing
22 for investment of certain monies; requiring
23 compliance with certain statutory provisions;
24 providing for codification; and providing an
effective date.

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

19 SECTION 1. NEW LAW A new section of law to be codified
20 in the Oklahoma Statutes as Section 391 of Title 73, unless there is
21 created a duplication in numbering, reads as follows:

22 A. In addition to any other authorization provided by law, the
23 Oklahoma Capitol Improvement Authority is authorized to issue
24 obligations to acquire real property, together with improvements

1 located thereon, and personal property, for purposes of
2 construction, repair and rehabilitation and improvements to real and
3 personal property, of existing Oklahoma Historical Society
4 facilities in a total amount necessary to generate net proceeds of
5 Forty-six Million Dollars (\$46,000,000.00) after providing for cost
6 of issuance, credit enhancement, reserves, and other associated
7 expenses related to the financing. Provided, no proceeds authorized
8 by this section shall be expended on the Oklahoma Museum of Popular
9 Culture created by Section 2294 of Title 74 of the Oklahoma
10 Statutes.

11 B. The Authority may hold title to the real and personal
12 property and improvements until such time any obligations issued for
13 this purpose are retired or defeased and may lease the real property
14 and improvements to the Oklahoma Historical Society. Upon final
15 redemption or defeasance of the obligations created pursuant to this
16 section, title to the real and personal property and improvements
17 shall be transferred from the Authority to the Oklahoma Historical
18 Society.

19 C. For the purpose of paying costs for acquisition and
20 construction of the real property and improvements and personal
21 property and making the repairs, planning, staging, refurbishments,
22 and improvements to real and personal property, and providing
23 funding for the project authorized in subsection A of this section,
24 and for the purpose authorized in subsection D of this section, the

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, parking facilities, and improvements and, in
4 anticipation of the collection of such income and revenues, to issue
5 negotiable obligations in a total amount necessary to generate
6 Forty-six Million Dollars (\$46,000,000.00) in project funds, whether
7 issued in one or more series. The Authority is authorized to
8 capitalize interest on the obligations issued pursuant to the
9 authority granted by this section for a period not to exceed two (2)
10 years from the date of issuance.

11 D. For the fiscal year ending June 30, 2023, and subsequent
12 fiscal years, it is the intent of the Legislature to appropriate to
13 the Oklahoma Historical Society sufficient monies to make rental
14 payments for the purposes of retiring the obligations created
15 pursuant to this section. To the extent funds are available from
16 the proceeds of the borrowing authorized by subsection C, the
17 Authority shall provide for the payment of professional fees and
18 associated costs related to the projects authorized in subsection A
19 of this section.

20 E. The Authority may issue obligations in one or more series
21 and in conjunction with other issues of the Authority. The
22 Authority is authorized to hire bond counsel, financial consultants,
23 and other such other professionals as it may deem necessary to
24 provide for the efficient sale of the obligations and may utilize a

1 portion of the proceeds of any borrowing to create such reserves as
2 may be deemed necessary and to pay costs associated with the
3 issuance and administration of such obligations.

4 F. The obligations authorized under this section may be sold at
5 either competitive or negotiated sale, as determined by the
6 Authority, and in such form and at such prices as may be authorized
7 by the Authority. The Authority may enter into agreements with such
8 credit enhancers and liquidity providers as may be determined
9 necessary to efficiently market the obligations. The obligations
10 may mature and have such provisions as shall be determined by the
11 Authority, but in no event shall the final maturity of such
12 obligations occur later than twenty-five (25) years from the first
13 principal maturity date.

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

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

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

1 be made in a manner consistent with the investment guidelines of the
2 State Treasurer. The Authority may place additional restrictions on
3 the investment of such monies if necessary to enhance the
4 marketability of the obligations.

5 J. 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 shall apply to this section.

8 SECTION 2. This act shall become effective November 1, 2022.

9
10 58-2-10218 KN 01/18/22
11
12
13
14
15
16
17
18
19
20
21
22
23
24