

COMMITTEE AMENDMENT

HOUSE OF REPRESENTATIVES

State of Oklahoma

SPEAKER:

CHAIR:

I move to amend HB1002 _____
Of the printed Bill
Page _____ Section _____ Lines _____
Of the Engrossed Bill

By striking the Title, the Enacting Clause, the entire bill, and by
inserting in lieu thereof the following language:

AMEND TITLE TO CONFORM TO AMENDMENTS

Amendment submitted by: Kevin Wallace

Adopted: _____

Reading Clerk

STATE OF OKLAHOMA

1st Extraordinary Session of the 59th Legislature (2023)

PROPOSED COMMITTEE

SUBSTITUTE

FOR

HOUSE BILL NO. 1002X

By: Wallace and Martinez of the
House

and

Thomson (Roger) and Hall of
the Senate

PROPOSED COMMITTEE SUBSTITUTE

An Act relating to the Legacy Capital Financing Act;
authorizing certain citation and abbreviation;
declaring purpose; creating the Oklahoma Legacy
Capital Financing Fund; placing fund with the
Oklahoma Capitol Improvement Authority; providing
revolving fund characteristics; authorizing and
limiting uses; requiring specific adherence;
requiring certain budgeting procedures; authorizing
memoranda of understanding; limiting memoranda of
understanding; clarifying legal status; limiting
certain authorizations; authorizing certain actions
related to property acquisition, improvements, and
disposal; providing for Fund recapitalization
payments; providing calculation and schedule for
repayment; clarifying application for certain
scenarios; providing process for suspension or
restrictions of repayments; requiring certain annual
reporting; clarifying required report content;
amending 73 O.S. 2021, Section 161, which relates to
the powers of the Oklahoma Capitol Improvement
Authority; empowering the Authority to administer the
Legacy Capital Financing Act; providing for
codification; and declaring an emergency.

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 187A of Title 73, unless there
4 is created a duplication in numbering, reads as follows:

5 A. Sections 1 and 2 of this act shall be known and may be cited
6 as the "Legacy Capital Financing Act".

7 B. The purpose of the Legacy Capital Financing Act is to
8 provide increased self-financing and liquidity options to the state
9 in order to facilitate advanced financing for current and future
10 capital needs of the state's agencies, departments, and subdivisions
11 to enable, maintain, or improve the performance of the duties and
12 missions assigned to such entities benefiting the health, safety,
13 and welfare of the citizens of Oklahoma. Such advanced financing
14 provides a benefit to the state by reducing or eliminating related
15 financing and interest costs associated with private financing, as
16 well as accelerating the timeline of project completions.

17 SECTION 2. NEW LAW A new section of law to be codified
18 in the Oklahoma Statutes as Section 187B of Title 73, unless there
19 is created a duplication in numbering, reads as follows:

20 A. There is hereby created in the State Treasury a revolving
21 fund for the Oklahoma Capitol Improvement Authority to be designated
22 the "Legacy Capital Financing Fund". The fund shall be a continuing
23 fund, not subject to fiscal year limitations, and shall consist of
24 all monies received by the Oklahoma Capitol Improvement Authority

1 eligible under law and directed for deposit. All monies accruing to
2 the credit of said fund are hereby appropriated and may be budgeted
3 and expended by the Oklahoma Capitol Improvement Authority for
4 capital projects specifically and exclusively as authorized by law.
5 Such budgeting and expenditure shall strictly adhere to the specific
6 terms, limitations, purposes, and requirements described in such
7 authorizations and in this act. Expenditures from said fund shall
8 be made upon warrants issued by the State Treasurer against claims
9 filed as prescribed by law with the Director of the Office of
10 Management and Enterprise Services for approval and payment.

11 B. 1. The Oklahoma Capitol Improvement Authority shall be
12 authorized to enter into memoranda of understanding with agencies,
13 departments, and subdivisions of the state as provided by law and as
14 deemed necessary by the Authority to administer expenditures from
15 and deposits to the Legacy Capital Financing Fund; provided that
16 such memoranda of understanding do not conflict with or impede the
17 administration of capital projects specifically authorized by law.
18 Such memoranda of understanding shall not constitute a legal
19 obligation of the State of Oklahoma.

20 2. a. Unless specified otherwise in the applicable
21 authorizing legislation, all distributions from the
22 Legacy Capital Financing Fund shall be returned to the
23 Fund over a twenty-year period. Such distributions
24 shall be returned in the form of LCF Recapitalization

1 Payments as provided in subparagraph b of this
2 paragraph.

3 b. The annual LCF Recapitalization Payment required of
4 entities in receipt of Legacy Capital Financing Fund
5 distributions shall be equal to one-twentieth (1/20th)
6 of the amount distributed to the entity. Such payment
7 shall be collected by the Oklahoma Capitol Improvement
8 Authority in equal monthly installments and deposited
9 to the Legacy Capital Financing Fund; provided, that
10 in the year of initial distribution no monthly payment
11 shall be made until the second month after such
12 distribution. Upon such second month, all monthly
13 payments for such state fiscal year up to that point
14 shall become payable.

15 c. The Legislature as it deems necessary for the best
16 interests of the state, may suspend or restructure for
17 a period of time such LCF Recapitalization Payments
18 through the adoption of a concurrent resolution.

19 C. Limited to the extent required for projects specifically
20 authorized through the Legacy Capital Financing Act, the Oklahoma
21 Capitol Improvement Authority shall be authorized to:

22 1. Acquire real property together with improvements located
23 thereon and personal property;
24

1 2. Provide for the construction of improvements to real
2 property and to provide funding for repairs, refurbishments, and
3 improvements to real and personal property;

4 3. Hold title to property and improvements as necessary to
5 comply with legal directives and authorizations; and

6 4. Lease, transfer, and otherwise legally dispose of property
7 and improvements as necessary to comply with legal directives and
8 authorizations.

9 D. No later than January 15th annually, the Oklahoma Capital
10 Improvement Authority shall submit electronically to the Governor,
11 the Speaker of the Oklahoma House of Representatives, the President
12 Pro Tempore of the Oklahoma State Senate, the Appropriations and
13 Budget Chair of the Oklahoma House of Representatives, and the
14 Appropriations Chair of the Oklahoma State Senate a report detailing
15 impacts to the balance of the Legacy Capital Financing Fund
16 occurring in the prior calendar year, including but not limited to,
17 all distributions, expenditures, collections, deposits and
18 investment returns of the Legacy Capital Financing Fund.

19 SECTION 3. AMENDATORY 73 O.S. 2021, Section 161, is
20 amended to read as follows:

21 Section 161. In addition to all other powers expressly
22 conferred, the Authority is hereby authorized and empowered:

23 1. To adopt bylaws for the regulation of its affairs and the
24 conduct of its business;

1 2. To adopt an official seal and alter the same at pleasure;

2 3. To fix and revise from time to time rent for the use of any
3 Authority building; provided that the rents when so fixed, plus
4 revenues derived from other sources, shall produce sufficient
5 revenue:

6 a. to pay the annual cost of the operation, maintenance,
7 and repair of such building,

8 b. to pay as and when due the principal and interest on
9 the bonds issued to pay for such building, and

10 c. to accumulate and maintain reserves for such purposes;

11 4. To acquire, hold and dispose of real and personal property
12 in the exercise of its powers and the performance of its duties
13 under this act;

14 5. To acquire by purchase or otherwise, on such terms and
15 conditions and in such manner as it may deem proper, or by the
16 exercise of the power of condemnation in the manner hereinafter
17 provided, such public or private property and interests therein as
18 it may deem necessary for carrying out the provisions of this act.
19 The exercise of the power of condemnation shall be in accordance
20 with and subject to the provisions of any and all existing laws and
21 statutes applicable to the exercise of the power of condemnation of
22 property for public use. In any condemnation proceedings the court
23 having jurisdiction of the suit, action or proceeding may make such
24 orders as may be just to the Authority and to the owners of the

1 property to be condemned and may require an undertaking or other
2 security to secure such owners against any loss or damage by reason
3 of the failure of the Authority to accept and pay for the property,
4 but neither such undertaking or security nor any act or obligation
5 of the Authority shall impose any liability upon the state or the
6 Authority except such as may be paid from the funds provided under
7 the provisions of the act;

8 6. To make and enter into all contracts and agreements
9 necessary or incidental to the performance of its duties and the
10 execution of its powers under this act, and particularly to make and
11 enter into contracts and agreements with the departments and
12 agencies of the State of Oklahoma and/or federal government relating
13 to the rent, amortization of cost and use of the building by such
14 departments and agencies, or relating to the construction,
15 improvement, repair, and maintenance of the highway infrastructure
16 in this state;

17 7. To employ employees and agents as may be necessary in its
18 judgment, including but not limited to legal counsel and such other
19 professionals as may be needed for the issuance and administration
20 of bonds issued under the provisions of this title and to fix their
21 compensation; provided, that all such expenses shall be payable
22 solely from the proceeds of bonds issued under this act or from
23 revenues derived from the building;

1 8. To receive and accept from any federal agency grants or
2 payments for or in aid of the construction of any project, and to
3 receive and accept aid or contributions from any source of either
4 money, property, labor or other things of value to be held, used and
5 applied only for the purposes for which such grants and
6 contributions may be made;

7 9. To do any and all things necessary to comply with rules,
8 regulations or requirements of any state or federal agency
9 administering any law enacted by the Congress of the United States
10 to aid or encourage the construction or use of such building; ~~and~~

11 10. To do all things necessary or convenient to carry out the
12 powers expressly granted in this act; and

13 11. To administer the Legacy Capital Financing Act.

14 SECTION 4. It being immediately necessary for the preservation
15 of the public peace, health or safety, an emergency is hereby
16 declared to exist, by reason whereof this act shall take effect and
17 be in full force from and after its passage and approval.

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19 59-1EX-50077 JM 05/21/23
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