An Act

ENROLLED HOUSE
BILL NO. 3167

By: Hickman and Walker of the House

and

Mazzei, Ivester, Stanislawski and Sparks of the Senate

An Act relating to public finance; amending Section 3, Chapter 309, O.S.L. 2009 (62 O.S. Supp. 2009, Section 891.3), which relates to the Oklahoma Community Economic Development Pooled Finance Act; modifying definitions; and declaring an emergency.

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

SECTION 1. AMENDATORY Section 3, Chapter 309, O.S.L. 2009 (62 O.S. Supp. 2009, Section 891.3), is amended to read as follows:

Section 891.3 1. "Authority" means the Oklahoma Development Finance Authority;

2. "Bonds" means any form of obligation issued by the Oklahoma Development Finance Authority pursuant to this act;

3. "Business entity" means a corporation, limited liability company, general partnership, limited partnership, or such other entity conducting a lawful activity which is organized pursuant to the laws of the state or which is authorized to do business in the state if organized under the law of another jurisdiction;

4. "Community Economic Development Pooled Finance Revolving Fund" means the fund created pursuant to Section ~~15~~ 891.15 of this ~~act~~ title;

5. "Conduit issuer" means the Oklahoma Development Finance Authority acting for the benefit of either a combination of local government entities or a local government entity or entities in conjunction with a for-profit business entity pursuant to the provisions of this act;

6. "Credit Enhancement Reserve Fund" means that fund created pursuant to Section 5063.3 of Title 74 of the Oklahoma Statutes;

7. "Debt" means bonds, notes, or other evidence of indebtedness issued by the Oklahoma Development Finance Authority;

8. "Department" means the Oklahoma Department of Commerce;

9. "Economic Development Pool" means proceeds of obligations sold by the Authority to provide resources for eligible local government entities or a local government entity in conjunction with a for-profit business entity to finance an eligible economic development project;

10. "Eligible local government entity" means:

a. a city,

b. a town,

c. a county,

d. any combination of cities, towns, or counties, or

e. a public trust with a beneficiary or beneficiary which is a city, town, county or some combination of such entities as authorized by Section 176 of Title 60 of the Oklahoma Statutes;

11. "For-profit business" means any lawful activity conducted by a business entity with the goal or expectation of selling goods, services or other property at a price greater than the actual costs incurred by the business;

12. "Infrastructure" means:

a. county roads,

b. county bridges,

c. municipal streets,

d. municipal bridges,

e. <u>any railway or utility system owned by an eligible local government entity,</u>

<u>f.</u> water treatment facilities,

~~f.~~ <u>g.</u> solid waste management facilities,

~~g.~~ <u>h.</u> water treatment and distribution systems, or

~~h.~~ <u>i.</u> any asset or project identified by the eligible local government entities necessary for essential government functions if the asset is owned by a local government entity or entities;

13. "Infrastructure Pool" means proceeds of obligations sold by the Authority to provide resources for eligible local government entities to provide financing for infrastructure;

14. "Pooled financing" means an agreement, pursuant to the provisions of this act or pursuant to the Interlocal Cooperation Act, among two or more eligible local governmental entities or involving a local government entity or entities in conjunction with a for-profit business entity to use proceeds from a tax levy or other authorized source of revenue to make payments of principal, interest, and other related costs in connection with an obligation issued by the Oklahoma Development Finance Authority for the benefit of the entities entering into such agreement according to the terms of the agreement and according to the requirements of any ballot submitted to the voters of the respective eligible local governmental entities. Pooled financing does not mean or include the use of any ad valorem tax revenues derived from a levy imposed pursuant to Section 26 of Article X of the Oklahoma Constitution; and

15. "Private activity bonds" means those obligations the interest income from which may be exempt from federal income tax pursuant to the provisions of the Internal Revenue Code of 1986, as amended.

SECTION 2. It being immediately necessary for the preservation of the public peace, health and safety, an emergency is hereby declared to exist, by reason whereof this act shall take effect and be in full force from and after its passage and approval.

Passed the House of Representatives the 24th day of May, 2010.

Presiding Officer of the House of Representatives

Passed the Senate the 27th day of May, 2010.

Presiding Officer of the Senate

OFFICE OF THE GOVERNOR

Received by the Governor this 28th

day of May, 2010,

at 11:27 o'clock A M.

By:

Approved by the Governor of the State of Oklahoma the 7th day of

June, 2010, at 9:19 o'clock P M.

Governor of the State of Oklahoma

OFFICE OF THE SECRETARY OF STATE

Received by the Secretary of State this

8th day of June, 2010,

at 4:38 o'clock P. M.

By: M. Susan Savage