

An Act

ENROLLED HOUSE
BILL NO. 2744

By: Wallace and Hilbert of the
House

and

Thompson and Rader of the
Senate

An Act relating to transportation finance; authorizing issuance of certain obligations by the Oklahoma Capitol Improvement Authority; stating amount of net proceeds; imposing certain restrictions related to timing of issuance; requiring certain deposit of proceeds; providing for use of net proceeds; specifying authorized use of proceeds; incorporating content of Construction Work Plan; providing for priority of expenditures; providing for disposition of certain earnings; authorizing agreements between the Oklahoma Capitol Improvement Authority and the Department of Transportation; specifying content of agreements; providing for effect of redemption or defeasance; authorizing borrowing of monies and issuance of negotiable obligations; stating legislative intent with respect to appropriations to the Department of Transportation; authorizing payment of certain fees and costs; authorizing issuance in series; authorizing the hiring of professionals to perform certain services; authorizing utilization of proceeds portion for certain purpose; providing obligations not general obligations of the State of Oklahoma; providing full faith and credit not pledged to repayment; requiring certain statement be contained on the obligations face; prescribing procedures for sale of obligations; authorizing credit enhancement and liquidity agreements; requiring final maturation within certain period; providing for disposition of interest earnings; providing exemption from taxation;

providing for investment of proceeds; providing for applicability of certain statutory provisions; authorizing Oklahoma Capitol Improvement Authority to initiate certain judicial proceedings; and providing for codification.

SUBJECT: Transportation finance

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

SECTION 1. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 350 of Title 73, unless there is created a duplication in numbering, reads as follows:

A. Subject to the limitations with respect to the authorized date of issuance provided by this subsection, the Oklahoma Capitol Improvement Authority is authorized to issue notes, bonds, other evidences of obligation, or execute federal loans, in an amount necessary to generate net proceeds of Two Hundred Million Dollars (\$200,000,000.00), no earlier than July 1, 2020, after providing for costs of issuance, credit enhancement, reserves and other associated expenses related to the financing.

B. Net proceeds of the financing will be deposited into a construction fund to provide for the financing of acquisition of real property, together with improvements located thereon, and personal property, to construct, maintain and improve those state highway and state bridge assets identified in the Oklahoma Transportation Commission Construction Work Plan as represented in the Appendix of this act, which is incorporated as if fully set out herein.

C. The Transportation Commission or the Department of Transportation shall use the proceeds identified in subsection B of this section according to the priority of the enumerated project as it appears for the applicable federal fiscal year in the Construction Work Plan described in subsection B of this section in order to facilitate the completion of the enumerated projects, giving consideration to the ability to match federal funding and such other factors as the Transportation Commission or the Department of Transportation shall deem fiscally prudent.

D. Earnings that result from the investment of the construction fund may be used for the projects authorized in this section or for other legal purposes approved by the Authority.

E. The Authority, the Transportation Commission and the Department of Transportation are authorized to enter into such agreements as may be necessary to authorize the Authority to hold title to the real and personal property and improvements until such time as any obligations issued for the purpose set forth in subsection B of this section are retired or defeased and the Authority may lease the real property and improvements to the Transportation Commission or the Department of Transportation for the purposes authorized by this section. Upon final redemption or defeasance of the obligations created pursuant to this section, title to the real and personal property and improvements shall be transferred from the Oklahoma Capitol Improvement Authority to the Transportation Commission or the Department of Transportation.

F. For the purpose of paying the costs for acquisition and construction of the real property and improvements and personal property and making the repairs, refurbishments and improvements to real and personal property, and providing funding for the projects authorized in this section, and for the purpose authorized in subsection H of this section, the Authority is hereby authorized to borrow monies on the credit of the income and revenues to be derived from the leasing of such real and personal property and improvements and, in anticipation of the collection of such income and revenues, to issue negotiable obligations in one or more series.

G. It is the intent of the Legislature to appropriate to the Department of Transportation sufficient monies to make rental payments for the purposes of retiring the obligations created pursuant to this section.

H. To the extent funds are available from the proceeds of the borrowing authorized by subsection A of this section, the Oklahoma Capitol Improvement Authority shall provide for the payment of professional fees and associated costs related to the projects authorized in this section.

I. The Authority may issue obligations in one or more series and in conjunction with other issues of the Authority. The Authority is authorized to hire bond counsel, financial consultants and such other professionals as it may deem necessary to provide for

the efficient sale of the obligations or execution of a loan with an agency of the federal government and may utilize a portion of the proceeds of any borrowing to create such reserves as may be deemed necessary and to pay costs associated with the issuance and administration of such obligations.

J. The bond indenture or other instrument pursuant to which the Oklahoma Capitol Improvement Authority becomes obligated for the repayment of principal and interest of the proceeds from the sale of obligations or execution of a loan with an agency of the federal government authorized in subsection A of this section shall provide that all obligations are to be repaid from the source of revenue specified in this section.

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

L. Such bonds or other obligations shall contain on the face thereof a statement that neither the faith and credit nor the taxing power of the state or any political subdivision thereof is pledged, or may hereafter be pledged, to the payment of the principal of or the interest on such bonds.

M. The obligations authorized under this section may be sold at either competitive, negotiated sale, or may be directly placed with an agency of the federal government as determined by the Authority, and in such form and at such prices as may be authorized by the Authority. The Authority may enter into agreements with such credit enhancers and liquidity providers as may be determined necessary to efficiently market the obligations. The obligations may mature and have such provisions for redemption as shall be determined by the Authority, but in no event shall the final maturity of such obligations occur later than thirty (30) years from the first principal maturity date.

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

O. The obligations issued under this section, the transfer thereof and the interest earned on such obligations, including any profit derived from the sale thereof, shall not be subject to

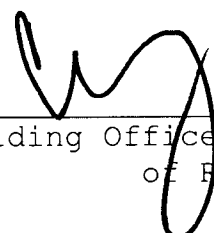
taxation of any kind by the State of Oklahoma, or by any county, municipality or political subdivision therein.

P. The Authority may direct the investment of all monies in any funds or accounts created in connection with the offering of the obligations authorized under this section. Such investments shall be made in a manner consistent with the investment guidelines of the State Treasurer. The Authority may place additional restrictions on the investment of such monies if necessary to enhance the marketability of the obligations.

Q. Insofar as they are not in conflict with the provisions of this section, the provisions of Section 151 et seq. of Title 73 of the Oklahoma Statutes shall apply to this section.


R. The Oklahoma Capitol Improvement Authority may initiate proceedings for purposes of validating the obligations authorized pursuant to the provisions of this section according to the provisions of Section 14.1 of Title 20 of the Oklahoma Statutes not later than one hundred twenty (120) days after the effective date of this act.

Passed the House of Representatives the 5th day of May, 2020.



Presiding Officer of the House
of Representatives

Passed the Senate the 7th day of May 2020.

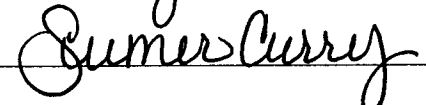


Presiding Officer of the Senate

OFFICE OF THE GOVERNOR

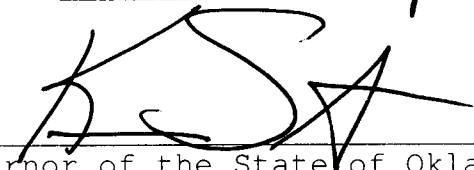
Received by the Office of the Governor this 7th

day of May, 20 20, at 2:47 o'clock pm. M.

By: 

Approved by the Governor of the State of Oklahoma this 13th

day of May, 20 20, at 2:14 o'clock pm. M.




Governor of the State of Oklahoma

OFFICE OF THE SECRETARY OF STATE

Received by the Office of the Secretary of State this 13th

day of May, 20 20, at 2:51 o'clock P. M.

By: 

8 YEAR CONSTRUCTION WORK PLAN REPORT

Federal Fiscal Year 2020

ADAIR 30570(05) RIGHT OF WAY	Div. 1	US059	6.610 Mi.	Let 04/2020 FFY 2020	US-59: FROM .25 MILES SOUTH OF SH-51 JCT., EXTEND NORTH 6.70 MILES RW FOR 30570(04)	\$400,000.00
ADAIR 30570(06) UTILITIES	Div. 1	US059	6.610 Mi.	Let 04/2020 FFY 2020	US-59: FROM .25 MILES SOUTH OF SH-51 JCT., EXTEND NORTH 6.70 MILES UT FOR 30570(04)	\$135,000.00
ATOKA 28947(04) BRIDGE & APPROACHES	Div. 2	US069	1.500 Mi.	Let 02/2020 FFY 2020	US-69 OVER BUCK CREEK 4 MILES SOUTH OF PITTSBURG COUNTY LINE(NORTHBOUND)	\$2,650,000.00
BECKHAM 27900(04) BRIDGE & APPROACHES	Div. 5	IS040B	0.100 Mi.	Let 02/2020 FFY 2020	I-40B: OVER ELK CREEK LOCATED 0.15 MILE EAST OF THE SH-6 JCT IN ELK CITY	\$3,823,731.00
BECKHAM 30995(05) RIGHT OF WAY	Div. 5	SH152	4.100 Mi.	Let 02/2020 FFY 2020	SH-152, WIDEN AND RESURFACE FROM THE EAST SIDE OF SH-30 EAST 4.1 MILES RW FOR 30995(04)	\$327,000.00
BECKHAM 30995(06) UTILITIES	Div. 5	SH152	4.100 Mi.	Let 02/2020 FFY 2020	SH-152, WIDEN AND RESURFACE BEGIN ON THE EAST SIDE OF THE SH-30 JCT AND EXTEND EAST 4.1 MILES. UT FOR (04)	\$327,000.00
BLAINE 27913(11) WIDEN & RESURFACE	Div. 5	SH003	6.410 Mi.	Let 08/2020 FFY 2020	SH-3: BEGIN 5.0 MILES EAST OF THE US-270 JCT IN WATONGA AND EXTEND EAST 6.41 MILES TO THE KINGFISHER C/L.	\$7,828,915.00
BLAINE 27918(04) BRIDGE & APPROACHES	Div. 5	SH008	0.300 Mi.	Let 11/2019 FFY 2020	SH-8 OVER SALT CREEK APPROX 7.3 MILE SOUTH OF SH-51	\$2,383,940.00
BLAINE 29512(04) BRIDGE & APPROACHES	Div. 5	SH058	0.200 Mi.	Let 02/2020 FFY 2020	SH-58: OVER MINNEHAHA CREEK, 0.2 MILE SOUTH SH-51	\$1,736,695.00
BRYAN 23145(10) BRIDGE PAINTING	Div. 2	US070	0.000 Mi.	Let 04/2020 FFY 2020	US-70: OVER LAKE TEXOMA 5.5 MI E. OF SH-32 JUNC NEAR KINGSTON (BRIDGE PAINTING)	\$848,000.00
CADDO 27076(05) RIGHT OF WAY	Div. 7	US062	6.150 Mi.	Let 03/2020 FFY 2020	US-62: FROM JCT. SH-9 EXTENDING E 6.15 MILES TO CURB SECTION IN ANADARKO RW FOR 27076(04)	\$3,445,000.00
CADDO 27076(06) UTILITIES	Div. 7	US062	6.150 Mi.	Let 03/2020 FFY 2020	US-62: FROM JCT. SH-9 EXTENDING E 6.15 MILES TO CURB SECTION IN ANADARKO UT FOR 27076(04)	\$1,860,432.00
CADDO 29574(05) RIGHT OF WAY	Div. 7	US281	0.710 Mi.	Let 01/2020 FFY 2020	US-281: OVER WASHITA RIVER AND TWO O'FLOWS FROM APPROX 0.74 MILES N. OF US-62 EXTEND N. APPROX 0.71 MILES RW FOR 29574(04)	\$1,490,000.00
CADDO 29574(06) UTILITIES	Div. 7	US281	0.710 Mi.	Let 01/2020 FFY 2020	US-281: OVER WASHITA RIVER & TWO O'FLOWS FROM APPROX 0.74 MILES N. OF US-62 EXTEND N. APPROX 0.71 MILES UT FOR 29574(04)	\$2,789,244.00
CADDO 30175(04) GRADE, DRAIN & SURFACE	Div. 7	US281	0.300 Mi.	Let 11/2019 FFY 2020	US-281 BEGIN JUST S. OF CUMMINS RD, APPROX 0.5 MIS S. OF I-40 EXT N. 0.3 MIS TO HINTON BLVD.	\$1,808,349.00
CANADIAN 04757(05) BRIDGE & APPROACHES	Div. 4	SH004	0.340 Mi.	Let 11/2019 FFY 2020	SH-4 OVER THE N. CANADIAN RV, & 2 O'FLOWS 1.92, 2.13 & 2.26 MI NORTH OF SH-66 (WITHIN 04757(04))	\$14,184,840.00
CANADIAN 26360(05) RIGHT OF WAY	Div. 4	US281	0.500 Mi.	Let 04/2020 FFY 2020	US-281: AROUND THE SOUTH CANADIAN RV AT THE CADDO C/L RW FOR 26360(04)	\$300,000.00
CANADIAN 26360(06) UTILITIES	Div. 4	US281	0.500 Mi.	Let 07/2020 FFY 2020	US-281: AROUND THE SOUTH CANADIAN RV AT THE CADDO C/L UT FOR 26360(04)	\$300,000.00
CANADIAN 27901(06) UTILITIES	Div. 4	SH152	9.000 Mi.	Let 11/2019 FFY 2020	SH 152: ADD SHOULDERS & RESURFACE FROM US 81 IN UNION CITY E. 9.0 MI. TOCEMERY RD. IN MUSTANG UT FOR 27901(04)(09)	\$2,342,984.00
CANADIAN 30715(04) INTERCHANGE	Div. 4	IS040	0.330 Mi.	Let 06/2020 FFY 2020	I-40: INTERCHANGE AT FRISCO ROAD, 4.5 MILES WEST OF THE KILPATRICKTURNPIKE JUNCTION.	\$16,630,000.87
CANADIAN 31807(05) RIGHT OF WAY	Div. 4	US081	0.500 Mi.	Let 03/2020 FFY 2020	INTERSECTION MODIFICATION AT US-81/SH-66 IN EL RENO(RW FOR 3180704)	\$515,000.00
CANADIAN 31807(06) UTILITIES	Div. 4	US081	0.500 Mi.	Let 05/2020 FFY 2020	INTERSECTION MODIFICATION AT US-81/SH-66 IN EL RENO(UT FOR 3180704)	\$124,997.00
CARTER 32707(05) RIGHT OF WAY	Div. 7	SH199	0.400 Mi.	Let 12/2019 FFY 2020	SH 199: OVER AN UNNAMED CREEK 9.8 MIS. E. OF US 77 RW FOR 32707(04)	\$230,000.00
CARTER 32707(06) UTILITIES	Div. 7	SH199	0.400 Mi.	Let 12/2019 FFY 2020	SH 199: OVER AN UNNAMED CREEK 9.8 MIS. E. OF US 77 UT FOR 32707(04)	\$345,000.01

8 YEAR CONSTRUCTION WORK PLAN REPORT

CHEROKEE 27101(06) RIGHT OF WAY	Div. 1 SH082	8.290 Mi.	Let 08/2020 FFY 2020	SH-82: BEGIN 1.4 MI. NORTH OF US-62/SH-51 JCT, NORTH APPROX. 6.5 MI.RW FOR JP 27101(04)(09)	\$4,120,000.00
CHEROKEE 27101(07) UTILITIES	Div. 1 SH082	8.290 Mi.	Let 08/2020 FFY 2020	SH-82: BEGIN 1.4 MI. NORTH OF US-62/SH-51 JCT, NORTH APPROX. 6.5 MI.UT FOR JP 27101(04)(09)	\$1,836,370.00
CIMARRON 13337(24) RIGHT OF WAY	Div. 6 US287	4.520 Mi.	Let 06/2020 FFY 2020	US-287: BEG APPROX 13.28 MILES NORTH OF VAN BUREN ST. IN BOISE CITY, EXT. NORTH APPROX. 4.52 MILES (RW FOR 13337(23))	\$565,687.00
CIMARRON 13337(25) UTILITIES	Div. 6 US287	4.520 Mi.	Let 06/2020 FFY 2020	US-287: BEG APPROX 13.28 MILES NORTH OF VAN BUREN ST. IN BOISE CITY, EXT. NORTH APPROX. 4.52 MILES (UT FOR 13337(23))	\$571,279.00
CLEVELAND 20266(15) RIGHT OF WAY	Div. 3 SH009	4.600 Mi.	Let 07/2020 FFY 2020	SH-9: FROM 108TH AVE EAST, EAST TO 156TH AVE EAST (SOUTH) IN NORMAN (RW FOR 20266(14))	\$2,452,500.01
CLEVELAND 20266(16) UTILITIES	Div. 3 SH009	4.600 Mi.	Let 07/2020 FFY 2020	SH-9: FROM 108TH AVE EAST, EAST TO 156TH AVE EAST (SOUTH) IN NORMAN (UT FOR 20266(14))	\$817,500.00
CLEVELAND 20997(04) GRADE, DRAIN & SURFACE	Div. 3 US077	3.220 Mi.	Let 02/2020 FFY 2020	US-77: FROM 0.25 MI SOUTH OF MOFFATT RD (N. OF LEXINGTON), NORTH 3.22 MI. (4 LANE UNDIVIDED)	\$13,773,703.00
CLEVELAND 23288(09) RIGHT OF WAY	Div. 3 SH009	5.550 Mi.	Let 04/2020 FFY 2020	SH-9: FROM EAST END OF PECAN CREEK BRIDGE, EAST 5.55 MI TO SH-102 (RW FOR 23288(08))	\$1,684,050.00
CLEVELAND 23288(10) UTILITIES	Div. 3 SH009	5.550 Mi.	Let 04/2020 FFY 2020	SH-9: FROM EAST END OF PECAN CREEK BRIDGE, EAST 5.55 MI TO SH-102 (UT FOR 23288(08))	\$561,350.00
CLEVELAND 29106(06) RIGHT OF WAY	Div. 3 IS035	0.020 Mi.	Let 07/2020 FFY 2020	I-35 UNDER INDIAN HILLS ROAD, 7.39 MI NORTH OF MCCLAIN C/L (RW FOR 29106(05))	\$115,638.10
CLEVELAND 29106(07) UTILITIES	Div. 3 IS035	0.020 Mi.	Let 07/2020 FFY 2020	I-35 UNDER INDIAN HILLS ROAD, 7.39 MI NORTH OF MCCLAIN C/L (UT FOR 29106(05))	\$57,819.06
CLEVELAND 31257(06) UTILITIES	Div. 3 SH037	0.200 Mi.	Let 12/2019 FFY 2020	SH-37 OVER UNNAMED CREEK, 5.3 MI EAST OF JCT I-44UT FOR 31257(04)	\$54,500.00
COAL 31054(05) RIGHT OF WAY	Div. 3 SH048	0.940 Mi.	Let 05/2020 FFY 2020	SH-48 OVER ELM CREEK AND TELL CREEK, BEGIN 2.1 MI NORTH OF JOHNSTON C/L (RW FOR 31054(04))	\$218,000.00
COAL 31054(06) UTILITIES	Div. 3 SH048	0.940 Mi.	Let 05/2020 FFY 2020	SH-48 OVER ELM CREEK AND TELL CREEK, BEGIN 2.1 MI NORTH OF JOHNSTON C/L (UT FOR 31054(04))	\$109,000.00
COAL 31055(05) RIGHT OF WAY	Div. 3 SH048	2.990 Mi.	Let 04/2020 FFY 2020	SH-48: OVER ELM CREEK AND TWO UNNAMED CREEKS, BEGIN 5.82 MILE NORTH OF JOHNSTON C/L (RW FOR 31055(04))	\$408,750.00
COAL 31055(06) UTILITIES	Div. 3 SH048	2.990 Mi.	Let 04/2020 FFY 2020	SH-48: OVER ELM CREEK AND TWO UNNAMED CREEKS, BEGIN 5.82 MILE NORTH OF JOHNSTON C/L (UT FOR 31055(04))	\$218,000.00
COAL 31258(05) RIGHT OF WAY	Div. 3 SH131	0.200 Mi.	Let 02/2020 FFY 2020	SH-131 OVER UNNAMED CREEK, 1.9 MI EAST OF JCT SH-31 (RW FOR 31258(04))	\$10,000.27
COAL 31258(06) UTILITIES	Div. 3 SH131	0.200 Mi.	Let 02/2020 FFY 2020	SH-131 OVER UNNAMED CREEK, 1.9 MI EAST OF JCT SH-31 (UT FOR 31258(04))	\$25,000.16
CREEK 24131(05) RIGHT OF WAY	Div. 8 SH016	4.500 Mi.	Let 03/2020 FFY 2020	SH-16: FROM 1.0 MILE EAST OF JCT. SH-48N, EAST 4.5 MILES (RW FOR 2413104)	\$1,007,925.00
CREEK 24131(06) UTILITIES	Div. 8 SH016	4.500 Mi.	Let 03/2020 FFY 2020	SH-16: FROM 1.0 MILE EAST OF JCT. SH-48N, EAST 4.5 MILES (UT FOR 2413104)	\$336,000.00
CREEK 24425(05) RIGHT OF WAY	Div. 8 US075A	5.500 Mi.	Let 04/2020 FFY 2020	US-75A: FR: APPROX. .34 MI. NORTH OF THE OKMULGEE C/L NORTH APPROX. 5.5 MILES, TO KIEFER (RW FOR 24425(04))	\$548,995.00
CREEK 24425(06) UTILITIES	Div. 8 US075A	5.500 Mi.	Let 04/2020 FFY 2020	US-75A: FR: APPROX. .34 MI. NORTH OF THE OKMULGEE C/L NORTH APPROX. 5.5 MILES, TO KIEFER (UT FOR 24425(04))	\$316,645.00
CREEK 28890(05) RIGHT OF WAY	Div. 8 SH066	3.140 Mi.	Let 11/2019 FFY 2020	SH 66 FR EAST OF DEPEW, EAST TO THE BRISTOW CITY LIMITSRECONSTRUCT ADD SHOULDERS, (RW FOR 288904)	\$1,111,300.00
CREEK 28890(06) UTILITIES	Div. 8 SH066	3.140 Mi.	Let 11/2019 FFY 2020	SH 66 FR EAST OF DEPEW, EAST TO THE BRISTOW CITY LIMITSRECONSTRUCT ADD SHOULDERS, (UT FOR 288904)	\$572,000.00
CREEK 29682(05) RIGHT OF WAY	Div. 8 SH016	0.100 Mi.	Let 03/2020 FFY 2020	SH-16 OVER SAND CREEK, 0.7 MILES EAST OF THE JCT. SH-48RW FOR 29682(04)	\$115,540.25

