

SB178_L.001

SENATE COMMITTEE OF REFERENCE AMENDMENT

Committee on Finance.

SB26-178 be amended as follows:

1 Amend printed bill, page 3, line 15, strike "(6.5), (16), and (17)" and
2 substitute "(1.3), (1.5), (6.5), and (16)".

3 Page 3, after line 17 insert:

4 "(1.3) "BOND" MEANS ANY BOND, NOTE, INTERIM CERTIFICATE,
5 COMMERCIAL PAPER, CONTRACT, OR OTHER EVIDENCE OF INDEBTEDNESS
6 OF THE ENTERPRISE AUTHORIZED BY THIS PART 12.

7 (1.5) "BOND OBLIGATIONS" MEANS THE DEBT SERVICE ON, AND
8 RELATED COSTS AND OBLIGATIONS IN CONNECTION WITH, BONDS,
9 INCLUDING:

10 (a) PAYMENTS WITH RESPECT TO PRINCIPAL, INTEREST,
11 PREPAYMENT PREMIUMS, RESERVE FUNDS, SURPLUS FUNDS, SINKING
12 FUNDS, AND COSTS OF ISSUANCE;

13 (b) PAYMENTS RELATED TO ANY CREDIT ENHANCEMENT, LIQUIDITY
14 SUPPORT, OR INTEREST RATE PROTECTION FOR BONDS;

15 (c) FEES AND EXPENSES OF ANY TRUSTEE, BOND REGISTRAR,
16 PAYING AGENT, AUTHENTICATING AGENT, REBATE ANALYST OR
17 CONSULTANT, CALCULATION AGENT, REMARKETING AGENT, OR CREDIT
18 ENHANCEMENT, LIQUIDITY SUPPORT, OR INTEREST RATE PROTECTION
19 PROVIDER;

20 (d) COVERAGE REQUIREMENTS; AND

21 (e) OTHER COSTS, FEES, AND EXPENSES RELATED TO ANY OF THE
22 OBLIGATIONS SPECIFIED IN SUBSECTIONS (1.5)(a) TO (1.5)(d) OF THIS
23 SECTION AND ANY OTHER AMOUNTS REQUIRED TO BE PAID PURSUANT TO
24 THE PROVISIONS OF ANY DOCUMENTS AUTHORIZING THE ISSUANCE OF THE
25 BONDS."

26 Page 4, strike lines 3 and 4.

27 Page 4, line 7, before "(2)(f)," insert "(2)(d),".

28 Page 5, after line 1 insert:

29 "(d) To issue revenue bonds payable from the revenues AND
30 OTHER AVAILABLE MONEY of the enterprise PLEDGED FOR THEIR PAYMENT
31 AS AUTHORIZED IN SECTION 10-16-1213;".

32 Page 5, line 6, strike "FUND" and substitute "FUND, OTHER THAN
33 PROCEEDS FROM THE SALE OF BONDS OR EARNINGS ON SUCH PROCEEDS
34 INVESTED PURSUANT TO SECTION 10-16-1213 (2),".

- 1 Page 7, line 15, after "THEREAFTER," insert "THE PROCEEDS FROM THE
2 ISSUANCE OF REVENUE BONDS PURSUANT TO SECTION 10-16-1213,".
- 3 Page 7, line 16, strike "THEREAFTER," and substitute "THEREAFTER".
- 4 Page 8, strike line 25 and substitute "(1)(d), (1)(h), (1)(i), and (2); and
5 **add** (1)(j) as follows:".
- 6 Page 9, after line 2 insert:
- 7 "(d) The ~~revenue~~ PROCEEDS collected from revenue bonds issued
8 pursuant to ~~section 10-16-1204 (1)(b)(H)~~ SECTION 10-16-1213 AND ANY
9 EARNINGS ON THE INVESTMENT OF BOND PROCEEDS INVESTED PURSUANT
10 TO SECTION 10-16-1213 (2);".
- 11 Page 9, line 7, after "(1)(a)(III);" add "AND".
- 12 Page 9, strike lines 8 through 10.
- 13 Reletter succeeding paragraph accordingly.
- 14 Page 9, strike lines 13 through 27.
- 15 Page 10, strike lines 1 through 7 and substitute:
- 16 "(2) (a) Money in the fund shall not be transferred to any other
17 fund, except as provided in section 10-16-1205 (2), and shall not be used
18 for any purpose other than the purposes specified in this part 12.
19 (b) BEFORE ALLOCATING ANY MONEY IN THE FUND FOR PROGRAMS
20 FUNDED BY THE ENTERPRISE PURSUANT TO THIS PART 12, THE ENTERPRISE
21 SHALL FIRST PAY FOR BOND OBLIGATIONS ON REVENUE BONDS ISSUED
22 PURSUANT TO SECTION 10-16-1213.".
- 23 Page 11, line 19, after "**amend**" insert "(1)(b)(I)(F) and".
- 24 Page 11, after line 26 insert:
- 25 "(F) Any revenue collected from revenue bonds pursuant to
26 ~~section 10-16-1204 (1)(b)(H)~~ SECTION 10-16-1213;".
- 27 Page 12, strike lines 5 through 7 and substitute:
- 28 "(J) ANY PROCEEDS FROM THE ISSUANCE OF REVENUE BONDS
29 PURSUANT TO SECTION 10-16-1213;".

1 Page 12, line 8, after "10-16-1212" insert "and 10-16-1213".

2 Page 12, strike lines 26 and 27.

3 Strike pages 13 and 14.

4 Page 15, strike lines 1 through 18 and substitute:

5 **"10-16-1213. Bonds - investments - bonds eligible for**
6 **investment and exempt from taxation.**

7 (1) (a) THE ENTERPRISE MAY ISSUE BONDS TO GENERATE
8 PROCEEDS OF UP TO A TOTAL OF ONE HUNDRED MILLION DOLLARS FOR ANY
9 OF THE BUSINESS PURPOSES SPECIFIED IN THIS PART 12, INCLUDING TO
10 FUND THE PROGRAMS SPECIFIED IN THIS PART 12. THE BONDS SHALL BE
11 ISSUED PURSUANT TO RESOLUTION OF THE BOARD AND SHALL BE PAYABLE
12 SOLELY OUT OF ALL OR A SPECIFIED PORTION OF THE MONEY IN THE FUND.

13 (b) BONDS MAY BE EXECUTED AND DELIVERED BY THE ENTERPRISE
14 AT SUCH TIMES; MAY BE IN SUCH FORM AND DENOMINATIONS AND
15 INCLUDE SUCH TERMS AND MATURITIES; MAY BE SUBJECT TO OPTIONAL OR
16 MANDATORY REDEMPTION PRIOR TO MATURITY WITH OR WITHOUT A
17 PREMIUM; MAY BE IN FULLY REGISTERED FORM OR BEARER FORM
18 REGISTRABLE AS TO PRINCIPAL OR INTEREST OR BOTH; MAY BEAR SUCH
19 CONVERSION PRIVILEGES; MAY BE PAYABLE IN SUCH INSTALLMENTS AND
20 AT SUCH TIMES NOT EXCEEDING FORTY-FIVE YEARS FROM THE DATE OF
21 ISSUANCE; MAY BE PAYABLE AT SUCH PLACE OR PLACES WHETHER WITHIN
22 OR WITHOUT THE STATE; MAY BEAR INTEREST AT SUCH RATE OR RATES PER
23 ANNUM, WHICH MAY BE FIXED OR VARY ACCORDING TO INDEX,
24 PROCEDURE, OR FORMULA OR AS DETERMINED BY THE ENTERPRISE OR ITS
25 AGENTS, WITHOUT REGARD TO ANY INTEREST RATE LIMITATION
26 APPEARING IN ANY OTHER LAW OF THE STATE; MAY BE SUBJECT TO
27 PURCHASE AT THE OPTION OF THE HOLDER OR THE ENTERPRISE; MAY BE
28 EVIDENCED IN SUCH MANNER; MAY BE EXECUTED BY SUCH OFFICERS OF
29 THE ENTERPRISE, INCLUDING THE USE OF ONE OR MORE FACSIMILE
30 SIGNATURES SO LONG AS AT LEAST ONE MANUAL SIGNATURE APPEARS ON
31 THE BONDS, WHICH MAY BE EITHER OF AN OFFICER OF THE ENTERPRISE OR
32 OF AN AGENT AUTHENTICATING THE SAME; MAY BE IN THE FORM OF
33 COUPON BONDS THAT HAVE ATTACHED INTEREST COUPONS BEARING A
34 MANUAL OR FACSIMILE SIGNATURE OF AN OFFICER OF THE ENTERPRISE;
35 AND MAY CONTAIN SUCH PROVISIONS NOT INCONSISTENT WITH THIS PART
36 12, ALL AS PROVIDED IN THE RESOLUTION OF THE BOARD UNDER WHICH
37 THE BONDS ARE AUTHORIZED TO BE ISSUED OR AS PROVIDED IN A TRUST
38 INDENTURE BETWEEN THE ENTERPRISE AND ANY COMMERCIAL BANK OR
39 TRUST COMPANY HAVING FULL TRUST POWERS.

40 (c) BONDS OF THE ENTERPRISE MAY BE SOLD AT PUBLIC OR
41 PRIVATE SALE AT SUCH PRICE OR PRICES, IN SUCH MANNER, AND AT SUCH

1 TIMES AS DETERMINED BY THE BOARD, AND THE BOARD MAY PAY ALL
2 FEES, EXPENSES, AND COMMISSIONS THAT IT DEEMS NECESSARY OR
3 ADVANTAGEOUS IN CONNECTION WITH THE SALE OF THE BONDS. THE
4 POWER TO FIX THE DATE OF SALE OF THE BONDS, TO RECEIVE BIDS OR
5 PROPOSALS, TO AWARD AND SELL BONDS, TO FIX INTEREST RATES, AND TO
6 TAKE ALL OTHER ACTION NECESSARY TO SELL AND DELIVER THE BONDS
7 MAY BE DELEGATED TO AN OFFICER OR AGENT OF THE ENTERPRISE. ANY
8 OUTSTANDING BONDS MAY BE REFUNDED BY THE ENTERPRISE PURSUANT
9 TO ARTICLE 56 OF TITLE 11. ALL BONDS AND ANY INTEREST COUPONS
10 APPLICABLE TO THE BONDS ARE DECLARED TO BE NEGOTIABLE
11 INSTRUMENTS.

12 (d) THE RESOLUTION OR TRUST INDENTURE AUTHORIZING THE
13 ISSUANCE OF THE BONDS MAY PLEDGE ALL OR A PORTION OF THE FUND;
14 MAY PLEDGE ALL OR A PORTION OF THE RIGHTS OF THE ENTERPRISE TO
15 IMPOSE, AND RECEIVE THE REVENUES GENERATED BY, THE FEE
16 AUTHORIZED BY SECTION 10-16-1205 (1)(a)(I), THE SUPPLEMENTAL
17 ASSESSMENT AUTHORIZED BY SECTION 10-16-1205 (1)(a)(III), AND ANY
18 OTHER REVENUES GENERATED OR RECEIVED BY THE ENTERPRISE, OTHER
19 THAN ANY FEDERAL MONEY THE ENTERPRISE MAY RECEIVE; MAY CONTAIN
20 SUCH PROVISIONS FOR PROTECTING AND ENFORCING THE RIGHTS AND
21 REMEDIES OF HOLDERS OF ANY OF THE BONDS AS THE ENTERPRISE DEEMS
22 APPROPRIATE; MAY SET FORTH THE RIGHTS AND REMEDIES OF THE
23 HOLDERS OF ANY OF THE BONDS; AND MAY CONTAIN PROVISIONS THAT THE
24 ENTERPRISE DEEMS APPROPRIATE FOR THE SECURITY OF THE HOLDERS OF
25 THE BONDS, INCLUDING PROVISIONS FOR LETTERS OF CREDIT, INSURANCE,
26 STANDBY CREDIT AGREEMENTS, OR OTHER FORMS OF CREDIT ENSURING
27 TIMELY PAYMENT OF THE BONDS, INCLUDING THE REDEMPTION PRICE OR
28 THE PURCHASE PRICE.

29 (e) ANY PLEDGE OF THE FUND IS VALID AND BINDING FROM THE
30 TIME THE PLEDGE IS MADE. THE PLEDGED FUND IS IMMEDIATELY SUBJECT
31 TO THE LIEN OF THE PLEDGE WITHOUT ANY PHYSICAL DELIVERY OR
32 FURTHER ACT, AND THE LIEN OF THE PLEDGE IS VALID AND BINDING
33 AGAINST ALL PARTIES HAVING CLAIMS OF ANY KIND IN TORT, CONTRACT,
34 OR OTHERWISE AGAINST THE PLEDGING PARTY REGARDLESS OF WHETHER
35 THE CLAIMING PARTY HAS NOTICE OF THE LIEN. THE INSTRUMENT BY
36 WHICH THE PLEDGE IS CREATED NEED NOT BE RECORDED OR FILED.

37 (f) NEITHER THE MEMBERS OF THE BOARD, NOR EMPLOYEES OF THE
38 ENTERPRISE, NOR ANY PERSON EXECUTING THE BONDS IS LIABLE
39 PERSONALLY ON THE BONDS OR SUBJECT TO ANY PERSONAL LIABILITY BY
40 REASON OF THE ISSUANCE OF THE BONDS.

41 (g) THE ENTERPRISE MAY PURCHASE ITS BONDS OUT OF ANY
42 AVAILABLE MONEY AND MAY HOLD, PLEDGE, CANCEL, OR RESELL SUCH
43 BONDS SUBJECT TO AND IN ACCORDANCE WITH AGREEMENTS WITH THE
44 BOND HOLDERS.

45 (2) THE ENTERPRISE MAY INVEST OR DEPOSIT ANY PROCEEDS AND

1 ANY INTEREST FROM THE SALE OF BONDS IN THE MANNER PROVIDED BY
2 PART 6 OF ARTICLE 75 OF TITLE 24. IN ADDITION, AN ISSUING ENTERPRISE
3 MAY DIRECT A CORPORATE TRUSTEE THAT HOLDS THE BOND PROCEEDS
4 AND ANY INTEREST TO INVEST OR DEPOSIT THE PROCEEDS AND INTEREST
5 IN INVESTMENTS OR DEPOSITS OTHER THAN THOSE SPECIFIED BY SAID PART
6 6 IF THE BOARD DETERMINES, BY RESOLUTION, THAT THE INVESTMENT OR
7 DEPOSIT MEETS THE STANDARD ESTABLISHED IN SECTION 15-1-304, THE
8 INCOME IS AT LEAST COMPARABLE TO INCOME AVAILABLE ON
9 INVESTMENTS OR DEPOSITS SPECIFIED BY SAID PART 6, AND THE
10 INVESTMENT WILL ASSIST THE ENTERPRISE IN FUNDING PROGRAMS
11 SPECIFIED IN THIS PART 12.

12 (3) ALL BANKS, TRUST COMPANIES, SAVINGS AND LOAN
13 ASSOCIATIONS, INSURANCE COMPANIES, EXECUTORS, ADMINISTRATORS,
14 GUARDIANS, TRUSTEES, AND OTHER FIDUCIARIES MAY LEGALLY INVEST
15 ANY MONEY WITHIN THEIR CONTROL IN ANY BONDS ISSUED UNDER THIS
16 PART 12. PUBLIC ENTITIES, AS DEFINED IN SECTION 24-75-601 (1), MAY
17 INVEST PUBLIC MONEY IN SUCH BONDS ONLY IF THE BONDS SATISFY THE
18 INVESTMENT REQUIREMENTS ESTABLISHED IN PART 6 OF ARTICLE 75 OF
19 TITLE 24.

20 (4) THE INCOME OR OTHER REVENUES OF THE ENTERPRISE, BONDS
21 ISSUED BY THE ENTERPRISE, AND THE TRANSFER OF AND THE INCOME FROM
22 ANY BONDS ISSUED BY THE ENTERPRISE ARE EXEMPT FROM ALL TAXATION
23 AND ASSESSMENTS IN THE STATE. IN THE RESOLUTION OR INDENTURE
24 AUTHORIZING THE BONDS, THE ENTERPRISE MAY WAIVE THE EXEMPTION
25 FROM FEDERAL INCOME TAXATION FOR INTEREST ON THE BONDS. BONDS
26 ISSUED BY THE ENTERPRISE ARE EXEMPT FROM THE PROVISIONS OF
27 ARTICLE 51 OF TITLE 11."

28 Renumber succeeding sections accordingly.

** *** ** *** **