

**PROPOSED AMENDMENTS TO
SENATE BILL 20**

1 On page 1 of the printed bill, line 2, after “ORS” insert “287A.300,” and
2 after “305.583” delete the rest of the line and line 3 and insert “and
3 441.555.”.

4 Delete lines 5 through 28.

5 On page 2, delete lines 1 through 5 and insert:

6 **“SECTION 1.** ORS 287A.360 is amended to read:

7 “287A.360. (1) In addition to any other authority to issue refunding bonds,
8 a public body may issue current refunding bonds to refund **or purchase** its
9 outstanding bonds [*pursuant to this section*].

10 “(2) A public body may secure current refunding bonds with any of the
11 revenues and covenants that the public body could have used to secure the
12 refunded **or purchased** bonds **under the law in effect when the refunded**
13 **or purchased bonds were issued** and with revenues and covenants [*au-*
14 *thorized by law when the refunding bonds are issued.*] **that the public body**
15 **could have used to secure the refunded or purchased bonds if the laws**
16 **that are in effect when the current refunding bonds are issued were**
17 **in effect when the refunded or purchased bonds were issued.**

18 “(3) A public body may [*issue*] **authorize current refunding bonds by**
19 **resolution or ordinance without complying with the procedural re-**
20 **quirements that applied to the refunded or purchased bonds, including**
21 **issuing:**

22 “(a) General obligation bonds to refund **or purchase** outstanding general

1 obligation bonds without obtaining approval of the electors of the public
2 body.

3 “(b) Revenue bonds to refund **or purchase** revenue bonds that were issued
4 in accordance with ORS 287A.150 without complying with the procedures
5 prescribed in ORS 287A.150.

6 “(4) **The maturities of current refunding bonds authorized by this**
7 **section may not exceed by more than six months:**

8 “(a) **Maturity limits that were established by the electors for the**
9 **refunded or purchased bonds; and**

10 “(b) **A maturity limit imposed by a provision of a constitution,**
11 **charter or statute that applied to the refunded or purchased bonds, if**
12 **the provision imposing the limit is in effect when the current refund-**
13 **ing bonds are issued.**

14 “**SECTION 2.** ORS 287A.365 is amended to read:

15 “287A.365. (1) The Legislative Assembly declares that the issuance of ad-
16 vance refunding bonds and the authority to effect a forward current refund-
17 ing are matters of general statewide concern, and ORS 287A.360 to 287A.380
18 preempt all local statutory or charter authority to issue advance refunding
19 bonds or to effect a forward current refunding.

20 “(2) A public body may issue advance refunding bonds or enter into for-
21 ward current refundings in compliance with:

22 “(a) ORS 287A.360 to 287A.380; and

23 “(b) Rules adopted by the State Treasurer.

24 “(3) A public body may secure advance refunding bonds **and forward**
25 **current refunding bonds** with any of the revenues and covenants that the
26 public body could have used to secure the refunded bonds **under the law in**
27 **effect when the refunded bonds were issued** and with revenues and
28 covenants [*authorized by law when the refunding bonds are issued.*] **that the**
29 **public body could have used to secure the refunded bonds if the laws**
30 **that are in effect when the refunding bonds are issued were in effect**

1 **when the refunded bonds were issued.**

2 **“(4) The maturities of advance refunding bonds and forward current**
3 **refunding bonds authorized by this section may not exceed by more**
4 **than six months:**

5 **“(a) Maturity limits that were established by the electors for the**
6 **refunded bonds; and**

7 **“(b) A maturity limit imposed by a provision of a constitution,**
8 **charter or statute that applied to the refunded bonds, if the provision**
9 **imposing the limit is in effect when the refunding bonds are issued.**

10 **“SECTION 2a.** ORS 287A.300 is amended to read:

11 **“287A.300. (1) Notwithstanding [a limitation in] a local charter or statu-**
12 **tory limitation, when a public body is authorized by law to issue bonds, the**
13 **public body may:**

14 **“(a) Combine bonds authorized by different laws or actions of the gov-**
15 **erning body into a single issue and use a single disclosure document if the**
16 **bonds in the issue will have the same security, or may use a single disclosure**
17 **document for bonds authorized by different laws or actions of the governing**
18 **body if the bonds have different security.**

19 **“(b) Structure, market and issue bonds in the manner that the public body**
20 **determines is in the best interest of the people served by the public body.**

21 **“(c) Sell bonds at a competitive sale or a negotiated sale or in any other**
22 **manner determined by the public body.**

23 **“(d) Issue bonds the interest on which is exempt from federal income taxes**
24 **or is not exempt from federal income taxes.**

25 **“(e) Establish the maturity dates for bonds to provide for short-term, in-**
26 **terim or long-term borrowing and establish the principal amounts, redemp-**
27 **tion provisions, optional or mandatory tender provisions, interest rates or**
28 **method for determining a variable or adjustable interest rate, denominations**
29 **and other terms and conditions of the bonds.**

30 **“(f) Determine the form and content of bond disclosure documents.**

1 “(g) Enter into an agreement with and retain the services of bond counsel
2 and other providers of bond-related services.

3 “(h) Execute and deliver indentures, bond purchase agreements, trust
4 agreements, remarketing agreements, auction agent agreements, broker
5 dealer agreements, tender agent agreements, escrow agreements and other
6 contracts related to the sale, issuance, security for or administration of the
7 bonds.

8 “(i) Enter into agreements with bond trustees and deposit moneys with
9 trustees for the benefit of bond owners and the providers of credit enhance-
10 ment devices for bonds.

11 “(j) Enter into covenants for the benefit of bond owners or the providers
12 of credit enhancement devices or agreements for exchange of interest rates,
13 including but not limited to covenants regarding the issuance of additional
14 bonds and rate covenants.

15 “(k) Enter into covenants for the benefit of owners of bonds that are in-
16 tended to allow bonds to bear interest that is excludable from gross income
17 under the federal Internal Revenue Code or that is otherwise exempt from
18 taxation by the United States.

19 “(L) Take action to comply with covenants.

20 “(m) Establish bond debt service reserves.

21 “(n) Fund debt service reserves out of bond proceeds or from other reve-
22 nues.

23 “(o) Specify the individuals who may sign the bonds on behalf of the
24 public body.

25 “(2) When the Oregon Constitution, a charter, a statute, an ordinance or
26 a resolution authorizes a public body to spend bond proceeds for a particular
27 purpose, the public body may also spend bond proceeds to finance costs of
28 issuing, administering and repaying the bonds, including costs of the services
29 of bond counsel or other providers of bond-related services, and to pay the
30 costs of a credit enhancement device or agreement for exchange of interest

1 rates.

2 “(3) When a public body redeems bonds, the public body shall give notice
3 of redemption in the manner specified in the documents authorizing the
4 bonds to be redeemed.

5 “(4) A public body may delegate to an elected or appointed official or an
6 employee of the public body the authority to take an action described in
7 subsection (1) of this section.

8 “(5) Except as provided otherwise in this subsection, at least one of the
9 signatures of bond signatories must be provided in manual form. However,
10 if the bonds are to be authenticated by at least one signature in manual
11 form, all signatures of bond signatories may be in facsimile form.”.

12 On page 4, delete lines 15 through 20 and insert:

13 “(12) In the case of a question concerning the authorized uses of the
14 proceeds of bonded indebtedness, the petition must be filed within 60 days
15 after the adoption of the ordinance or resolution described in subsection
16 (9)(b) of this section or, if the governing body has not published the notice
17 described in subsection (9)(b) of this section, the petition must be filed within
18 180 days after the questioned use of the proceeds is made.”.

19 On page 5, delete lines 39 through 45 and delete pages 6 through 9.

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