

ENROLLED HOUSE
BILL NO. 2495

BY: McCORKELL of the HOUSE

and

EASLEY and HERBERT of
the SENATE

AN ACT RELATING TO ROADS, BRIDGES AND FERRIES;
AMENDING 69 O.S. 1991, SECTIONS 1727 AND 1730,
WHICH RELATE TO THE OKLAHOMA TURNPIKE AUTHORITY;
DELETING THE MAXIMUM ALLOWABLE APPORTIONMENTS OF
MOTOR FUEL TAXES TO THE AUTHORITY; MODIFYING
APPORTIONMENT BY THE OKLAHOMA TAX COMMISSION;
CLARIFYING STATUTORY REFERENCES; MODIFYING THE USE
OF FUNDS IN THE TRUST FUND; AUTHORIZING THE
EXPENDITURE OR PLEDGING OF TRUST FUNDS FOR STATED
PURPOSES; PROVIDING FOR THE APPORTIONMENT,
EXPENDITURE AND PLEDGING OF TRUST FUNDS COMMENCING
ON A CERTAIN DATE; PROVIDING FOR THE TRANSFER OF
CERTAIN FUNDS TO THE DEPARTMENT OF HIGHWAYS;
REQUIRING CERTAIN CONDITIONS TO BE REFLECTED IN THE
INSTRUMENT GOVERNING THE ISSUANCE OF CERTAIN BONDS;
PROVIDING AN OPERATIVE DATE; PROVIDING FOR
NONCODIFICATION; AND DECLARING AN EMERGENCY.

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

SECTION 1. AMENDATORY 69 O.S. 1991, Section 1727, is
amended to read as follows:

Section 1727. (a) Until all bonds of the Authority and the
interest thereon are paid in full, the Oklahoma Tax Commission shall
each month determine an amount equal to the motor fuel excise taxes
computed on ninety-seven and one-half percent (97 1/2%) of the total
gallage of all fuels consumed, during the calendar month in which
the tax being apportioned accrued, on all Oklahoma turnpike projects
and apportion a sum equal to such amount from all gasoline tax
collections as follows: Ninety-seven percent (97%) of such amount
to the Authority and three percent (3%) to the General Revenue Fund
of the State Treasury, after which apportionment all other
apportionments of motor fuel excise taxes shall be made ~~according to
existing or subsequently enacted apportionment laws. Provided, that
apportionments herein required to be made to the Authority shall not
in any fiscal year exceed One Million Dollars (\$1,000,000.00), and
provided, further, that if the Authority shall hereafter sell any
additional turnpike bonds covering construction of all or any part
of any authorized turnpike or turnpikes, then in that event the
apportionments after such sale shall not in any fiscal year exceed
Three Million Dollars (\$3,000,000.00) as provided for by law.~~ Such
apportionments shall be deducted exclusively from those funds which
would otherwise be apportioned to the Department or Commission for
expenditure on state highways, without affecting the amounts
presently apportioned to the various municipalities, counties, or
for county roads.

(b) If at the time of any monthly apportionment required herein:
(1) there shall be a balance in the trust fund created by Section 1730 of this Code, equal to one and one-half (1 1/2) times the maximum amount of principal, including any sinking fund or amortization requirements, and interest payable in any fiscal year, beginning July 1, and ending on June 30, thereafter, on account of all turnpike revenue and turnpike revenue refunding bonds of the Authority issued pursuant to the provisions of this article prior to May 1, 1992, and then outstanding, or

(2) if no such bonds are outstanding,
the Oklahoma Tax Commission shall ~~in such month make no apportionment to the Authority of motor fuel taxes but shall apportion the same according to previously existing or subsequently enacted apportionment laws~~ to the trust fund the amount referred to in subsection (a) of this section so long as any turnpike revenue and turnpike revenue refunding bonds issued after May 1, 1992, continue to be outstanding. Thereafter, the Oklahoma Tax Commission shall apportion the amount referred to in subsection (a) of this section as provided for by law.

(c) In addition to those sums collected and disbursed in subsections (a) and (b) of this section, the Oklahoma Tax Commission shall in each fiscal year determine an amount equal to the motor fuel excise taxes computed on ninety-seven and one-half percent (97 1/2%) of the total gallonage of all fuels consumed, during the fiscal year in which the tax being apportioned accrued on the Industrial Parkway, and, after making the apportionments set out in subsections (a) and (b) of this section, apportion a sum equal to said amount from all gasoline tax collections as follows: Ninety-seven percent (97%) to the Oklahoma Turnpike Authority, and three percent (3%) to the General Revenue Fund of the State Treasury, after which apportionment all other apportionments of motor fuel excise taxes shall be made according to existing or subsequently enacted apportionment laws, provided that in no event shall the total of the apportionments made pursuant to subsections (a), (b) and (c) of this section exceed the motor fuel tax earned on all of the Oklahoma turnpikes.

SECTION 2. AMENDATORY 69 O.S. 1991, Section 1730, is amended to read as follows:

Section 1730. (a) Motor fuel taxes on fuels consumed on Oklahoma Turnpikes and apportioned to the Authority are declared to be revenues of the Oklahoma Turnpikes, since they are derived directly from the operation of such turnpikes, and are subject to pledge by the Authority in the same manner as tolls and other revenues of the turnpikes may be pledged, as security for turnpike revenue bonds hereafter issued. The Authority shall segregate and hold such motor fuel excise taxes apportioned to it and all funds heretofore or hereafter accumulated in the trust fund in trust for the uses and purposes herein provided.

(b) The deposits in such trust fund may be expended or pledged by the Authority, as it may deem proper, either in whole or in part, for making up any deficiency in the monies available to meet interest and principal requirements on all turnpike revenue bonds and turnpike revenue refunding bonds of the Authority issued pursuant to the provisions of this article and then outstanding, and for such purpose it may vest in the holders of any such bonds a contract right to the continuance of those apportionments to the Authority provided in Section 1727 of this Code but subject to the limitations therein (provided, that no such pledge or vesting of such contract right shall be deemed to restrict in any way the state's power to change the rate of the motor fuel tax levy or to

repeal such levy) and for the payment of necessary expenses in the financing of additional turnpikes. Any such expenditure or pledge shall be subject to any prior pledge of any portion of the funds in, or to be deposited to, the trust fund. Provided, that any funds expended as permitted herein shall, upon payment of all interest and principal of all bonds issued hereunder, and before delivery of any turnpike to the Department, be replaced in the trust fund by the Authority, and upon completion of such reimbursement, the trust fund shall terminate and the balance in the trust fund shall be delivered to the Department.

(c) ~~The motor fuel tax revenues derived under the provisions of Section 1727(e) hereof~~ subsection (c) of Section 1727 of this Code shall be pledged and used exclusively to meet and retire interest and principal requirements on turnpike bonds issued for the construction of any turnpike or turnpikes authorized by this article.

(d) (1) Beginning July 1, 1984, and on July 1 of each year thereafter, any funds in the trust fund not expended or pledged or to be expended or pledged by the Authority and any funds in excess of one and one-half (1 1/2) times the maximum amount of principal, including any sinking fund or amortization requirements, and interest payable in any fiscal year, beginning on July 1, and ending on June 30, thereafter, on account of all turnpike revenue and turnpike revenue refunding bonds of the Authority issued pursuant to the provisions of this article prior to May 1, 1992, and then outstanding shall be transferred by the Authority to the Department also may be expended or pledged to any turnpike revenue bonds or turnpike revenue refunding bonds of the Authority issued after May 1, 1992. If before July 1, 1988, the Authority issues any turnpike revenue refunding bonds and funds are transferred to the Department as a result of the issuance of such refunding bonds, then the Department shall within ninety (90) days transfer an amount equal to the proceeds of such refunding bonds, up to a maximum of Twenty Million Dollars (\$20,000,000.00), to the Pension Systems Reserve Fund for the then current fiscal year.

(2) Beginning the later of July 1, 1992, or upon the issuance of turnpike revenue refunding bonds by the Authority, and in each fiscal year thereafter, on the first day of each calendar month, from the amounts apportioned and to be apportioned to the trust fund pursuant to Section 1727 of this Code, so long as bonds issued prior to May 1, 1992, are outstanding, the first Three Million Dollars (\$3,000,000.00) of such amounts apportioned will be used, if necessary, to maintain a balance of one and one-half (1 1/2) times the maximum amount of principal, including any sinking fund or amortization requirements, and interest payable in any fiscal year for bonds issued prior to May 1, 1992. All motor fuel excise taxes apportioned to the trust fund not used to maintain the balance of one and one-half (1 1/2) times the maximum amount of principal, including any sinking fund or amortization requirements, and interest payable in any fiscal year, if any, for bonds issued prior to May 1, 1992, shall be available to pay principal, including any sinking fund or amortization requirements, and interest payable in any fiscal year on bonds of the Authority issued after May 1, 1992, to the extent monies are not otherwise available to the Authority for such purpose. If such motor fuel excise taxes apportioned to the trust fund are not necessary in such month to meet the pro rata monthly requirements for payment of principal, including any sinking fund or amortization requirements, and interest for that month for bonds issued after May 1, 1992, such motor fuel excise taxes shall be paid over to the Department. The monies in such fund may be

expended or pledged by the Authority, as it may deem proper, either in whole or in part, for making up any deficiency in the monies available to meet interest and principal requirements on all turnpike revenue bonds and turnpike revenue refunding bonds of the Authority issued pursuant to the provisions of this article after May 1, 1992, and then outstanding, and for such purpose it may vest in the holders of any such bonds a contract right to the continuance of those apportionments to the Authority provided in Section 1727 of this Code but subject to the limitations therein (provided, that no such pledge or vesting of such contract right shall be deemed to restrict in any way the state's power to change the rate of the motor fuel tax levy or to repeal such levy). Any such expenditure or pledge shall be subject to any prior pledge of any portion of the funds in, or to be deposited to, the trust fund. Provided, that any funds expended as permitted herein shall, upon payment of all interest and principal of all bonds issued hereunder, and before delivery of any turnpike to the Department, be replaced in the trust fund by the Authority, and upon completion of such reimbursement, the trust fund shall terminate and the balance in the trust fund shall be delivered to the Department. The indenture, trust agreement or supplemental trust agreement pursuant to which any turnpike revenue bonds or turnpike revenue refunding bonds are issued after May 1, 1992, shall provide that the Authority utilize all available revenues, operating reserves, Turnpike trust fund balances, and provide revenues from all other sources available to the Authority for the payment of principal, including any sinking fund or amortization requirements and interest on such bonds, as provided in any supplemental trust agreement executed prior to December 1, 1992, before using motor fuel excise taxes apportioned to the trust fund under this subsection.

(e) The Authority is hereby authorized to invest all or part of such trust fund in:

(1) Any bonds or other obligations which as to principal and interest constitute direct obligations of, or are unconditionally guaranteed by, the United States of America, including obligations of any of the federal agencies set forth in paragraph 2 of this subsection to the extent unconditionally guaranteed by the United States of America; and

(2) Bonds, debentures, or other evidences of indebtedness issued or guaranteed by any agency or corporation which has been or may hereafter be created pursuant to an Act of Congress as an agency or instrumentality of the United States of America.

SECTION 3. The provisions of this act shall become operative upon issuance of turnpike revenue refunding bonds by the Oklahoma Turnpike Authority prior to December 31, 1992.

SECTION 4. The provisions of Section 3 of this act shall not be codified in the Oklahoma Statutes.

SECTION 5. 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 4th day of May, 1992.

Speaker of the House of
Representatives

Passed the Senate the 5th day of May, 1992.

President of the Senate