

STATE OF OKLAHOMA

1st Session of the 44th Legislature (1993)

HOUSE BILL NO. 1434

By: Gates

AS INTRODUCED

An Act relating to public finance; amending Section 5, Chapter 350, O.S.L. 1992 (62 O.S. Supp. 1992, Section 57.304), which relates to the Oklahoma Building Bonds of 1992 Sinking Fund; directing deposit of certain monies; creating the Capital Maintenance and Repair Fund; providing procedures related to the fund; providing for codification; providing an effective date; and declaring an emergency.

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

SECTION 1. AMENDATORY Section 5, Chapter 350, O.S.L. 1992 (62 O.S. Supp. 1992, Section 57.304), is amended to read as follows:

Section 57.304 A. There is hereby created in the State Treasury a special fund to be known and designated as the "Oklahoma Building Bonds of 1992 Sinking Fund" which is hereby irrevocably pledged to the payment of the interest on, and the principal of, the bonds issued pursuant to this act; the monies to the credit thereof shall be paid out only in the manner and at the time and places provided for in the resolution or indenture of the Commission authorizing the issuance of such bonds.

B. The Oklahoma Tax Commission, when transmitting to the State Treasurer the collection of the tax on cigarettes shall also transmit to the State Treasurer a schedule showing the net proceeds of two cents (\$0.02) of the tax on each package of cigarettes levied by Section 302 of Title 68 of the Oklahoma Statutes and the tax levy on cigarettes pursuant to Sections 302-2 and 302-4 of Title 68 of the Oklahoma Statutes. It shall be the duty of the State Treasurer, upon receiving said taxes and schedules from the Oklahoma Tax Commission, to deposit in said sinking fund such portions of the tax or taxes hereinabove pledged to the payment of the bonds issued hereunder as may be necessary to assure prompt payment of the interest on, and the principal of, said bonds as the same falls due and to comply with the covenants hereof with respect to reserve requirements. Those cigarette tax monies used for the payment of the bonds issued pursuant to the Oklahoma Building Bond and College Savings Bond Act shall be deposited in the Capital Maintenance and Repair Fund created pursuant to Section 2 of this act as such monies are not needed to retire the bonds. Any revenue generated as a result of the tax changes contained in Enrolled Senate Bill No. 759 of the 2nd Session of the 43rd Oklahoma Legislature shall not be deposited in the Oklahoma Building Bonds of 1992 Sinking Fund.

C. The tax monies hereinabove pledged to the retirement of said bonds shall constitute the primary revenue dedicated to the payment of the interest on, and the principal of, the bonds issued hereunder, but it is further pledged, for the purchasers, owners and holders of said bonds, that the State of Oklahoma, if and when it shall appear to be necessary hereby devotes irrevocably to the payment of the interest on and the principal of said bond, any monies in the General Revenue Fund of the State of Oklahoma not otherwise obligated, committed or appropriated, and the State Treasurer is directed to apply such General Revenue Fund of the State of Oklahoma for such purpose. The State of Oklahoma further

pledges to the purchasers, owners and holders of said bonds that it will, if and when it shall appear to be necessary, impose and collect a tax and devote the proceeds thereof, or so much thereof as may be necessary for the purpose of paying the principal and interest of the bonds issued hereunder as they come due. The bonds issued hereunder, and the interest thereon, shall be general obligations of the State of Oklahoma, and the full faith, credit and resources of the State of Oklahoma are pledged to their payment. The Commission is authorized to incorporate in the face of each of the bonds issued under this act, pledges the same or substantially the same as those made herein. The pledges and covenants so made by the Commission shall constitute the commitment of the State of Oklahoma, made in full good faith, in its sovereign capacity, and shall be binding upon said state and the Legislature, officers, instrumentalities and agents thereof, so long as any of the interest on, or principal of, said bonds shall remain outstanding and unpaid. The Commission is authorized to make such other equally binding covenants and agreements, not inconsistent with this act or the constitutional amendment identified as House Joint Resolution No. 1076 of the 2nd Session of the 43rd Oklahoma Legislature, as it deems to be needful and appropriate to the general purpose of effectuating this act.

SECTION 2. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 205.1 of Title 62, unless there is created a duplication in numbering, reads as follows:

There is hereby created in the State Treasury a special fund to be designated the "Capital Maintenance and Repair Fund". The monies in the fund shall be used for the maintenance and repair of state buildings. The fund shall be subject to legislative appropriation or transfer as provided by law. The fund shall consist of such monies as are apportioned to the fund by law.

SECTION 3. This act shall become effective July 1, 1993.

SECTION 4. 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.

44-1-5978

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