SHORT TITLE: Roads, bridges and ferries; authorizing the Transportation Commission to lease or lease-purchase certain highways from the Oklahoma Turnpike Authority; codification; effective date.

STATE OF OKLAHOMA

2nd Session of the 45th Legislature (1996)

SENATE BILL NO. 683 By: Snyder

AS INTRODUCED

An Act relating to roads, bridges and ferries; authorizing the Oklahoma Turnpike Authority to acquire, construct, maintain, repair and operate certain highway projects; authorizing Authority to fix and revise certain tolls; providing definitions; authorizing the issuance of certain revenue bonds; authorizing the conveyance of certain highways without public bidding, sale or notice; authorizing the Transportation Commission to enter into lease or lease-purchase agreements with the Authority; specifying procedures; requiring certain tolls and payments be placed in separate highway fund; requiring legislative approval of agreement by concurrent resolution; providing for codification; and providing an effective date.

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 1705A of Title 69, unless there is created a duplication in numbering, reads as follows:

A. In addition to those purposes specified in Section 1701 of Title 69 of the Oklahoma Statutes, the Oklahoma Turnpike Authority is hereby authorized and empowered to acquire, construct, maintain,

repair and operate highway projects as defined in this section and to issue highway revenue bonds of the Authority payable solely from revenues hereinafter specified.

B. For the purposes of this section, unless the context shall indicate another or different meaning or intent, the words "project" or "highway project" shall mean those highways, as specified in this section, acquired or constructed under the provisions of this section by the Authority, and shall embrace all bridges, tunnels, overpasses, underpasses, interchanges, entrance plazas, approaches, free access roads and bridges, road construction, toll houses, service stations, administration, storage and other buildings which the Authority may deem necessary for the operation of such highway project, together with all property rights, easements and interests which may be acquired by the Authority for the acquisition, construction, maintenance, repair or operation of such highway.

C. The Authority is hereby authorized and empowered, in its corporate capacity, in addition to those powers specified in Section 1705 of Title 69 of the Oklahoma Statutes to:

1. Acquire, construct, maintain, repair and operate highway projects separate and apart from the turnpike projects authorized by Section 1705 of Title 69 of the Oklahoma Statutes, with their access and connecting roads, at those locations authorized by Section 1705 of Title 69 of the Oklahoma Statutes which are not yet turnpike projects or at such other locations authorized by the Legislature;

2. Construct and operate those highway projects specified in this section with or without tolls and to fix and revise from time to time tolls for the use of any highway project in the manner provided by Title 69 of the Oklahoma Statutes for turnpikes; provided that the Authority shall only collect tolls for any highway project in the event that monies for lease or lease-purchase payments are not made available from annual appropriations to the Department of Transportation by the Legislature or other available

funds as determined by the Transportation Commission for such highway projects; and

3. Issue highway revenue bonds of the Authority, payable solely from the revenues deposited to the credit of the highway fund provided by this section, to the extent the Authority determines necessary, from any monies of the Authority available for its corporate purposes. Such use of available monies shall be deemed to be a lawful corporate purpose of the Authority.

D. All other powers and requirements of the Authority under Title 69 of the Oklahoma Statues with respect to turnpike projects and turnpike revenue bonds shall apply to highway projects and highway revenue bonds; provided, however, that highway revenue bonds may be issued at one time or from time to time under one or more indentures or agreements for one or more highway projects, and provided further, that Section 1727 and Section 1730 of Title 69 of the Oklahoma Statutes shall not apply to highway revenue bonds issued hereunder.

E. The provisions of Sections 1701 through 1734 of Title 69 of the Oklahoma Statutes relating to the acquisition, construction, operation, repair and disposition of turnpike projects shall apply to highway projects authorized hereunder.

F. 1. Notwithstanding any other provision of law, the state shall have the power to convey to the Authority those highways or interests therein specified in this section, without public bidding, public sale, or public notice for such consideration upon which the state and the Authority shall agree.

2. Notwithstanding any other provision of law, the state, acting through the Transportation Commission, is hereby authorized to lease or lease-purchase from the Oklahoma Turnpike Authority its interest in those highways specified in this section, provided that such agreement shall:

a. be for a period of time no longer than the term as specified in Section 1717 of Title 69 of the Oklahoma Statutes,

b. provide for lease or lease-purchase payments not less than the amount needed to pay debt service on said bonds as the same become due and not less than the amount needed to cover all direct and/or indirect costs incurred by the Authority and not reimbursed from bond proceeds,

c. provide that the Authority shall have no obligations or duties with respect to such real property except as set forth in this section,

d. provide that the lease or lease-purchase revenue stream thereunder may be assigned to a trustee for the payment of holders of bonds authorized by this section but prohibit the assignment of any other interests in the land subject to such agreement to said trustee, and

e. provide that the obligation of the state to make such lease payments shall not constitute a debt of the state within the meaning of any constitutional or statutory provisions and shall be deemed executory only to the extent of monies made available to the state, and that no liability on account thereof shall be incurred by the state beyond the monies available for the purpose thereof, and that any obligation to make lease or lease-purchase payments shall be subject to availability of funds derived from annual omnibus appropriations to the Department of Transportation by the Legislature or other available funds as determined by the Transportation Commission.

3. The state and the Authority are hereby authorized to enter into such further agreements as may be necessary or proper to effectuate the provisions hereof.

G. Lease or lease-purchase payments received by the Authority pursuant to any lease or lease-purchase agreement authorized by this section and any tolls collected from highway projects pursuant to this section shall be declared revenues of the highway projects. The Authority shall segregate and hold such lease or lease-purchase payments in a separate highway fund for the purpose of making payments on its highway revenue bonds issued pursuant to this section.

SECTION 2. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 1705B of Title 69, unless there is created a duplication in numbering, reads as follows:

The Transportation Commission and the Oklahoma Turnpike Authority are hereby authorized to enter into single or multi-year lease or lease-purchase agreements as necessary to effectuate the provisions of Section 1 of this act. Such agreements shall be on terms mutually agreeable to the parties for the lease or lease-purchase of highway projects. Provided, however, such agreements shall be submitted to the Legislature for approval by concurrent resolution.

SECTION 3. This act shall become effective November 1, 1996.

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