

1 STATE OF OKLAHOMA

2 2nd Session of the 52nd Legislature (2010)

3 HOUSE BILL 2846

By: Joyner

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5
6 AS INTRODUCED

7 An Act relating to revenue and taxation; amending 68
8 O.S. 2001, Section 1370.7, as last amended by Section
9 1, Chapter 308, O.S.L. 2006 (68 O.S. Supp. 2009,
10 Section 1370.7), which relates to regional
11 transportation authorities; expanding eligibility to
12 include certain agencies; limiting permissible
13 purposes to transportation; and providing an
14 effective date.

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

15 SECTION 1. AMENDATORY 68 O.S. 2001, Section 1370.7, as
16 last amended by Section 1, Chapter 308, O.S.L. 2006 (68 O.S. Supp.
17 2009, Section 1370.7), is amended to read as follows:

18 Section 1370.7 A. Any combination of cities, towns and
19 counties, or their agencies, by resolution of their governing
20 boards, may jointly create a transportation authority ~~or regional~~
21 ~~economic development authority~~ pursuant to the provisions of Section
22 176 of Title 60 of the Oklahoma Statutes for the purpose of
23 planning, financing and ~~constructing transportation or regional~~
24 ~~economic development~~, construction, maintenance and operation of

1 transportation-related projects located within the boundaries of
2 such cities, towns or counties. An authority created pursuant to
3 the provisions of this subsection shall have the powers granted
4 pursuant to the provisions of Section 176 of Title 60 of the
5 Oklahoma Statutes in addition to the powers granted pursuant to the
6 provisions of this section ~~except that no regional economic~~
7 ~~development authority created pursuant to the provisions of this~~
8 ~~subsection shall have any power or authority to exercise or to~~
9 ~~attempt to exercise any powers of eminent domain.~~ The combination
10 of cities, towns and counties, or their agencies, creating the
11 authority shall be designated the beneficiary of the authority. The
12 boundaries of the authority shall be coterminous with the boundaries
13 of the cities, towns or counties creating the authority.

14 B. Any transportation authority ~~or regional economic~~
15 ~~development authority~~ created pursuant to the provisions of
16 subsection A of this section may levy a sales tax of not to exceed
17 two percent (2%) upon the gross proceeds or gross receipts derived
18 from all sales or services in the cities, towns and counties
19 comprising the authority upon which a consumer's sales tax is levied
20 by this state. Before a sales tax may be levied by the authority,
21 the imposition of the tax shall first be approved by a majority of
22 the registered voters within the boundaries of each of the cities,
23 towns and counties comprising the authority voting thereon at a
24 special election jointly called by the governing boards of the

1 cities, towns and counties comprising the authority. Provided, if a
2 majority of the registered voters of an authority voting fail to
3 approve such a tax, the governing boards of such cities, towns and
4 counties shall not jointly call another special election for such
5 purpose for at least six (6) months. Any sales tax approved by the
6 registered voters of an authority shall be applicable only when the
7 point of sale is within the boundaries or limits of the authority.

8 C. All items that are exempt from the state sales tax shall be
9 exempt from any sales tax levied pursuant to the provisions of this
10 section.

11 D. Any sales tax which may be levied pursuant to the provisions
12 of this section shall be designated for the purposes of planning,
13 financing and constructing transportation ~~or regional economic~~
14 ~~development~~ projects within the boundaries of the authority. The
15 authority shall identify the purpose of the sales tax when it is
16 presented to the voters pursuant to the provisions of this section.
17 The proceeds of any sales tax levied by an authority shall be used
18 only for the purposes for which the sales tax was designated.

19 E. The authority shall identify the specific duration of the
20 tax when it is presented to the voters pursuant to the provisions of
21 this section and shall include specific language in the ballot title
22 disclosing the duration of the tax. A levy by a transportation
23 authority ~~or a regional economic development authority~~ shall have a
24 maximum duration of thirty (30) years if the proceeds from the tax

1 are pledged to the repayment of indebtedness and a maximum duration
2 of twenty (20) years if the proceeds from the tax are to be used for
3 expenditures other than the repayment of indebtedness.

4 F. An authority created pursuant to the provisions of
5 subsection A of this section may utilize the provisions of the Local
6 Development Act as it relates to the financing of such
7 transportation ~~or regional economic development~~ projects.

8 G. An authority created pursuant to the provisions of
9 subsection A of this section shall be dissolved:

10 1. At such time as the planning, financing and constructing of
11 the transportation ~~or regional economic development~~ project within
12 the boundaries of the authority is completed; and

13 2. At such time as the revenue collected from any taxes levied
14 by the authority is sufficient for payment of any and all expenses
15 incurred by the authority in the planning, financing and
16 constructing of a transportation ~~or regional economic development~~
17 project.

18 H. If the proceeds of any tax levied by an authority pursuant
19 to this section are pledged for the purpose of retiring indebtedness
20 incurred for the specific purpose for which the tax is imposed, the
21 tax shall not be repealed until such time as the indebtedness is
22 retired. In no event shall the life of the tax be extended beyond
23 the duration approved by the voters of the authority.

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1 I. If the revenue collected from any taxes levied by the
2 authority exceeds the amount necessary for payment of any and all
3 expenses incurred by the authority in the planning, financing and
4 constructing of transportation ~~or regional economic development~~
5 projects, the excess funds shall be apportioned to the general funds
6 of the cities, towns and counties comprising the authority in
7 proportion to the population of each city, town and county.

8 J. A transportation authority created pursuant to the
9 provisions of subsection A of this section may provide for the
10 financing of a toll bridge utilizing any revenue measures available
11 pursuant to subsections A through I of this section in combination
12 with revenue derived from toll charges. Such combination financing
13 shall be fully described in the resolution of the transportation
14 authority which authorizes the construction of such toll bridge.
15 The resolution shall set out minimum and maximum percentages of the
16 total debt which shall be retired utilizing revenue received from
17 toll charges.

18 SECTION 2. This act shall become effective November 1, 2010.

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20 52-2-8868 CJB 12/14/09

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