

<DateSubmitted>

HOUSE OF REPRESENTATIVES
CONFERENCE COMMITTEE REPORT

Mr. President:
Mr. Speaker:

The Conference Committee, to which was referred

HB1990

By: Sullivan of the House and Newberry of the Senate

Title: Transportation; enacting the Oklahoma Multi-modal Transportation Authority Act;
codification; effective date.

Together with Engrossed Senate Amendments thereto, beg leave to report that we have had the same under consideration and herewith return the same with the following recommendations:

1. That the Senate recede from its Amendment No. 1 and that the attached conference committee substitute be adopted.

Respectfully submitted,

House Action _____ Date _____ Senate Action _____ Date _____

HOUSE CONFEREES

Dank David M. Dank

Key Charles Key

Kirby _____

McDaniel (Randy) Randy McDaniel

McNiel Skye McDaniel

Morrisette _____

Mulready John Mulready

Ortega Charles Ortega

Ownbey Pat Ownbey

Pittman _____

Shelton _____

SENATE CONFEREES

Newberry _____
Stanislawski _____
Treat _____
Crain _____
Eason McIntyre _____
Laster _____

1 STATE OF OKLAHOMA

2 1st Session of the 53rd Legislature (2011)

3 CONFERENCE COMMITTEE
4 SUBSTITUTE
5 FOR ENGROSSED
6 HOUSE BILL NO. 1990

By: Sullivan of the House

and

Newberry and Sparks of the
Senate

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10 CONFERENCE COMMITTEE SUBSTITUTE

11 An Act relating to transportation; amending 68 O.S.
12 2001, Section 1370.7, as last amended by Section 1,
13 Chapter 117, O.S.L. 2010 (68 O.S. Supp. 2010, Section
14 1370.7), which relates to transportation and regional
15 economic development authorities; modifying
16 definition; and providing an effective date.

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

18 SECTION 1. AMENDATORY 68 O.S. 2001, Section 1370.7, as
19 last amended by Section 1, Chapter 117, O.S.L. 2010 (68 O.S. Supp.
20 2010, Section 1370.7), is amended to read as follows:

21 Section 1370.7 A. As used in this section, the following terms
22 shall have the following meanings:

23 1. "Agency" includes but is not limited to extant
24 transportation operating systems;

1 2. "Operation" includes but is not limited to leasing services,
2 contracting for services, planning, financing, construction and
3 maintenance of a transportation or regional economic project
4 regardless of the source of funding;

5 3. "Transportation project or system" includes but is not
6 limited to transit, commuter and passenger rail service or
7 operations or intermodal facilities, the components of which
8 contribute to a system that incorporates transportation modes of
9 highway, air, rail and waterway together in order to facilitate the
10 movement of commerce; and

11 4. "User fees" means farebox revenues.

12 B. Any combination of cities, towns and counties, or their
13 agencies, by resolution of their governing boards, may jointly
14 create a transportation authority or regional economic development
15 authority pursuant to the provisions of Section 176 of Title 60 of
16 the Oklahoma Statutes for the purpose of planning, financing,
17 construction, maintenance and operation of transportation or
18 regional economic development projects located within the boundaries
19 of such cities, towns or counties. An authority created pursuant to
20 the provisions of this subsection shall have the powers granted
21 pursuant to the provisions of Section 176 of Title 60 of the
22 Oklahoma Statutes in addition to the powers granted pursuant to the
23 provisions of this section except that no transportation or regional
24 economic development authority created pursuant to the provisions of

1 this subsection shall have any power or authority to exercise or to
2 attempt to exercise any powers of eminent domain. The combination
3 of cities, towns and counties, or their agencies, creating the
4 authority shall be designated the beneficiary of the authority. The
5 boundaries of the authority shall be coterminous with the boundaries
6 of the cities, towns or counties creating the authority.

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

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

3 D. All items that are exempt from the state sales tax shall be
4 exempt from any sales tax levied pursuant to the provisions of this
5 section.

6 E. Any sales tax which may be levied pursuant to the provisions
7 of this section shall be designated for the purposes of planning,
8 financing, construction, maintenance and operation of transportation
9 or regional economic development projects within the boundaries of
10 the authority. The authority shall identify the purpose of the
11 sales tax when it is presented to the voters pursuant to the
12 provisions of this section. The proceeds of any sales tax levied by
13 an authority shall be used only for the purposes for which the sales
14 tax was designated.

15 F. The authority shall identify the specific duration of the
16 tax when it is presented to the voters pursuant to the provisions of
17 this section and shall include specific language in the ballot title
18 disclosing the duration of the tax. A levy by a transportation
19 authority or a regional economic development authority shall have a
20 maximum duration of thirty (30) years if the proceeds from the tax
21 are pledged to the repayment of indebtedness and a maximum duration
22 of twenty (20) years if the proceeds from the tax are to be used for
23 expenditures other than the repayment of indebtedness.

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1 G. An authority created pursuant to the provisions of
2 subsection B of this section may utilize the provisions of the Local
3 Development Act as it relates to the financing of such
4 transportation or regional economic development projects.

5 H. A transportation or regional economic development authority
6 created pursuant to this section shall exist for the duration of the
7 operation and no longer than one (1) year after cessation of the
8 operation.

9 I. Providing that at cessation of operations the proceeds of
10 any tax levied by an authority pursuant to this section are pledged
11 for the purpose of retiring indebtedness incurred for the specific
12 purpose for which the tax is imposed, the tax shall not be repealed
13 until such time as the indebtedness is retired. In no event shall
14 the life of the tax be extended beyond the duration approved by the
15 voters of the authority.

16 J. If the revenue collected from any taxes levied by the
17 authority exceeds the amount necessary for payment of any and all
18 expenses incurred by the authority in the planning, financing,
19 construction, maintenance and operation of transportation or
20 regional economic development projects, the excess funds shall be
21 apportioned to the general funds of the cities, towns and counties
22 comprising the authority in proportion to the population of each
23 city, town and county.

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1 K. A transportation authority created pursuant to the
2 provisions of subsection B of this section may provide for the
3 financing of a transportation system utilizing any revenue measures
4 available pursuant to subsections B through J of this section in
5 combination with revenue derived from user fees.

6 SECTION 2. This act shall become effective November 1, 2011.

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