

1 ENGROSSED HOUSE
2 BILL NO. 2480

By: Joyner and Morrissette of
the House

3 and

4 Barrington of the Senate
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8 An Act relating to revenue and taxation; amending 68
9 O.S. 2011, Section 1370.7, which relates to regional
10 economic development and transportation authorities;
11 modifying definitions; adding definition; providing
12 for regional districts; establishing governance
13 requirements for certain authorities; modifying
14 duration of certain tax levies; modifying
15 apportionment within the regional district of excess
16 tax levies; and providing an effective date.

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

16 SECTION 1. AMENDATORY 68 O.S. 2011, Section 1370.7, is
17 amended to read as follows:

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

20 1. "Agency" includes but is not limited to extant
21 transportation operating systems;

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

3 3. "Regional district" means a specific governing and
4 assessment district created out of any combination of any portions
5 of any cities, towns or counties, either equal to or less than the
6 entirety of the boundaries of such cities, towns or counties;

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

13 ~~4.~~ 5. "User fees" means farebox revenues.

14 B. Any combination of cities, towns and counties, or their
15 agencies, by resolution of their governing boards, may jointly
16 create a transportation authority or regional economic development
17 authority and a regional district pursuant to the provisions of
18 Section 176 of Title 60 of the Oklahoma Statutes for the purpose of
19 planning, financing, construction, maintenance and operation of
20 transportation or regional economic development projects located
21 within the boundaries of such ~~cities, towns or counties~~ regional
22 district. An authority created pursuant to the provisions of this
23 subsection shall have the powers granted pursuant to the provisions
24 of Section 176 of Title 60 of the Oklahoma Statutes in addition to

1 the powers granted pursuant to the provisions of this section except
2 that no transportation or regional economic development authority
3 created pursuant to the provisions of this subsection shall have any
4 power or authority to exercise or to attempt to exercise any powers
5 of eminent domain. The combination of cities, towns and counties,
6 or their agencies, creating the authority shall be designated the
7 beneficiary of the authority. The boundaries of the authority shall
8 be coterminous with the boundaries of the ~~eities, towns or counties~~
9 ~~creating the authority~~ regional district. The authority shall be
10 governed by a board of directors appointed by the governing boards
11 of the cities, towns or counties creating such authority, and the
12 representative makeup of the board and the number of directors,
13 their duties and terms of service shall be determined by such
14 governing boards creating such authority.

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

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

10 D. All items that are exempt from the state sales tax shall be
11 exempt from any sales tax levied pursuant to the provisions of this
12 section.

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

22 F. The authority shall identify the specific duration of the
23 tax when it is presented to the voters pursuant to the provisions of
24 this section and shall include specific language in the ballot title

1 disclosing the duration of the tax. A levy by a transportation
2 authority or a regional economic development authority shall have a
3 maximum duration of thirty (30) years if the proceeds from the tax
4 are pledged to the repayment of indebtedness ~~and,~~ a maximum duration
5 of twenty (20) years if the proceeds from the tax are to be used for
6 expenditures other than the repayment of indebtedness, or for as
7 long as such authority is in operation.

8 G. An authority created pursuant to the provisions of
9 subsection B of this section may utilize the provisions of the Local
10 Development Act as it relates to the financing of such
11 transportation or regional economic development projects.

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

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

23 J. If the revenue collected from any taxes levied by the
24 authority exceeds the amount necessary for payment of any and all

1 expenses incurred by the authority in the planning, financing,
2 construction, maintenance and operation of transportation or
3 regional economic development projects, the excess funds shall be
4 apportioned to the general funds of the cities, towns and counties
5 comprising the authority in proportion to the population of each
6 city, town and county within the regional district.

7 K. A transportation authority created pursuant to the
8 provisions of subsection B of this section may provide for the
9 financing of a transportation system utilizing any revenue measures
10 available pursuant to subsections B through J of this section in
11 combination with revenue derived from user fees.

12 SECTION 2. This act shall become effective November 1, 2014.

13 Passed the House of Representatives the 13th day of March, 2014.

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Presiding Officer of the House
of Representatives

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Passed the Senate the ___ day of _____, 2014.

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Presiding Officer of the Senate

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