

1 STATE OF OKLAHOMA

2 2nd Session of the 51st Legislature (2008)

3 COMMITTEE SUBSTITUTE  
4 FOR

5 SENATE BILL 1141

6 By: Corn

7 COMMITTEE SUBSTITUTE

8 [ roads, bridges and ferries - Rebuilding Oklahoma  
9 Access and Driver Safety Fund - modifying amounts -  
effective date -

emergency ]

10  
11  
12  
13 BE IT ENACTED BY THE PEOPLE OF THE STATE OF OKLAHOMA:

14 SECTION 1. AMENDATORY Section 1, Chapter 444, O.S.L.  
15 2005, as amended by Section 11, Chapter 45, 2nd Extraordinary  
16 Session, O.S.L. 2006 (69 O.S. Supp. 2007, Section 1521), is amended  
17 to read as follows:

18 Section 1521. A. There is hereby created in the State Treasury  
19 a fund to be known as the "Rebuilding Oklahoma Access and Driver  
20 Safety (ROADS) Fund". The fund shall be a continuing fund, not  
21 subject to fiscal year limitations, and shall consist of all  
22 appropriations and transfers made by the Legislature. All monies  
23 accruing to the credit of said fund are hereby appropriated and may  
24 be budgeted and expended ~~beginning with the fiscal year ending June~~

1 ~~30, 2006, and~~ each fiscal year thereafter by the Department of  
2 Transportation for the purposes authorized by subsection ~~F~~ F of this  
3 section. Expenditures from said fund shall be made upon warrants  
4 issued by the State Treasurer against claims filed as prescribed by  
5 law with the Director of State Finance for approval and payment.

6 B. There shall be apportioned to the funds specified in this  
7 subsection from the monies that would otherwise be apportioned to  
8 the General Revenue Fund by Section 2352 of Title 68 of the Oklahoma  
9 Statutes from the revenues derived pursuant to subsections A, B and  
10 E of Section 2355 of Title 68 of the Oklahoma Statutes amounts as  
11 follows:

12 1. ~~For the fiscal year ending June 30, 2006:~~

13 a. ~~the first Fifteen Million Dollars (\$15,000,000.00)~~  
14 ~~shall be apportioned to the Rebuilding Oklahoma Access~~  
15 ~~and Driver Safety Fund,~~

16 b. ~~the next Two Million Dollars (\$2,000,000.00) shall be~~  
17 ~~apportioned to the Oklahoma Tourism and Passenger Rail~~  
18 ~~Revolving Fund created pursuant to Section 325 of~~  
19 ~~Title 66 of the Oklahoma Statutes to be used for~~  
20 ~~capital and operating costs for the "Heartland Flyer"~~  
21 ~~rail project,~~

22 c. ~~the next Five Hundred Thousand Dollars (\$500,000.00)~~  
23 ~~shall be apportioned to the Public Transit Revolving~~  
24 ~~Fund created pursuant to Section 4031 of this title to~~

1 ~~be used for purposes authorized by law other than the~~  
2 ~~purpose described by subparagraph b of this paragraph,~~  
3 ~~and~~

4 ~~d. all amounts apportioned pursuant to this paragraph~~  
5 ~~shall be divided into twelve equal amounts to be~~  
6 ~~apportioned each month during the fiscal year;~~

7 2. For the fiscal year ending ~~June 30, 2007~~ June 30, 2009, and  
8 for each fiscal year thereafter, subject to the provisions of  
9 paragraph 4 3 of this subsection, and subject to any reductions  
10 required by subsection H E of this section, there shall be  
11 apportioned to the Rebuilding Oklahoma Access and Driver Safety  
12 Fund:

13 a. ~~Seventy Million Dollars (\$70,000,000.00) plus the~~  
14 ~~total amount apportioned to the Rebuilding Oklahoma~~  
15 ~~Access and Driver Safety Fund for the preceding fiscal~~  
16 ~~year which shall be apportioned before any other~~  
17 ~~amount is apportioned pursuant to Section 2352 of~~  
18 ~~Title 68 of the Oklahoma Statutes, plus~~

19 b. ~~an additional amount which shall be either:~~

20 ~~(1) the next Seventeen Million Five Hundred Thousand~~  
21 ~~Dollars (\$17,500,000.00) as provided by~~  
22 ~~subsection C of this section, or~~

23 ~~(2) the next Fifty Million Dollars (\$50,000,000.00)~~  
24 ~~as provided by subsection D of this section, or~~

1           ~~(3)~~ an amount which shall not be in excess of the  
2           amount prescribed by ~~division (1) of this~~  
3           ~~subparagraph~~ paragraph for a fiscal year ~~in which~~  
4           ~~such amount is the maximum additional amount that~~  
5           ~~may be apportioned to the Rebuilding Oklahoma~~  
6           ~~Access and Driver Safety Fund and which shall not~~  
7           ~~be in excess of the amount prescribed by division~~  
8           ~~(2) of this subparagraph for a fiscal year in~~  
9           ~~which such amount is the maximum additional~~  
10           ~~amount that may be apportioned to the Rebuilding~~  
11           ~~Oklahoma Access and Driver Safety Fund, in order~~  
12           for the total apportionment for such fiscal year  
13           to equal Two Hundred Seventy Million Dollars  
14           (\$270,000,000.00), ~~and~~.

15           ~~e. all~~

16           All amounts apportioned pursuant to this paragraph shall be  
17           divided into twelve equal amounts to be apportioned each month  
18           during the fiscal year;

19           ~~3.~~ 2. For the fiscal year ending ~~June 30, 2007~~ June 30, 2009,  
20           and for each fiscal year thereafter after the apportionments  
21           required by paragraph ~~2~~ 1 of this subsection have been made:

22           a.     the next Two Million Dollars (\$2,000,000.00) shall be  
23                    apportioned to the Oklahoma Tourism and Passenger Rail  
24                    Revolving Fund created pursuant to Section 325 of

1 Title 66 of the Oklahoma Statutes to be used for  
2 capital and operating costs for the "Heartland Flyer"  
3 rail project, and

4 b. the next Three Million Dollars (\$3,000,000.00) shall  
5 be apportioned to the Public Transit Revolving Fund  
6 created pursuant to Section 4031 of this title to be  
7 used for purposes authorized by law other than the  
8 purpose described by subparagraph a of this paragraph,  
9 and.

10 e. ~~all~~

11 All amounts apportioned pursuant to this paragraph shall be  
12 divided into twelve equal amounts to be apportioned each month  
13 during the fiscal year; and

14 ~~4.~~ 3. For each fiscal year after the first fiscal year in which  
15 the total apportionment to the Rebuilding Oklahoma Access and Driver  
16 Safety Fund as provided by paragraph ~~2~~ 1 of this subsection equals  
17 Two Hundred Seventy Million Dollars (\$270,000,000.00), the first Two  
18 Hundred Seventy Million Dollars (\$270,000,000.00) collected pursuant  
19 to subsections A, B and E of Section 2355 of Title 68 of the  
20 Oklahoma Statutes and apportioned pursuant to Section 2352 of Title  
21 68 of the Oklahoma Statutes that would otherwise be apportioned to  
22 the General Revenue Fund shall be apportioned to the Rebuilding  
23 Oklahoma Access and Driver Safety Fund. All amounts apportioned  
24

1 pursuant to this paragraph shall be divided into twelve equal  
2 amounts to be apportioned each month during the fiscal year.

3 ~~C. For the fiscal year ending June 30, 2007, and for each~~  
4 ~~fiscal year thereafter, in addition to the amount apportioned to the~~  
5 ~~Rebuilding Oklahoma Access and Driver Safety Fund pursuant to~~  
6 ~~subparagraph a of paragraph 2 of subsection B of this section, there~~  
7 ~~shall be apportioned to such fund an additional amount of Seventeen~~  
8 ~~Million Five Hundred Thousand Dollars (\$17,500,000.00) for each year~~  
9 ~~that the State Board of Equalization determines that any increase~~  
10 ~~between the final itemized estimate of General Revenue Fund revenues~~  
11 ~~made by the State Board at the February meeting preceding the~~  
12 ~~beginning of the fiscal year for which that estimate is made, which~~  
13 ~~is the same fiscal year during which the apportionment to the~~  
14 ~~Rebuilding Oklahoma Access and Driver Safety Fund is to be made, and~~  
15 ~~the then current itemized estimate of General Revenue Fund revenues~~  
16 ~~made by the State Board of Equalization for the fiscal year ending~~  
17 ~~on June 30 immediately following such February meeting is less than~~  
18 ~~three percent (3%).~~

19 ~~D. For the fiscal year ending June 30, 2007, and for each~~  
20 ~~fiscal year thereafter, in addition to the amount apportioned to the~~  
21 ~~Rebuilding Oklahoma Access and Driver Safety Fund pursuant to~~  
22 ~~subparagraph a of paragraph 2 of subsection B of this section, there~~  
23 ~~shall be apportioned to such fund an additional amount of Fifty~~  
24 ~~Million Dollars (\$50,000,000.00) for each year that the State Board~~

1 ~~of Equalization determines that any increase between the final~~  
2 ~~itemized estimate of General Revenue Fund revenues made by the State~~  
3 ~~Board at the February meeting preceding the beginning of the fiscal~~  
4 ~~year for which that estimate is made, which is the same fiscal year~~  
5 ~~during which the apportionment to the Rebuilding Oklahoma Access and~~  
6 ~~Driver Safety Fund is to be made, and the then current itemized~~  
7 ~~estimate of General Revenue Fund revenues made by the State Board of~~  
8 ~~Equalization for the fiscal year ending on June 30 immediately~~  
9 ~~following such February meeting is three percent (3%) or greater.~~

10 ~~E. The apportionments of revenues required by subparagraph a of~~  
11 ~~paragraph 2 of subsection B of this section and the apportionment of~~  
12 ~~additional revenues required by either division (1), (2) or (3) of~~  
13 ~~subparagraph b of paragraph 2 of subsection B of this section, as~~  
14 ~~governed by the provisions of subsection C or subsection D of this~~  
15 ~~section, shall be made until the total annual apportionment to the~~  
16 ~~Rebuilding Oklahoma Access and Driver Safety Fund equals Two Hundred~~  
17 ~~Seventy Million Dollars (\$270,000,000.00). After such annual~~  
18 ~~apportionment level is reached, the apportionment to the fund shall~~  
19 ~~be governed by the provisions of paragraph 4 of subsection B of this~~  
20 ~~section.~~

21 ~~F. The monies apportioned to the Rebuilding Oklahoma Access and~~  
22 ~~Driver Safety Fund shall not be used to supplant or replace existing~~  
23 ~~state funds used for transportation purposes.~~

24

1        ~~G.~~ D. In order to ensure that the funds from the ROADS Fund are  
2 used to enhance and not supplant state funding for the Department of  
3 Transportation, the State Board of Equalization shall examine and  
4 investigate expenditures from the fund each year. For purposes of  
5 this examination, monies used to retire outstanding debt obligations  
6 for which the Department of Transportation is responsible shall be  
7 excluded. At the meeting of the State Board of Equalization held  
8 within five (5) days after the monthly apportionment in February of  
9 each year, the State Board of Equalization shall issue a finding and  
10 report which shall state whether expenditures from the ROADS Fund  
11 were used to enhance or supplant state funding for the Department of  
12 Transportation. If the State Board of Equalization finds that state  
13 funding for the Department of Transportation was supplanted by funds  
14 from the ROADS Fund, the Board shall specify the amount by which  
15 such funding was supplanted. In this event, the Legislature shall  
16 not make any appropriations for the ensuing fiscal year until an  
17 appropriation in that amount is made to replenish state funding for  
18 the Department of Transportation.

19        ~~H.~~ E. In the event that the Director of the Office of State  
20 Finance declares a General Revenue Fund revenue failure pursuant to  
21 Section 41.9 of Title 62 of the Oklahoma Statutes, and agency  
22 allocations are reduced pursuant to the provisions of Section 41.9  
23 of Title 62 of the Oklahoma Statutes, the amounts that would  
24 otherwise be apportioned to the ROADS Fund by ~~subparagraphs a, b and~~

1 ~~e of paragraph 1 and subparagraphs a and b of paragraph 2 and~~  
2 ~~paragraph 3 of subsection~~ subsections B and C of this section shall  
3 be reduced by a percentage equal to that required of the General  
4 Revenue Fund appropriations to state agencies and such reductions  
5 shall occur during the entire fiscal year and for any month during  
6 which such reductions are required by the Office of State Finance  
7 and by the same percentage as that required of the agencies for such  
8 General Revenue Fund appropriations.

9 ~~F.~~ F. The Department of Transportation shall use the monies in  
10 the Rebuilding Oklahoma Access and Driver Safety Fund for:

11 1. The construction and maintenance of state roads, bridges and  
12 highways;

13 2. The direct expenses of operating and maintaining the state  
14 highway system, including bridges;

15 3. Direct expenses incurred in constructing, repairing, and  
16 maintaining state highways, farm-to-market roads, county highways  
17 and bridges as authorized by law;

18 4. Matching federal funds;

19 5. The purchase of materials, tools, machinery, motor vehicles,  
20 and equipment necessary or convenient for the construction and  
21 maintenance of the state highway system and bridges; and

22 6. Debt service incurred prior to January 1, 2006, for Capitol  
23 Improvement Program bonds sold pursuant to Section 2001 of this  
24 title.

1 SECTION 2. This act shall become effective July 1, 2008.

2 SECTION 3. It being immediately necessary for the preservation  
3 of the public peace, health and safety, an emergency is hereby  
4 declared to exist, by reason whereof this act shall take effect and  
5 be in full force from and after its passage and approval.

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