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THE STATE SENATE  
Monday, February 25, 2008

Committee Substitute for  
Senate Bill No. 1870

COMMITTEE SUBSTITUTE FOR SENATE BILL NO. 1870 - By: JOHNSON (Mike)  
and CORN of the Senate and THOMPSON of the House.

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

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

SECTION 1. AMENDATORY Section 1, Chapter 444, O.S.L.

2005, as amended by Section 11, Chapter 45, 2nd Extraordinary  
Session, O.S.L. 2006 (69 O.S. Supp. 2007, Section 1521), is amended  
to read as follows:

Section 1521. A. There is hereby created in the State Treasury  
a fund to be known as the "Rebuilding Oklahoma Access and Driver  
Safety (ROADS) Fund". The fund shall be a continuing fund, not  
subject to fiscal year limitations, and shall consist of all  
appropriations and transfers made by the Legislature. All monies  
accruing to the credit of said fund are hereby appropriated and may  
be budgeted and expended ~~beginning with the fiscal year ending June  
30, 2006, and~~ each fiscal year thereafter by the Department of  
Transportation for the purposes authorized by subsection ~~F~~ F of this  
section. Expenditures from said fund shall be made upon warrants

1 issued by the State Treasurer against claims filed as prescribed by  
2 law with the Director of State Finance for approval and payment.

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

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

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

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

19 c. ~~the next Five Hundred Thousand Dollars (\$500,000.00)~~  
20 ~~shall be apportioned to the Public Transit Revolving~~  
21 ~~Fund created pursuant to Section 4031 of this title to~~  
22 ~~be used for purposes authorized by law other than the~~

1 ~~purpose described by subparagraph b of this paragraph,~~  
2 ~~and~~

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

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

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

18 b. ~~an additional amount which shall be either:~~  
19 ~~(1) the next Seventeen Million Five Hundred Thousand~~  
20 ~~Dollars (\$17,500,000.00) as provided by~~  
21 ~~subsection C of this section, or~~  
22 ~~(2) the next Fifty Million Dollars (\$50,000,000.00)~~  
23 ~~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

1 Revolving Fund created pursuant to Section 325 of  
2 Title 66 of the Oklahoma Statutes to be used for  
3 capital and operating costs for the "Heartland Flyer"  
4 rail project, and

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

11 e. ~~all~~

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

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

1 Oklahoma Access and Driver Safety Fund. All amounts apportioned  
2 pursuant to this paragraph shall be divided into twelve equal  
3 amounts to be apportioned each month during the fiscal year.

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

20 ~~D. For the fiscal year ending June 30, 2007, and for each~~  
21 ~~fiscal year thereafter, in addition to the amount apportioned to the~~  
22 ~~Rebuilding Oklahoma Access and Driver Safety Fund pursuant to~~  
23 ~~subparagraph a of paragraph 2 of subsection B of this section, there~~

1 ~~shall be apportioned to such fund an additional amount of Fifty~~  
2 ~~Million Dollars (\$50,000,000.00) for each year that the State Board~~  
3 ~~of Equalization determines that any increase between the final~~  
4 ~~itemized estimate of General Revenue Fund revenues made by the State~~  
5 ~~Board at the February meeting preceding the beginning of the fiscal~~  
6 ~~year for which that estimate is made, which is the same fiscal year~~  
7 ~~during which the apportionment to the Rebuilding Oklahoma Access and~~  
8 ~~Driver Safety Fund is to be made, and the then current itemized~~  
9 ~~estimate of General Revenue Fund revenues made by the State Board of~~  
10 ~~Equalization for the fiscal year ending on June 30 immediately~~  
11 ~~following such February meeting is three percent (3%) or greater.~~

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

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

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

22       ~~H.~~ E. In the event that the Director of the Office of State  
23 Finance declares a General Revenue Fund revenue failure pursuant to

1 Section 41.9 of Title 62 of the Oklahoma Statutes, and agency  
2 allocations are reduced pursuant to the provisions of Section 41.9  
3 of Title 62 of the Oklahoma Statutes, the amounts that would  
4 otherwise be apportioned to the ROADS Fund by ~~subparagraphs a, b and~~  
5 ~~e of paragraph 1 and subparagraphs a and b of paragraph 2 and~~  
6 ~~paragraph 3 of subsection~~ subsections B and C of this section shall  
7 be reduced by a percentage equal to that required of the General  
8 Revenue Fund appropriations to state agencies and such reductions  
9 shall occur during the entire fiscal year and for any month during  
10 which such reductions are required by the Office of State Finance  
11 and by the same percentage as that required of the agencies for such  
12 General Revenue Fund appropriations.

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

15 1. The construction and maintenance of state roads, bridges and  
16 highways;

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

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

22 4. Matching federal funds;

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

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

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

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

12 COMMITTEE REPORT BY: COMMITTEE ON APPROPRIATIONS, dated 2-20-08 - DO  
13 PASS, As Amended and Coauthored.