

1 STATE OF OKLAHOMA

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

3 HOUSE BILL 2947

By: Martin (Scott)

4  
5  
6 AS INTRODUCED

7 An Act relating to roads, bridges and ferries;  
8 amending Section 1, Chapter 444, O.S.L. 2005, as  
9 amended by Section 11, Chapter 45, 2nd Extraordinary  
10 Session, O.S.L. 2006 (69 O.S. Supp. 2007, Section  
11 1521), which relates to the Public Transit Revolving  
12 Fund; increasing certain apportionment; providing an  
13 effective date; and declaring an emergency.

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

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

19 Section 1521. A. There is hereby created in the State Treasury  
20 a fund to be known as the "Rebuilding Oklahoma Access and Driver  
21 Safety Fund". The fund shall be a continuing fund, not subject to  
22 fiscal year limitations, and shall consist of all appropriations and  
23 transfers made by the Legislature. All monies accruing to the  
24 credit of said fund are hereby appropriated and may be budgeted and  
expended beginning with the fiscal year ending June 30, 2006, and

1 each fiscal year thereafter by the Department of Transportation for  
2 the purposes authorized by subsection I of this section.

3 Expenditures from said fund shall be made upon warrants issued by  
4 the State Treasurer against claims filed as prescribed by law with  
5 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, and for each  
8 fiscal year thereafter, subject to the provisions of paragraph 4 of  
9 this subsection, and subject to any reductions required by  
10 subsection H of this section, there shall be apportioned to the  
11 Rebuilding Oklahoma Access and Driver Safety 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  
24

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

15 c. all amounts apportioned pursuant to this paragraph  
16 shall be divided into twelve equal amounts to be  
17 apportioned each month during the fiscal year;

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

21 a. the next Two Million Dollars (\$2,000,000.00) shall be  
22 apportioned to the Oklahoma Tourism and Passenger Rail  
23 Revolving Fund created pursuant to Section 325 of  
24 Title 66 of the Oklahoma Statutes to be used for

1 capital and operating costs for the "Heartland Flyer"  
2 rail project,

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

9 c. all amounts apportioned pursuant to this paragraph  
10 shall be divided into twelve equal amounts to be  
11 apportioned each month during the fiscal year; and

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

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

17 D. For the fiscal year ending June 30, 2007, and for each  
18 fiscal year thereafter, in addition to the amount apportioned to the  
19 Rebuilding Oklahoma Access and Driver Safety Fund pursuant to  
20 subparagraph a of paragraph 2 of subsection B of this section, there  
21 shall be apportioned to such fund an additional amount of Fifty  
22 Million Dollars (\$50,000,000.00) for each year that the State Board  
23 of Equalization determines that any increase between the final  
24 itemized estimate of General Revenue Fund revenues made by the State

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

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

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

22 G. In order to ensure that the funds from the ROADS Fund are  
23 used to enhance and not supplant state funding for the Department of  
24 Transportation, the State Board of Equalization shall examine and

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

16 H. In the event that the Director of the Office of State  
17 Finance declares a General Revenue Fund revenue failure pursuant to  
18 Section 41.9 of Title 62 of the Oklahoma Statutes, and agency  
19 allocations are reduced pursuant to the provisions of Section 41.9  
20 of Title 62 of the Oklahoma Statutes, the amounts that would  
21 otherwise be apportioned to the ROADS Fund by subparagraphs a, b and  
22 c of paragraph 1 and subparagraphs a and b of paragraph 2 and  
23 paragraph 3 of subsection B of this section shall be reduced by a  
24 percentage equal to that required of the General Revenue Fund

1 appropriations to state agencies and such reductions shall occur  
2 during the entire fiscal year and for any month during which such  
3 reductions are required by the Office of State Finance and by the  
4 same percentage as that required of the agencies for such General  
5 Revenue Fund appropriations.

6 I. The Department of Transportation shall use the monies in the  
7 Rebuilding Oklahoma Access and Driver Safety Fund for:

8 1. The construction and maintenance of state roads, bridges and  
9 highways;

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

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

15 4. Matching federal funds;

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

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

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

23 SECTION 3. It being immediately necessary for the preservation  
24 of the public peace, health and safety, an emergency is hereby

1 declared to exist, by reason whereof this act shall take effect and  
2 be in full force from and after its passage and approval.

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