

1 STATE OF OKLAHOMA

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

3 SENATE BILL 1870

By: Johnson (Mike)

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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 Rebuilding Oklahoma
Access and Driver Safety Fund; deleting obsolete
12 language; modifying amounts apportioned to Fund;
13 providing an effective date; and declaring an
14 emergency.

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

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

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

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

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

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

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

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

23 c. ~~the next Five Hundred Thousand Dollars (\$500,000.00)~~
24 ~~shall be apportioned to the Public Transit Revolving~~

1 ~~Fund created pursuant to Section 4031 of this title to~~
2 ~~be used for purposes authorized by law other than the~~
3 ~~purpose described by subparagraph b of this paragraph,~~
4 ~~and~~

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

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

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

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

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

1 ~~(2)~~ the next Fifty Million Dollars (\$50,000,000.00)
2 ~~as provided by subsection D of this section, or~~
3 ~~(3)~~ an amount which shall not be in excess of the
4 amount prescribed by ~~division (1) of this~~
5 subparagraph a of this paragraph for a fiscal
6 year in which such amount is the maximum
7 additional amount that may be apportioned to the
8 Rebuilding Oklahoma Access and Driver Safety Fund
9 ~~and which shall not be in excess of the amount~~
10 ~~prescribed by division (2) of this subparagraph~~
11 ~~for a fiscal year in which such amount is the~~
12 ~~maximum additional amount that may be apportioned~~
13 ~~to the Rebuilding Oklahoma Access and Driver~~
14 ~~Safety Fund, in order for the total apportionment~~
15 for such fiscal year to equal Two Hundred Seventy
16 Million Dollars (\$270,000,000.00), ~~and.~~

17 ~~e. all~~

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

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

1 a. the next Two Million Dollars (\$2,000,000.00) shall be
2 apportioned to the Oklahoma Tourism and Passenger Rail
3 Revolving Fund created pursuant to Section 325 of
4 Title 66 of the Oklahoma Statutes to be used for
5 capital and operating costs for the "Heartland Flyer"
6 rail project, and

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

13 ~~c. all~~

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

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

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

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

21 ~~D. For the fiscal year ending June 30, 2007, and for each~~
22 ~~fiscal year thereafter, in addition to the amount apportioned to the~~
23 ~~Rebuilding Oklahoma Access and Driver Safety Fund pursuant to~~
24 ~~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.~~

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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
24 Section 41.9 of Title 62 of the Oklahoma Statutes, and agency

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

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

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

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

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

21 4. Matching federal funds;

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

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

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

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

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