

1 STATE OF OKLAHOMA

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

3 SENATE BILL 2026

By: Rabon

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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
12 Access and Driver Safety Fund; deleting obsolete
13 language; modifying circumstances under which
14 different amounts apportioned to Fund; providing an
15 effective date; and declaring an emergency.

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

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

21 Section 1521. A. There is hereby created in the State Treasury
22 a fund to be known as the "Rebuilding Oklahoma Access and Driver
23 Safety (ROADS) Fund". The fund shall be a continuing fund, not
24 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~~ the fund are hereby appropriated and

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

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

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

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

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

24

1 ~~c. the next Five Hundred Thousand Dollars (\$500,000.00)~~
2 ~~shall be apportioned to the Public Transit Revolving~~
3 ~~Fund created pursuant to Section 4031 of this title to~~
4 ~~be used for purposes authorized by law other than the~~
5 ~~purpose described by subparagraph b of this paragraph,~~
6 ~~and~~

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

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

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

22 b. an additional amount which shall be either:
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1 (1) the next Seventeen Million Five Hundred Thousand
2 Dollars (\$17,500,000.00) as provided by
3 subsection C of this section, or

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

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

20 c. all amounts apportioned pursuant to this paragraph
21 shall be divided into twelve equal amounts to be
22 apportioned each month during the fiscal year;
23
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1 ~~3.~~ 2. For the fiscal year ending June 30, 2007, and for each
2 fiscal year thereafter after the apportionments required by
3 paragraph ~~2~~ 1 of this subsection have been made:

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

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

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

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

1 Title 68 of the Oklahoma Statutes and apportioned pursuant to
2 Section 2352 of Title 68 of the Oklahoma Statutes that would
3 otherwise be apportioned to the General Revenue Fund shall be
4 apportioned to the Rebuilding Oklahoma Access and Driver Safety
5 (ROADS) Fund. All amounts apportioned pursuant to this paragraph
6 shall be divided into twelve equal amounts to be apportioned each
7 month during the fiscal year.

8 C. For the fiscal year ending ~~June 30, 2007~~ June 30, 2009, and
9 for each fiscal year thereafter, in addition to the amount
10 apportioned to the Rebuilding Oklahoma Access and Driver Safety Fund
11 pursuant to subparagraph a of paragraph ~~2~~ 1 of subsection B of this
12 section, there shall be apportioned to such fund an additional
13 amount of Seventeen Million Five Hundred Thousand Dollars
14 (\$17,500,000.00) for each year that the State Board of Equalization
15 determines that any increase between the final itemized estimate of
16 General Revenue Fund revenues made by the State Board at the
17 February meeting preceding the beginning of the fiscal year for
18 which that estimate is made, which is the same fiscal year during
19 which the apportionment to the Rebuilding Oklahoma Access and Driver
20 Safety Fund is to be made, and the then current itemized estimate of
21 General Revenue Fund revenues made by the State Board of
22 Equalization for the fiscal year ending on June 30 immediately
23 following such February meeting is less than ~~three percent (3%)~~ two
24 percent (2%).

1 D. For the fiscal year ending ~~June 30, 2007~~ June 30, 2009, and
2 for each fiscal year thereafter, in addition to the amount
3 apportioned to the Rebuilding Oklahoma Access and Driver Safety Fund
4 pursuant to subparagraph a of paragraph ~~2~~ 1 of subsection B of this
5 section, there shall be apportioned to such fund an additional
6 amount of Fifty Million Dollars (\$50,000,000.00) for each year that
7 the State Board of Equalization determines that any increase between
8 the final itemized estimate of General Revenue Fund revenues made by
9 the State Board at the February meeting preceding the beginning of
10 the fiscal year for which that estimate is made, which is the same
11 fiscal year during which the apportionment to the Rebuilding
12 Oklahoma Access and Driver Safety Fund is to be made, and the then
13 current itemized estimate of General Revenue Fund revenues made by
14 the State Board of Equalization for the fiscal year ending on June
15 30 immediately following such February meeting is ~~three percent (3%)~~
16 two percent (2%) or greater.

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

1 annual apportionment level is reached, the apportionment to the fund
2 shall be governed by the provisions of paragraph ~~4~~ 3 of subsection B
3 of this section.

4 F. The monies apportioned to the Rebuilding Oklahoma Access and
5 Driver Safety (ROADS) Fund shall not be used to supplant or replace
6 existing state funds used for transportation purposes.

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

1 appropriations for the ensuing fiscal year until an appropriation in
2 that amount is made to replenish state funding for the Department of
3 Transportation.

4 H. In the event that the Director of the Office of State
5 Finance declares a General Revenue Fund revenue failure pursuant to
6 Section 41.9 of Title 62 of the Oklahoma Statutes, and agency
7 allocations are reduced pursuant to the provisions of Section 41.9
8 of Title 62 of the Oklahoma Statutes, the amounts that would
9 otherwise be apportioned to the ~~ROADS~~ Rebuilding Oklahoma Access and
10 Driver Safety (ROADS) Fund by ~~subparagraphs a, b and c of paragraph~~
11 ~~1 and subparagraphs a and b of paragraph 2 and paragraph 3 of~~
12 ~~subsection~~ subsections B and C of this section shall be reduced by a
13 percentage equal to that required of the General Revenue Fund
14 appropriations to state agencies and such reductions shall occur
15 during the entire fiscal year and for any month during which such
16 reductions are required by the Office of State Finance and by the
17 same percentage as that required of the agencies for such General
18 Revenue Fund appropriations.

19 I. The Department of Transportation shall use the monies in the
20 Rebuilding Oklahoma Access and Driver Safety (ROADS) Fund for:

21 1. The construction and maintenance of state roads, bridges and
22 highways;

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

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

4 4. Matching federal funds;

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

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

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

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

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