

1 STATE OF OKLAHOMA

2 1st Session of the 52nd Legislature (2009)

3 HOUSE BILL 1523

By: Liebmann

4
5 AS INTRODUCED

6 An Act relating to roads, bridges and ferries;
7 amending Section 1, Chapter 444, O.S.L. 2005, as last
8 amended by Section 3, Chapter 285, O.S.L. 2008 (69
9 O.S. Supp. 2008, Section 1521), which relates to the
10 Rebuilding Oklahoma Access and Driver Safety Fund;
11 modifying amount apportioned to the Fund to reflect
12 certain inflation; providing for calculation of
13 amount; and providing an effective date.

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 last amended by Section 3, Chapter 285, O.S.L. 2008 (69
17 O.S. Supp. 2008, Section 1521), is amended 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 Fund". The fund shall be a continuing fund, not subject to
21 fiscal year limitations, and shall consist of all appropriations and
22 transfers made by the Legislature. All monies accruing to the
23 credit of said fund are hereby appropriated and may be budgeted and
24 expended beginning with the fiscal year ending June 30, 2006, and
each fiscal year thereafter by the Department of Transportation for

1 the purposes authorized by subsection G of this section.

2 Expenditures from said fund shall be made upon warrants issued by
3 the State Treasurer against claims filed as prescribed by law with
4 the Director of State Finance for approval and payment.

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

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

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

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

21 c. the next Five Hundred Thousand Dollars (\$500,000.00)
22 shall be apportioned to the Public Transit Revolving
23 Fund created pursuant to Section 4031 of this title to
24 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 beginning July 1, 2009, and for each
7 fiscal year thereafter, subject to the provisions of paragraph 4 of
8 this subsection, and, except for the amount prescribed by
9 subparagraph a of this paragraph, subject to any reductions required
10 by subsection F of this section, there shall be apportioned to the
11 Rebuilding Oklahoma Access and Driver Safety Fund:

- 12 a. the first Thirty Million Dollars (\$30,000,000.00)
13 which shall be allocated and used by the Department of
14 Transportation first for the purpose of making any
15 required payments for principal, interest or other
16 costs of borrowing with respect to the obligations
17 issued pursuant to Section ~~2~~ 341 of ~~this act~~ Title 74
18 of the Oklahoma Statutes and after any such required
19 payment has been made then for the purposes otherwise
20 authorized by this section, plus

- 21 b. an additional amount equal to the amount in
22 subparagraph a multiplied by the Producer Price Index
23 for Highway and Street Construction as adjusted to
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1 reflect the annual rate of change in the index for the
2 previous year or zero, whichever is greater, plus

3 c. the total amount apportioned to the Rebuilding
4 Oklahoma Access and Driver Safety Fund for the
5 preceding fiscal year which, except for the amount
6 prescribed by subparagraph a of this paragraph, shall
7 be apportioned before any other amount is apportioned
8 pursuant to Section 2352 of Title 68 of the Oklahoma
9 Statutes, plus

10 ~~e.~~ d. an additional incremental amount which shall not be in
11 excess of the amount prescribed by subparagraph a of
12 this paragraph and that is required in order for the
13 total apportionment for such fiscal year to equal
14 Three Hundred Seventy Million Dollars
15 (\$370,000,000.00), and

16 ~~d.~~ e. 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 except
19 the amount specified in subparagraph a of this
20 paragraph which amount shall be allocated in its full
21 amount in cash not later than July 30 each year or
22 such later date as may be required in order for the
23 amount to be allocated in cash;

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1 3. For the fiscal year ending June 30, 2007, and for each
2 fiscal year thereafter after the apportionments required by
3 paragraph 2 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. For each fiscal year after the first fiscal year in which
20 the total apportionment to the Rebuilding Oklahoma Access and Driver
21 Safety Fund as provided by paragraph 2 of this subsection equals
22 Three Hundred Seventy Million Dollars (\$370,000,000.00), the first
23 Three Hundred Seventy Million Dollars (\$370,000,000.00) collected
24 pursuant to subsections A, B and E of Section 2355 of Title 68 of

1 the Oklahoma Statutes and apportioned pursuant to Section 2352 of
2 Title 68 of the Oklahoma Statutes that would otherwise be
3 apportioned to the General Revenue Fund shall be apportioned to the
4 Rebuilding Oklahoma Access and Driver Safety Fund. With the
5 exception of the amount prescribed by subparagraph a of paragraph 2
6 of this subsection, all amounts apportioned pursuant to this
7 paragraph shall be divided into twelve equal amounts to be
8 apportioned each month during the fiscal year.

9 C. The apportionments of revenues required by subparagraphs a,
10 b and c of paragraph 2 of subsection B of this section shall be made
11 until the total annual apportionment to the Rebuilding Oklahoma
12 Access and Driver Safety Fund equals Three Hundred Seventy Million
13 Dollars (\$370,000,000.00). After such annual apportionment level is
14 reached, the apportionment to the fund shall be governed by the
15 provisions of paragraph 4 of subsection B of this section.

16 D. The monies apportioned to the Rebuilding Oklahoma Access and
17 Driver Safety Fund shall not be used to supplant or replace existing
18 state funds used for transportation purposes.

19 E. In order to ensure that the funds from the ROADS Fund are
20 used to enhance and not supplant state funding for the Department of
21 Transportation, the State Board of Equalization shall examine and
22 investigate expenditures from the fund each year. For purposes of
23 this examination, monies used to retire outstanding debt obligations
24 for which the Department of Transportation is responsible shall be

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

13 F. In the event that the Director of the Office of State
14 Finance declares a General Revenue Fund revenue failure pursuant to
15 Section 41.9 of Title 62 of the Oklahoma Statutes, and agency
16 allocations are reduced pursuant to the provisions of Section 41.9
17 of Title 62 of the Oklahoma Statutes, the amounts that would
18 otherwise be apportioned to the ROADS Fund by:

19 1. Subparagraphs a, b and c of paragraph 1 of subsection B of
20 this section;

21 2. Subparagraph a of paragraph 2 of subsection B of this
22 section, only to the extent that the amount is not required for debt
23 service related to the obligations authorized pursuant to Section 2
24 341 of this act Title 74 of the Oklahoma Statutes;

1 3. Subparagraphs b and c of paragraph 2 of subsection B of this
2 section; and

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

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

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

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

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

19 4. Matching federal funds;

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

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

4 7. Debt service incurred on or after July 1, 2009, with respect
5 to obligations authorized to be issued pursuant to Section ~~2~~ 341 of
6 ~~this act~~ Title 74 of the Oklahoma Statutes.

7 H. From the monies allocated pursuant to the provisions of
8 subparagraph a of paragraph 2 of subsection B of this section each
9 fiscal year, the Department of Transportation shall make payments
10 required for the payment of principal, interest and other costs
11 related to the obligations issued by the Oklahoma Capitol
12 Improvement Authority as authorized by Section ~~2~~ 341 of ~~this act~~
13 Title 74 of the Oklahoma Statutes and such payments shall be made by
14 the Department each fiscal year before such monies are used for any
15 other purpose.

16 SECTION 2. This act shall become effective July 1, 2010.

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