

1 STATE OF OKLAHOMA

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

3 HOUSE BILL 1525

By: Liebmann

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5
6 AS INTRODUCED

7 An Act relating to transportation funding; amending
8 62 O.S. 2001, Section 203, as last amended by Section
9 2, Chapter 45, 2nd Extraordinary Session, O.S.L. 2006
10 (62 O.S. Supp. 2008, Section 203), which relates to
11 monies deposited in the General Revenue Fund;
12 expanding list of exceptions; amending 69 O.S. 2001,
13 Section 1501, which relates to the State Highway
14 Construction and Maintenance Fund; providing
15 investment guidelines; providing for investment of
16 interest; amending Section 1, Chapter 444, O.S.L.
17 2005, as last amended by Section 3, Chapter 285,
18 O.S.L. 2008 (69 O.S. Supp. 2008, Section 1521), which
19 relates to the Rebuilding Oklahoma Access and Driver
20 Safety Fund; providing investment guidelines;
21 providing for investment of interest; providing an
22 effective date; and declaring an emergency.

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

24 SECTION 1. AMENDATORY 62 O.S. 2001, Section 203, as last
amended by Section 2, Chapter 45, 2nd Extraordinary Session, O.S.L.
2006 (62 O.S. Supp. 2008, Section 203), is amended to read as
follows:

Section 203. A. Except as otherwise provided by subsection B
of this section, all monies that may come into the State Treasury,

1 pursuant to the provisions of Section 201 et seq. of this title,
2 together with all amounts that may be received by the State
3 Treasurer as investment income or as interest on average daily bank
4 balances, including investment income or interest on deposits from
5 funds deposited to the credit of the Constitutional Reserve Fund
6 created pursuant to Section 23 of Article X of the Oklahoma
7 Constitution, shall be apportioned and credited to the General
8 Revenue Fund for the current year.

9 B. The provisions of subsection A of this section shall not
10 apply to:

11 1. Interest received on deposits from funds under the control
12 of the Commissioners of the Land Office;

13 2. Funds in the Department of Human Services Federal
14 Disallowance Fund;

15 3. Interest received on deposits from funds under the control
16 of the Santa Claus Commission;

17 4. The Risk Management Revolving Fund;

18 5. Investment income and interest received from funds in the
19 Quartz Mountain Revolving Fund from insurance claims;

20 6. The Drinking Water Treatment Revolving Loan Account and the
21 Drinking Water Treatment Loan Administrative Fund;

22 7. The Clean Water State Revolving Fund Loan Account and the
23 Clean Water State Revolving Fund Loan Administrative Fund;

24 8. The State Infrastructure Bank Revolving Fund;

1 9. The Nursing Facility Quality of Care Fund;

2 10. The Oklahoma Tourism and Recreation Department Revolving
3 Fund effective July 1, 2003;

4 11. The Golf Course Operations Revolving Fund effective July 1,
5 2003; ~~and~~

6 12. Interest received on investments from funds in the County
7 Bridge and Road Improvement Fund, the County Road Machinery and
8 Equipment Revolving Fund, the High Priority State Bridge Revolving
9 Fund as created in Section ~~6~~ 506 of ~~this act~~ Title 69 of the
10 Oklahoma Statutes, and the County Improvements for Roads and Bridges
11 Fund as created in Section ~~7~~ 507 of ~~this act~~ Title 69 of the
12 Oklahoma Statutes;

13 13. The State Highway Construction and Maintenance Fund; and

14 14. The Rebuilding Oklahoma Access and Driver Safety Fund.

15 SECTION 2. AMENDATORY 69 O.S. 2001, Section 1501, is
16 amended to read as follows:

17 Section 1501. (a) All monies received by taxation or otherwise
18 for use on the state highways of this state shall, unless otherwise
19 provided by law, be placed in the State Treasury in a fund to be
20 known as the State Highway Construction and Maintenance Fund.

21 (b) All monies remaining in the State Highway Construction and
22 Maintenance Fund ~~created by 69 O.S. 1961, Section 44 (d)~~, when this
23 Code becomes effective, and all other assets thereof, and all taxes,
24 revenue and other funds payable to or required to be deposited in

1 such Fund under the provisions of other laws when this Code becomes
2 effective, shall be transferred to, be deposited in and be a part of
3 the State Highway Construction and Maintenance Fund created by this
4 section; and the latter fund shall be liable for the payment of all
5 outstanding obligations existing against the former fund.

6 (c) The fund shall be invested in whatever instruments are
7 authorized by law for investments by the State Treasurer and the
8 interest earned by any investment of monies from the fund shall be
9 credited to the fund which shall earn the same, if there is any
10 unexpended balance of the fund to which to credit the interest.

11 SECTION 3. AMENDATORY Section 1, Chapter 444, O.S.L.
12 2005, as last amended by Section 3, Chapter 285, O.S.L. 2008 (69
13 O.S. Supp. 2008, Section 1521), is amended to read as follows:

14 Section 1521. A. There is hereby created in the State Treasury
15 a fund to be known as the "Rebuilding Oklahoma Access and Driver
16 Safety Fund". The fund shall be a continuing fund, not subject to
17 fiscal year limitations, and shall consist of all appropriations and
18 transfers made by the Legislature. All monies accruing to the
19 credit of said fund are hereby appropriated and may be budgeted and
20 expended beginning with the fiscal year ending June 30, 2006, and
21 each fiscal year thereafter by the Department of Transportation for
22 the purposes authorized by subsection G of this section. The fund
23 shall be invested in whatever instruments are authorized by law for
24 investments by the State Treasurer and the interest earned by any

1 investment of monies from the fund shall be credited to the fund
2 which shall earn the same, if there is any unexpended balance of the
3 fund to which to credit the interest. Expenditures from said fund
4 shall be made upon warrants issued by the State Treasurer against
5 claims filed as prescribed by law with the Director of State Finance
6 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 beginning July 1, 2009, and for each
9 fiscal year thereafter, subject to the provisions of paragraph 4 of
10 this subsection, and, except for the amount prescribed by
11 subparagraph a of this paragraph, subject to any reductions required
12 by subsection F of this section, there shall be apportioned to the
13 Rebuilding Oklahoma Access and Driver Safety Fund:

- 14 a. the first Thirty Million Dollars (\$30,000,000.00)
15 which shall be allocated and used by the Department of
16 Transportation first for the purpose of making any
17 required payments for principal, interest or other
18 costs of borrowing with respect to the obligations
19 issued pursuant to Section ~~2~~ 341 of ~~this act~~ Title 73
20 of the Oklahoma Statutes and after any such required
21 payment has been made then for the purposes otherwise
22 authorized by this section, plus

- 23 b. the total amount apportioned to the Rebuilding
24 Oklahoma Access and Driver Safety Fund for the

1 preceding fiscal year which, except for the amount
2 prescribed by subparagraph a of this paragraph, shall
3 be apportioned before any other amount is apportioned
4 pursuant to Section 2352 of Title 68 of the Oklahoma
5 Statutes, plus

6 c. an additional incremental amount which shall not be in
7 excess of the amount prescribed by subparagraph a of
8 this paragraph and that is required in order for the
9 total apportionment for such fiscal year to equal
10 Three Hundred Seventy Million Dollars
11 (\$370,000,000.00), and

12 d. all amounts apportioned pursuant to this paragraph
13 shall be divided into twelve equal amounts to be
14 apportioned each month during the fiscal year except
15 the amount specified in subparagraph a of this
16 paragraph which amount shall be allocated in its full
17 amount in cash not later than July 30 each year or
18 such later date as may be required in order for the
19 amount to be allocated in cash;

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

23 a. the next Two Million Dollars (\$2,000,000.00) shall be
24 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,

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

14 4. For each fiscal year after the first fiscal year in which
15 the total apportionment to the Rebuilding Oklahoma Access and Driver
16 Safety Fund as provided by paragraph 2 of this subsection equals
17 Three Hundred Seventy Million Dollars (\$370,000,000.00), the first
18 Three Hundred Seventy Million Dollars (\$370,000,000.00) collected
19 pursuant to subsections A, B and E of Section 2355 of Title 68 of
20 the Oklahoma Statutes and apportioned pursuant to Section 2352 of
21 Title 68 of the Oklahoma Statutes that would otherwise be
22 apportioned to the General Revenue Fund shall be apportioned to the
23 Rebuilding Oklahoma Access and Driver Safety Fund. With the
24 exception of the amount prescribed by subparagraph a of paragraph 2

1 of this subsection, all amounts apportioned pursuant to this
2 paragraph shall be divided into twelve equal amounts to be
3 apportioned each month during the fiscal year.

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

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

14 E. In order to ensure that the funds from the ROADS Fund are
15 used to enhance and not supplant state funding for the Department of
16 Transportation, the State Board of Equalization shall examine and
17 investigate expenditures from the fund each year. For purposes of
18 this examination, monies used to retire outstanding debt obligations
19 for which the Department of Transportation is responsible shall be
20 excluded. At the meeting of the State Board of Equalization held
21 within five (5) days after the monthly apportionment in February of
22 each year, the State Board of Equalization shall issue a finding and
23 report which shall state whether expenditures from the ROADS Fund
24 were used to enhance or supplant state funding for the Department of

1 Transportation. If the State Board of Equalization finds that state
2 funding for the Department of Transportation was supplanted by funds
3 from the ROADS Fund, the Board shall specify the amount by which
4 such funding was supplanted. In this event, the Legislature shall
5 not make any appropriations for the ensuing fiscal year until an
6 appropriation in that amount is made to replenish state funding for
7 the Department of Transportation.

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

14 1. Subparagraphs a, b and c of paragraph 1 of subsection B of
15 this section;

16 2. Subparagraph a of paragraph 2 of subsection B of this
17 section, only to the extent that the amount is not required for debt
18 service related to the obligations authorized pursuant to Section 2
19 341 of this act Title 73 of the Oklahoma Statutes;

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

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

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

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

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

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

16 4. Matching federal funds;

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

20 6. Debt service incurred prior to January 1, 2006, for Capital
21 Improvement Program bonds sold pursuant to Section 2001 of this
22 title; and
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1 7. Debt service incurred on or after July 1, 2009, with respect
2 to obligations authorized to be issued pursuant to Section ~~2~~ 341 of
3 ~~this act~~ Title 73 of the Oklahoma Statutes.

4 H. From the monies allocated pursuant to the provisions of
5 subparagraph a of paragraph 2 of subsection B of this section each
6 fiscal year, the Department of Transportation shall make payments
7 required for the payment of principal, interest and other costs
8 related to the obligations issued by the Oklahoma Capitol
9 Improvement Authority as authorized by Section ~~2~~ 341 of ~~this act~~
10 Title 73 of the Oklahoma Statutes and such payments shall be made by
11 the Department each fiscal year before such monies are used for any
12 other purpose.

13 SECTION 4. This act shall become effective July 1, 2009.

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

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19 52-1-5347 CJB 01/02/09

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