

1 STATE OF OKLAHOMA

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

3 SENATE BILL 407

By: Branan

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  
10 transportation funding; deleting obsolete language;  
11 increasing apportionment to Public Transit Revolving  
12 Fund; providing an effective date; and declaring an  
13 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 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~~ 3  
8 of 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 73  
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. the total amount apportioned to the Rebuilding  
22 Oklahoma Access and Driver Safety Fund for the  
23 preceding fiscal year which, except for the amount  
24 prescribed by subparagraph a of this paragraph, shall

1 be apportioned before any other amount is apportioned  
2 pursuant to Section 2352 of Title 68 of the Oklahoma  
3 Statutes, plus

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

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

18 ~~3.~~ 2. For the fiscal year ending June 30, 2007, and for each  
19 fiscal year thereafter after the apportionments required by  
20 paragraph ~~2~~ 1 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.~~ 3. 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 Three Hundred Seventy Million Dollars (\$370,000,000.00), the first  
16 Three Hundred Seventy Million Dollars (\$370,000,000.00) collected  
17 pursuant to subsections A, B and E of Section 2355 of Title 68 of  
18 the Oklahoma Statutes and apportioned pursuant to Section 2352 of  
19 Title 68 of the Oklahoma Statutes that would otherwise be  
20 apportioned to the General Revenue Fund shall be apportioned to the  
21 Rebuilding Oklahoma Access and Driver Safety Fund. With the  
22 exception of the amount prescribed by subparagraph a of paragraph ~~2~~  
23 1 of this subsection, all amounts apportioned pursuant to this  
24

1 paragraph shall be divided into twelve equal amounts to be  
2 apportioned each month during the fiscal year.

3 C. The apportionments of revenues required by subparagraphs a,  
4 b and c of paragraph ~~2~~ 1 of subsection B of this section shall be  
5 made until the total annual apportionment to the Rebuilding Oklahoma  
6 Access and Driver Safety Fund equals Three Hundred Seventy Million  
7 Dollars (\$370,000,000.00. After such annual apportionment level is  
8 reached, the apportionment to the fund shall be governed by the  
9 provisions of paragraph ~~4~~ 3 of subsection B of this section.

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

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

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

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

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

15 ~~2.~~ Subparagraph a of paragraph ~~2~~ 1 of subsection B of this  
16 section, only to the extent that the amount is not required for debt  
17 service related to the obligations authorized pursuant to Section ~~2~~  
18 341 of ~~this act~~ Title 73 of the Oklahoma Statutes;

19 ~~3.~~ 2. Subparagraphs b and c of paragraph ~~2~~ 1 of subsection B of  
20 this section; and

21 ~~4.~~ 3. Subparagraphs a and b of paragraph ~~3~~ 2 of subsection B of  
22 this section,  
23 shall be reduced by a percentage equal to that required of the  
24 General Revenue Fund appropriations to state agencies and such

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

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

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

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

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

14 4. Matching federal funds;

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

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

21 7. Debt service incurred on or after July 1, 2009, with respect  
22 to obligations authorized to be issued pursuant to Section ~~2~~ 341 of  
23 ~~this act~~ Title 73 of the Oklahoma Statutes.

24

1 H. From the monies allocated pursuant to the provisions of  
2 subparagraph a of paragraph ~~2~~ 1 of subsection B of this section each  
3 fiscal year, the Department of Transportation shall make payments  
4 required for the payment of principal, interest and other costs  
5 related to the obligations issued by the Oklahoma Capitol  
6 Improvement Authority as authorized by Section ~~2~~ 341 of ~~this act~~  
7 Title 73 of the Oklahoma Statutes and such payments shall be made by  
8 the Department each fiscal year before such monies are used for any  
9 other purpose.

10 SECTION 2. This act shall become effective July 1, 2009.

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

15

16 52-1-1458 CD 6/3/2015 8:38:03 AM

17

18

19

20

21

22

23

24