

1 STATE OF OKLAHOMA

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

3 SENATE BILL 408

By: Branan

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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 last
9 amended by Section 3, Chapter 285, O.S.L. 2008 (69
10 O.S. Supp. 2008, Section 1521), which relates to the
11 Rebuilding Oklahoma Access and Driver Safety Fund;
12 deleting obsolete language; providing for increase in
13 certain apportionment to Fund; providing an effective
14 date; and declaring an 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 last amended by Section 3, Chapter 285, O.S.L. 2008 (69
18 O.S. Supp. 2008, Section 1521), is amended to read as follows:

19 Section 1521. A. There is hereby created in the State Treasury
20 a fund to be known as the "Rebuilding Oklahoma Access and Driver
21 Safety Fund". The fund shall be a continuing fund, not subject to
22 fiscal year limitations, and shall consist of all appropriations and
23 transfers made by the Legislature. All monies accruing to the
24 credit of said fund are hereby appropriated and may be budgeted and
25 expended ~~beginning with the fiscal year ending June 30, 2006, and~~
26 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)~~ the amount specified in subsection C
10 of this section, and

11 d. 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 except
14 the amount specified in subparagraph a of this
15 paragraph which amount shall be allocated in its full
16 amount in cash not later than July 30 each year or
17 such later date as may be required in order for the
18 amount to be allocated in cash;

19 ~~3.~~ 2. For the fiscal year ending June 30, 2007, and for each
20 fiscal year thereafter after the apportionments required by
21 paragraph ~~2~~ 1 of this subsection have been made:

22 a. the next Two Million Dollars (\$2,000,000.00) shall be
23 apportioned to the Oklahoma Tourism and Passenger Rail
24 Revolving Fund created pursuant to Section 325 of

1 Title 66 of the Oklahoma Statutes to be used for
2 capital and operating costs for the "Heartland Flyer"
3 rail project,

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

10 c. 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; and

13 ~~4.~~ 3. For each fiscal year after the first fiscal year in which
14 the total apportionment to the Rebuilding Oklahoma Access and Driver
15 Safety Fund as provided by paragraph 2 of this subsection equals
16 ~~Three Hundred Seventy Million Dollars (\$370,000,000.00)~~ the amount
17 specified in subsection C of this section, the first ~~Three Hundred~~
18 ~~Seventy Million Dollars (\$370,000,000.00)~~ such amount 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 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~~ 1 of subsection B of this section shall be
6 made 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); provided, such amount shall be indexed
9 according to the Producer Price Index for highway and street
10 construction, as published by the Bureau of Labor Statistics of the
11 United States Department of Labor. In the event such index
12 decreases, such amount shall not be decreased but may be held at the
13 amount prior to the decrease in the index. The State Board of
14 Equalization shall determine if the amount specified in this
15 subsection is to be increased each year and if so, the amount of the
16 increase. After such annual apportionment level is reached, the
17 apportionment to the fund shall be governed by the provisions of
18 paragraph 4 3 of subsection B of this section.

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

22 E. In order to ensure that the funds from the ROADS Fund are
23 used to enhance and not supplant state funding for the Department of
24 Transportation, the State Board of Equalization shall examine and

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

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

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

24

1 ~~2.~~ Subparagraph a of paragraph ~~2~~ 1 of subsection B of this
2 section, only to the extent that the amount is not required for debt
3 service related to the obligations authorized pursuant to Section ~~2~~
4 341 of ~~this act~~ Title 73 of the Oklahoma Statutes;

5 ~~3.~~ 2. Subparagraphs b and c of paragraph ~~2~~ 1 of subsection B of
6 this section; and

7 ~~4.~~ 3. Subparagraphs a and b of paragraph ~~3~~ 2 of subsection B of
8 this section,

9 shall be reduced by a percentage equal to that required of the
10 General Revenue Fund appropriations to state agencies and such
11 reductions shall occur during the entire fiscal year and for any
12 month during which such reductions are required by the Office of
13 State Finance and by the same percentage as that required of the
14 agencies for such General Revenue Fund appropriations.

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

17 1. The construction and maintenance of state roads, bridges and
18 highways;

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

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

24 4. Matching federal funds;

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

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

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

10 H. From the monies allocated pursuant to the provisions of
11 subparagraph a of paragraph 2 1 of subsection B of this section each
12 fiscal year, the Department of Transportation shall make payments
13 required for the payment of principal, interest and other costs
14 related to the obligations issued by the Oklahoma Capitol
15 Improvement Authority as authorized by Section 2 341 of ~~this act~~
16 Title 73 of the Oklahoma Statutes and such payments shall be made by
17 the Department each fiscal year before such monies are used for any
18 other purpose.

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

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

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