

1 **SENATE FLOOR VERSION**

2 February 27, 2012

3 As Amended

4 SENATE BILL NO. 1643

5 By: Marlatt and Ivester of the
6 Senate

7 and

8 Shannon of the House

9 **[transportation funding - modifying amount
10 apportioned - effective date -**

11 **emergency]**

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

13 SECTION 1. AMENDATORY 69 O.S. 2011, Section 1521, is
14 amended to read as follows:

15 Section 1521. A. There is hereby created in the State Treasury
16 a fund to be known as the "Rebuilding Oklahoma Access and Driver
17 Safety Fund". The fund shall be a continuing fund, not subject to
18 fiscal year limitations, and shall consist of all appropriations and
19 transfers made by the Legislature. All monies accruing to the
20 credit of the fund are hereby appropriated and may be budgeted and
21 expended each fiscal year by the Department of Transportation for
22 the purposes authorized by subsection G of this section.

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

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

7 1. For each fiscal year, subject to the provisions of paragraph
8 3 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. for the fiscal year beginning July 1, 2011, the first
13 Thirty-five Million Seven Hundred Thousand Dollars
14 (\$35,700,000.00) and for the fiscal year beginning
15 July 1, 2012, and for each fiscal year thereafter, the
16 first ~~Forty-one Million Seven Hundred Thousand Dollars~~
17 ~~(\$41,700,000.00)~~ Fifty-six Million Seven Hundred
18 Thousand Dollars (\$56,700,000.00), which shall be
19 allocated and used by the Department of Transportation
20 first for the purpose of making any required payments
21 for principal, interest or other costs of borrowing
22 with respect to the obligations issued pursuant to
23 Section 341 of Title 73 of the Oklahoma Statutes and
24 after any such required payment has been made then for

1 the purposes otherwise authorized by this section,
2 plus

3 b. 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 c. 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 ~~Four~~
14 ~~Hundred Thirty-five Million Dollars (\$435,000,000.00)~~
15 Five Hundred Fifty Million Dollars (\$550,000,000.00),
16 and

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

1 2. For each fiscal year after the apportionments required by
2 paragraph 1 of this subsection have been made:

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

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

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

18 3. For each fiscal year after the first fiscal year in which
19 the total apportionment to the Rebuilding Oklahoma Access and Driver
20 Safety Fund as provided by paragraph 1 of this subsection equals
21 ~~Four Hundred Thirty five Million Dollars (\$435,000,000.00)~~ Five
22 Hundred Fifty Million Dollars (\$550,000,000.00), the first ~~Four~~
23 ~~Hundred Thirty five Million Dollars (\$435,000,000.00)~~ Five Hundred
24 Fifty Million Dollars (\$550,000,000.00) collected pursuant to

1 subsections A, B and E of Section 2355 of Title 68 of the Oklahoma
2 Statutes and apportioned pursuant to Section 2352 of Title 68 of the
3 Oklahoma Statutes that would otherwise be apportioned to the General
4 Revenue Fund shall be apportioned to the Rebuilding Oklahoma Access
5 and Driver Safety Fund. With the exception of the amount prescribed
6 by subparagraph a of paragraph 1 of this subsection, all amounts
7 apportioned pursuant to this paragraph shall be divided into twelve
8 equal amounts to be apportioned each month during the fiscal year.

9 C. The apportionments of revenues required by subparagraphs a,
10 b and c of paragraph 1 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 ~~Four Hundred Thirty-five~~
13 ~~Million Dollars (\$435,000,000.00)~~ Five Hundred Fifty Million Dollars
14 (\$550,000,000.00). After such annual apportionment level is
15 reached, the apportionment to the fund shall be governed by the
16 provisions of paragraph 3 of subsection B of this section.

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

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

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

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

20 1. Subparagraph a of paragraph 1 of subsection B of this
21 section, only to the extent that the amount is not required for debt
22 service related to the obligations authorized pursuant to Section
23 341 of Title 73 of the Oklahoma Statutes;

24

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

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

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

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

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

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

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

20 4. Matching federal funds;

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

24

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 341 of
6 Title 73 of the Oklahoma Statutes.

7 H. From the monies allocated pursuant to the provisions of
8 subparagraph a of paragraph 1 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 341 of Title 73 of
13 the Oklahoma Statutes and such payments shall be made by the
14 Department each fiscal year before such monies are used for any
15 other purpose.

16 SECTION 2. This act shall become effective July 1, 2012.

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

21 COMMITTEE REPORT BY: COMMITTEE ON APPROPRIATIONS, dated 2-22-12 - DO
22 PASS, As Amended and Coauthored.