

1 STATE OF OKLAHOMA

2 2nd Session of the 55th Legislature (2016)

3 SENATE BILL 1394

By: Yen

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5
6 AS INTRODUCED

7 An Act relating to distribution of income tax
8 revenue; amending 69 O.S. 2011, Section 1521, as last
9 amended by Section 93, Chapter 15, O.S.L. 2013 (69
10 O.S. Supp. 2015, Section 1521), which relates to the
11 Rebuilding Oklahoma Access and Driver Safety Fund;
12 providing exception to certain annual apportionment;
13 modifying cap on total amount apportioned annually
and procedures related thereto; making certain annual
apportionment contingent upon specified determination
by State Board of Equalization; requiring
determination by State Board at specified meeting;
providing an effective date; and declaring an
emergency.

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

17 SECTION 1. AMENDATORY 69 O.S. 2011, Section 1521, as
18 last amended by Section 93, Chapter 15, O.S.L. 2013 (69 O.S. Supp.
19 2015, Section 1521), is amended to read as follows:

20 Section 1521. A. There is hereby created in the State Treasury
21 a fund to be known as the "Rebuilding Oklahoma Access and Driver
22 Safety Fund". The fund shall be a continuing fund, not subject to
23 fiscal year limitations, and shall consist of all appropriations and
24 transfers made by the Legislature. All monies accruing to the

1 credit of the fund are hereby appropriated and may be budgeted and
2 expended each fiscal year by the Department of Transportation for
3 the purposes authorized by subsection G of this section.

4 Expenditures from the fund shall be made upon warrants issued by the
5 State Treasurer against claims filed as prescribed by law with the
6 Director of the Office of Management and Enterprise Services for
7 approval and payment.

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

14 1. For each fiscal year, subject to the provisions of paragraph
15 3 of this subsection, and, except for the amount prescribed by
16 subparagraph a of this paragraph, subject to any reductions required
17 by ~~subsection F~~ subsections F and I of this section, there shall be
18 apportioned to the Rebuilding Oklahoma Access and Driver Safety
19 Fund:

- 20 a. for the fiscal year beginning July 1, 2011, the first
21 Thirty-five Million Seven Hundred Thousand Dollars
22 (\$35,700,000.00), for the fiscal year beginning July
23 1, 2012, the first Forty-one Million Seven Hundred
24 Thousand Dollars (\$41,700,000.00) and for the fiscal

1 year beginning July 1, 2013, and for each fiscal year
2 thereafter, Fifty-nine Million Seven Hundred Thousand
3 Dollars (\$59,700,000.00), which shall be allocated and
4 used by the Department of Transportation first for the
5 purpose of making any required payments for principal,
6 interest or other costs of borrowing with respect to
7 the obligations issued pursuant to Section 341 of
8 Title 73 of the Oklahoma Statutes and after any such
9 required payment has been made then for the purposes
10 otherwise authorized by this section, plus

11 b. the total amount apportioned to the Rebuilding
12 Oklahoma Access and Driver Safety Fund for the
13 preceding fiscal year which, except for the amount
14 prescribed by subparagraph a of this paragraph, shall
15 be apportioned before any other amount is apportioned
16 pursuant to Section 2352 of Title 68 of the Oklahoma
17 Statutes, plus

18 c. an additional incremental amount which shall not be in
19 excess of the amount prescribed by subparagraph a of
20 this paragraph and that is required in order for the
21 total apportionment for such fiscal year to equal ~~Five~~
22 ~~Hundred Seventy-five Million Dollars (\$575,000,000.00)~~
23 Four Hundred Seventy-five Million Dollars
24 (\$475,000,000.00).

1 All amounts apportioned pursuant to this paragraph shall be
2 divided into twelve equal amounts to be apportioned each month
3 during the fiscal year except the amount specified in subparagraph a
4 of this paragraph which amount shall be allocated in its full amount
5 in cash not later than July 30 each year or such later date as may
6 be required in order for the amount to be allocated in cash;

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

9 a. the next Two Million Dollars (\$2,000,000.00) shall be
10 apportioned to the Oklahoma Tourism and Passenger Rail
11 Revolving Fund created pursuant to Section 325 of
12 Title 66 of the Oklahoma Statutes to be used for
13 capital and operating costs for the "Heartland Flyer"
14 rail project, and

15 b. the next Three Million Dollars (\$3,000,000.00) shall
16 be apportioned to the Public Transit Revolving Fund
17 created pursuant to Section 4031 of this title to be
18 used for purposes authorized by law other than the
19 purpose described by subparagraph a of this paragraph.

20 All amounts apportioned pursuant to this paragraph shall be
21 divided into twelve equal amounts to be apportioned each month
22 during the fiscal year; and

23 3. For each fiscal year after the first fiscal year in which
24 the total apportionment to the Rebuilding Oklahoma Access and Driver

1 Safety Fund as provided by paragraph 1 of this subsection equals
2 ~~Five Hundred Seventy-five Million Dollars (\$575,000,000.00)~~ Four
3 Hundred Seventy-five Million Dollars (\$475,000,000.00), the first
4 ~~Five Hundred Seventy-five Million Dollars (\$575,000,000.00)~~ Four
5 Hundred Seventy-five Million Dollars (\$475,000,000.00) collected
6 pursuant to subsections A, B and E of Section 2355 of Title 68 of
7 the Oklahoma Statutes and apportioned pursuant to Section 2352 of
8 Title 68 of the Oklahoma Statutes that would otherwise be
9 apportioned to the General Revenue Fund shall be apportioned to the
10 Rebuilding Oklahoma Access and Driver Safety Fund. With the
11 exception of the amount prescribed by subparagraph a of paragraph 1
12 of this subsection, all amounts apportioned pursuant to this
13 paragraph shall be divided into twelve equal amounts to be
14 apportioned each month during the fiscal year.

15 C. The apportionments of revenues required by subparagraphs a,
16 b and c of paragraph 1 of subsection B of this section shall be made
17 until the total annual apportionment to the Rebuilding Oklahoma
18 Access and Driver Safety Fund equals ~~Five Hundred Seventy-five~~
19 ~~Million Dollars (\$575,000,000.00)~~ Four Hundred Seventy-five Million
20 Dollars (\$475,000,000.00). After such annual apportionment level is
21 reached, the apportionment to the fund shall be governed by the
22 provisions of paragraph 3 of subsection B of this section.

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

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

22 F. In the event that the Director of the Office of Management
23 and Enterprise Services declares a General Revenue Fund revenue
24 failure pursuant to Section 34.49 of Title 62 of the Oklahoma

1 Statutes, and agency allocations are reduced pursuant to the
2 provisions of Section 34.49 of Title 62 of the Oklahoma Statutes,
3 the amounts that would otherwise be apportioned to the ROADS Fund
4 by:

5 1. Subparagraph a of paragraph 1 of subsection B of this
6 section, only to the extent that the amount is not required for debt
7 service related to the obligations authorized pursuant to Section
8 341 of Title 73 of the Oklahoma Statutes;

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

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

13 shall be reduced by a percentage equal to that required of the
14 General Revenue Fund appropriations to state agencies and such
15 reductions shall occur during the entire fiscal year and for any
16 month during which such reductions are required by the Office of
17 Management and Enterprise Services and by the same percentage as
18 that required of the agencies for such General Revenue Fund
19 appropriations.

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

22 1. The construction and maintenance of state roads, bridges and
23 highways;

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

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

6 4. Matching federal funds;

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

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

13 7. Debt service incurred on or after July 1, 2009, with respect
14 to obligations authorized to be issued pursuant to Section 341 of
15 Title 73 of the Oklahoma Statutes.

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

1 I. The apportionment prescribed pursuant to subparagraph a of
2 paragraph 1 of subsection B of this section shall be contingent upon
3 a determination made by the State Board of Equalization that the
4 General Revenue Fund estimate for the fiscal year beginning on the
5 next ensuing July 1 is at least four percent (4%) greater than the
6 revised General Revenue Fund estimate for the then current fiscal
7 year. Such determination shall be made at the meeting required by
8 paragraph 1 of Section 23 of Article X of the Oklahoma Constitution
9 to be held each December.

10 SECTION 2. This act shall become effective July 1, 2016.

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.

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