

**05/21/2012 04:52:32 PM**

**HOUSE OF REPRESENTATIVES  
CONFERENCE COMMITTEE REPORT**

Mr. President:  
Mr. Speaker:

The Conference Committee, to which was referred

**HB2248**

By: Shannon of the House and Marlatt of the Senate

Title: Roads, bridges and ferries; the Rebuilding Oklahoma Access and Driver Safety Fund; increasing certain apportionment; effective date; emergency.

Together with Engrossed Senate Amendments thereto, beg leave to report that we have had the same under consideration and herewith return the same with the following recommendations:

That the Senate recede from its Senate Amendment No. 1 and that the attached Conference Committee Substitute be adopted.

Respectfully submitted,

House Action \_\_\_\_\_ Date \_\_\_\_\_ Senate Action \_\_\_\_\_ Date \_\_\_\_\_

**HOUSE CONFEREES**

Armes

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Sears

Billy

~~WA~~

Walker

Blackwell

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Brown

Mike Brown

Cox

Douglas Cox m.p.

Dank

David M. Dank

DeWitt

Mike DeWitt

Denney

See Denney

Dorman

Joe Dorman

Hoskin

Charles Hoskin

Liebmann

Dray Liebmann

Martin (Scott)

Scott C. Martin

McPeak

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Jason McPeak

Nelson

Jon Nelson

Peters

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Earl SearsPerry W. Walker

House Action \_\_\_\_\_

Date \_\_\_\_\_

Senate Action \_\_\_\_\_

Date \_\_\_\_\_

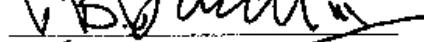
HB2248 CCR B

SENATE CONFEREES

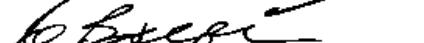
Ballenger



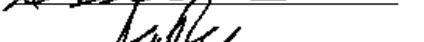
Branan



Brinkley



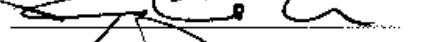
Burrage



Crain



David



Ford



Griffin



Halligan



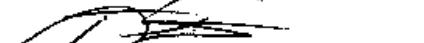
Ivester



Jolley



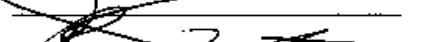
Justice



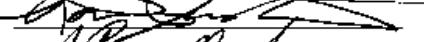
Marlatt



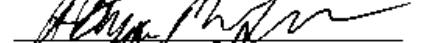
Mazzei



McAffrey



Newberry



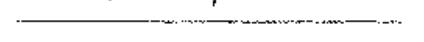
Nichols



Paddock



Stanislawski



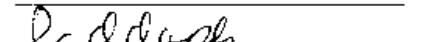
Sykes



Wilson



Wyrick



House Action \_\_\_\_\_ Date \_\_\_\_\_ Senate Action \_\_\_\_\_ Date \_\_\_\_\_

House Action \_\_\_\_\_ Date \_\_\_\_\_ Senate Action \_\_\_\_\_ Date \_\_\_\_\_

1 STATE OF OKLAHOMA

2 2nd Session of the 53rd Legislature (2012)

3 CONFERENCE COMMITTEE  
SUBSTITUTE  
4 FOR ENGROSSED  
HOUSE BILL NO. 2248

5 By: Shannon, Lockhart and  
Murphey of the House

6 and

7 Marlatt and Stanislawski of  
the Senate

8

9

10 CONFERENCE COMMITTEE SUBSTITUTE

11 An Act relating to roads, bridges and ferries;  
12 amending 69 O.S. 2011, Section 1521, which relates to  
13 the Rebuilding Oklahoma Access and Driver Safety  
14 Fund; increasing certain apportionment; increasing  
fund cap; providing an effective date; and declaring  
an emergency.

15

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

17 SECTION 1. AMENDATORY 69 O.S. 2011, Section 1521, is  
18 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

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

18 a. for the fiscal year beginning July 1, 2011, the first  
19 Thirty-five Million Seven Hundred Thousand Dollars  
20 (\$35,700,000.00) and, for the fiscal year beginning  
21 July 1, 2012, ~~and for each fiscal year thereafter,~~ the  
22 first Forty-one Million Seven Hundred Thousand Dollars  
23 (\$41,700,000.00) and for the fiscal year beginning  
24 July 1, 2013, and for each fiscal year thereafter,

Fifty-nine Million Seven Hundred Thousand Dollars

(\$59,700,000.00), which shall be allocated and used by the Department of Transportation first for the purpose of making any required payments for principal, interest or other costs of borrowing with respect to the obligations issued pursuant to Section 341 of Title 73 of the Oklahoma Statutes and after any such required payment has been made then for the purposes otherwise authorized by this section, plus

- b. the total amount apportioned to the Rebuilding Oklahoma Access and Driver Safety Fund for the preceding fiscal year which, except for the amount prescribed by subparagraph a of this paragraph, shall be apportioned before any other amount is apportioned pursuant to Section 2352 of Title 68 of the Oklahoma Statutes, plus
- c. an additional incremental amount which shall not be in excess of the amount prescribed by subparagraph a of this paragraph and that is required in order for the total apportionment for such fiscal year to equal ~~Four Hundred Thirty-five Million Dollars (\$435,000,000.00)~~,  
~~and Five Hundred Seventy-five Million Dollars~~  
(\$575,000,000.00).
- d. all

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

21            c. all

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

1       3. For each fiscal year after the first fiscal year in which  
2 the total apportionment to the Rebuilding Oklahoma Access and Driver  
3 Safety Fund as provided by paragraph 1 of this subsection equals  
4 ~~Four Hundred Thirty-five Million Dollars (\$435,000,000.00)~~ Five  
5 Hundred Seventy-five Million Dollars (\$575,000,000.00), the first  
6 ~~Four Hundred Thirty-five Million Dollars (\$435,000,000.00)~~ Five  
7 Hundred Seventy-five Million Dollars (\$575,000,000.00) collected  
8 pursuant to subsections A, B and E of Section 2355 of Title 68 of  
9 the Oklahoma Statutes and apportioned pursuant to Section 2352 of  
10 Title 68 of the Oklahoma Statutes that would otherwise be  
11 apportioned to the General Revenue Fund shall be apportioned to the  
12 Rebuilding Oklahoma Access and Driver Safety Fund. With the  
13 exception of the amount prescribed by subparagraph a of paragraph 1  
14 of this subsection, all amounts apportioned pursuant to this  
15 paragraph shall be divided into twelve equal amounts to be  
16 apportioned each month during the fiscal year.

17       C. The apportionments of revenues required by subparagraphs a,  
18 b and c of paragraph 1 of subsection B of this section shall be made  
19 until the total annual apportionment to the Rebuilding Oklahoma  
20 Access and Driver Safety Fund equals ~~Four Hundred Thirty-five~~  
21 ~~Million Dollars (\$435,000,000.00)~~ Five Hundred Seventy-five Million  
22 Dollars (\$575,000,000.00). After such annual apportionment level is  
23 reached, the apportionment to the fund shall be governed by the  
24 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 State  
23 Finance declares a General Revenue Fund revenue failure pursuant to  
24 Section 41.9 34.49 of Title 62 of the Oklahoma Statutes, and agency

1 allocations are reduced pursuant to the provisions of Section ~~41.9~~  
2 34.49 of Title 62 of the Oklahoma Statutes, the amounts that would  
3 otherwise be apportioned to the ROADS Fund by:

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

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

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

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

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

20 1. The construction and maintenance of state roads, bridges and  
21 highways;

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

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

4       4. Matching federal funds;

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

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

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

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

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

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

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