

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

Sears

Billy

Walker

Blackwell

Brown

Cox

Dank

DeWitt

Denney

Dorman

Hoskin

Liebmann

Martin (Scott)

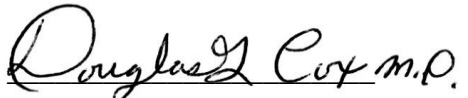
McPeak

Nelson

Peters

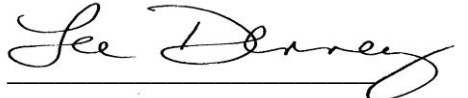

















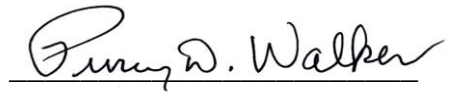












HB2248 CCR B

SENATE CONFEREES

Ballenger

Branan

Brinkley

Burrage

Crain

David

Ford

Griffin

Halligan

Ivester

Jolley

Justice

Mariatt

Mazzei

McAffrey

Newberry

Nichols

Paddack

Stanislawski

Sykes

Wilson

Wyrick

House Action _____ Date _____ Senate Action _____ Date _____

House Action _____ Date _____ Senate Action _____ Date _____

STATE OF OKLAHOMA

2nd Session of the 53rd Legislature (2012)

CONFERENCE COMMITTEE
SUBSTITUTE
FOR ENGROSSED
HOUSE BILL NO. 2248

By: Shannon, Lockhart and
Murfhey of the House

and

Marlatt and Stanislawski of
the Senate

CONFERENCE COMMITTEE SUBSTITUTE

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

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

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

Section 1521. A. There is hereby created in the State Treasury
a fund to be known as the "Rebuilding Oklahoma Access and Driver
Safety Fund". The fund shall be a continuing fund, not subject to
fiscal year limitations, and shall consist of all appropriations and
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 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,

1 Fifty-nine Million Seven Hundred Thousand Dollars

2 (\$59,700,000.00), which shall be allocated and used by
3 the Department of Transportation first for the purpose
4 of making any required payments for principal,
5 interest or other costs of borrowing with respect to
6 the obligations issued pursuant to Section 341 of
7 Title 73 of the Oklahoma Statutes and after any such
8 required payment has been made then for the purposes
9 otherwise authorized by this section, plus

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

17 c. an additional incremental amount which shall not be in
18 excess of the amount prescribed by subparagraph a of
19 this paragraph and that is required in order for the
20 total apportionment for such fiscal year to equal ~~Four~~
21 ~~Hundred Thirty-five Million Dollars (\$435,000,000.00),~~
22 ~~and~~ Five Hundred Seventy-five Million Dollars
23 (\$575,000,000.00).

24 ~~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.
24

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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6 53-2-10549 CJB 05/18/12
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