

1 **HOUSE OF REPRESENTATIVES - FLOOR VERSION**

2 STATE OF OKLAHOMA

3 2nd Session of the 53rd Legislature (2012)

4 HOUSE BILL 2248

 By: Shannon of the House

5 and

6 Marlatt of the Senate

7
8 AS INTRODUCED

9 **[roads, bridges and ferries - Rebuilding Oklahoma**

10 **Access and Driver Safety Fund - increasing**

11 **apportionment - effective date -**

12 **emergency]**

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14
15 BE IT ENACTED BY THE PEOPLE OF THE STATE OF OKLAHOMA:

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

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

1 expended each fiscal year by the Department of Transportation for
2 the purposes authorized by subsection G of this section.
3 Expenditures from the fund shall be made upon warrants issued by the
4 State Treasurer against claims filed as prescribed by law with the
5 Director of the Office of State Finance for approval and payment.

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

12 1. For each fiscal year, subject to the provisions of paragraph
13 3 of this subsection, and, except for the amount prescribed by
14 subparagraph a of this paragraph, subject to any reductions required
15 by subsection F of this section, there shall be apportioned to the
16 Rebuilding Oklahoma Access and Driver Safety Fund:

17 a. for the fiscal year beginning July 1, 2011, the first
18 Thirty-five Million Seven Hundred Thousand Dollars
19 (\$35,700,000.00) and for the fiscal year beginning
20 July 1, 2012, and for each fiscal year thereafter, the
21 first ~~Forty-one Million Seven Hundred Thousand Dollars~~
22 ~~(\$41,700,000.00)~~ Fifty-six Million Seven Hundred
23 Thousand Dollars (\$56,700,000.00), which shall be

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

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

16 c. an additional incremental amount which shall not be in
17 excess of the amount prescribed by subparagraph a of
18 this paragraph and that is required in order for the
19 total apportionment for such fiscal year to equal ~~Four~~
20 ~~Hundred Thirty-five Million Dollars (\$435,000,000.00),~~
21 and Five Hundred Fifty Million Dollars
22 (\$550,000,000.00).

23 ~~d.~~ all
24

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

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; and

4 3. For each fiscal year after the first fiscal year in which
5 the total apportionment to the Rebuilding Oklahoma Access and Driver
6 Safety Fund as provided by paragraph 1 of this subsection equals
7 ~~Four Hundred Thirty-five Million Dollars (\$435,000,000.00)~~ Five
8 Hundred Fifty Million Dollars (\$550,000,000.00), the first ~~Four~~
9 ~~Hundred Thirty-five Million Dollars (\$435,000,000.00)~~ Five Hundred
10 Fifty Million Dollars (\$550,000,000.00) collected pursuant to
11 subsections A, B and E of Section 2355 of Title 68 of the Oklahoma
12 Statutes and apportioned pursuant to Section 2352 of Title 68 of the
13 Oklahoma Statutes that would otherwise be apportioned to the General
14 Revenue Fund shall be apportioned to the Rebuilding Oklahoma Access
15 and Driver Safety Fund. With the exception of the amount prescribed
16 by subparagraph a of paragraph 1 of this subsection, all amounts
17 apportioned pursuant to this paragraph shall be divided into twelve
18 equal amounts to be apportioned each month during the fiscal year.

19 C. The apportionments of revenues required by subparagraphs a,
20 b and c of paragraph 1 of subsection B of this section shall be made
21 until the total annual apportionment to the Rebuilding Oklahoma
22 Access and Driver Safety Fund equals ~~Four Hundred Thirty-five~~
23 ~~Million Dollars (\$435,000,000.00)~~ Five Hundred Fifty Million Dollars

1 (\$550,000,000.00). After such annual apportionment level is
2 reached, the apportionment to the fund shall be governed by the
3 provisions of paragraph 3 of subsection B of this section.

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

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

3 F. In the event that the Director of the Office of State
4 Finance declares a General Revenue Fund revenue failure pursuant to
5 Section ~~41.9~~ 34.49 of Title 62 of the Oklahoma Statutes, and agency
6 allocations are reduced pursuant to the provisions of Section ~~41.9~~
7 34.49 of Title 62 of the Oklahoma Statutes, the amounts that would
8 otherwise be apportioned to the ROADS Fund by:

9 1. Subparagraph a of paragraph 1 of subsection B of this
10 section, only to the extent that the amount is not required for debt
11 service related to the obligations authorized pursuant to Section
12 341 of Title 73 of the Oklahoma Statutes;

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

15 3. Subparagraphs a and b of paragraph 2 of subsection B of this
16 section,
17 shall be reduced by a percentage equal to that required of the
18 General Revenue Fund appropriations to state agencies and such
19 reductions shall occur during the entire fiscal year and for any
20 month during which such reductions are required by the Office of
21 State Finance and by the same percentage as that required of the
22 agencies for such General Revenue Fund appropriations.

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

3 1. The construction and maintenance of state roads, bridges and
4 highways;

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

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

10 4. Matching federal funds;

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

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

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

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

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

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

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12 COMMITTEE REPORT BY: COMMITTEE ON APPROPRIATIONS AND BUDGET, dated
13 02/23/2012 - DO PASS, As Amended and Coauthored.
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