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As Amended

BILL NO. 2248

and

Marlatt and Stanislawski of
the Senate

[roads, bridges and ferries - amending 69 O.S.,
Section 1521 - Rebuilding Oklahoma Access and Driver
Safety Fund - effective date - 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 credit of the fund are hereby appropriated and may be budgeted and expended each fiscal year by the Department of Transportation for the purposes authorized by subsection G of this section.

Expenditures from the fund shall be made upon warrants issued by the

1 State Treasurer against claims filed as prescribed by law with the
2 Director of the Office of State Finance for approval and payment.

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

9 1. For each fiscal year, subject to the provisions of paragraph
10 3 of this subsection, and, except for the amount prescribed by
11 subparagraph a of this paragraph, subject to any reductions required
12 by subsection F of this section, there shall be apportioned to the
13 Rebuilding Oklahoma Access and Driver Safety Fund:

14 a. for the fiscal year beginning July 1, 2011, the first
15 Thirty-five Million Seven Hundred Thousand Dollars
16 (\$35,700,000.00) and for the fiscal year beginning
17 July 1, 2012, and for each fiscal year thereafter, the
18 first ~~Forty-one Million Seven Hundred Thousand Dollars~~
19 ~~(\$41,700,000.00)~~ Fifty-six Million Seven Hundred
20 Thousand Dollars (\$56,700,000.00), which shall be
21 allocated and used by the Department of Transportation
22 first for the purpose of making any required payments
23 for principal, interest or other costs of borrowing
24 with respect to the obligations issued pursuant to

1 Section 341 of Title 73 of the Oklahoma Statutes and
2 after any such required payment has been made then for
3 the purposes otherwise authorized by this section,
4 plus

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

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

19 ~~d.~~ all

20 All amounts apportioned pursuant to this paragraph shall be divided
21 into twelve equal amounts to be apportioned each month during the
22 fiscal year except the amount specified in subparagraph a of this
23 paragraph which amount shall be allocated in its full amount in cash
24

1 not later than July 30 each year or such later date as may be
2 required in order for the amount to be allocated in cash;

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

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

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

17 ~~c. all~~

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

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

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

12 C. The apportionments of revenues required by subparagraphs a,
13 b and c of paragraph 1 of subsection B of this section shall be made
14 until the total annual apportionment to the Rebuilding Oklahoma
15 Access and Driver Safety Fund equals ~~Four Hundred Thirty-five~~
16 ~~Million Dollars (\$435,000,000.00)~~ Five Hundred Fifty Million Dollars
17 (\$550,000,000.00). After such annual apportionment level is
18 reached, the apportionment to the fund shall be governed by the
19 provisions of paragraph 3 of subsection B of this section.

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

23 E. In order to ensure that the funds from the ROADS Fund are
24 used to enhance and not supplant state funding for the Department of

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

17 F. In the event that the Director of the Office of State
18 Finance declares a General Revenue Fund revenue failure pursuant to
19 Section ~~41.9~~ 34.49 of Title 62 of the Oklahoma Statutes, and agency
20 allocations are reduced pursuant to the provisions of Section ~~41.9~~
21 34.49 of Title 62 of the Oklahoma Statutes, the amounts that would
22 otherwise be apportioned to the ROADS Fund by:

23 1. Subparagraph a of paragraph 1 of subsection B of this
24 section, only to the extent that the amount is not required for debt

1 service related to the obligations authorized pursuant to Section
2 341 of Title 73 of the Oklahoma Statutes;

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

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

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

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

15 1. The construction and maintenance of state roads, bridges and
16 highways;

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

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

22 4. Matching federal funds;
23
24

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

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

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

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

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

20 SECTION 3. It being immediately necessary for the preservation
21 of the public peace, health and safety, an emergency is hereby
22 declared to exist, by reason whereof this act shall take effect and
23 be in full force from and after its passage and approval.
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1 COMMITTEE REPORT BY: COMMITTEE ON APPROPRIATIONS, dated 4-4-12 - DO
2 PASS, As Amended and Coauthored.
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