

STATE OF OKLAHOMA

1st Session of the 56th Legislature (2017)

COMMITTEE SUBSTITUTE
FOR

SENATE BILL NO. 837

By: David and Fields of the
Senate

and

Osborn (Leslie) and Wallace
of the House

COMMITTEE SUBSTITUTE

An Act relating to the Rebuilding Oklahoma Access and Driver Safety Fund; amending 69 O.S. 2011, Section 1521, as last amended by Section 93, Chapter 15, O.S.L. 2013 (69 O.S. Supp. 2016, Section 1521), which relates to apportionment of revenue to, and expenditures authorized from, Rebuilding Oklahoma Access and Driver Safety Fund; deleting specified apportionment schedule, limitations and procedures from specified revenue source; establishing certain apportionment schedule and limitations from specified revenue source for specified time periods, subject to certain requirements; deleting reference to certain procedures required under specified circumstance; providing for contingent apportionment of certain motor fuel tax revenue to specified fund for specified time periods, subject to certain limitations; conforming references; providing an effective date; and declaring an emergency.

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

1 SECTION 1. AMENDATORY 69 O.S. 2011, Section 1521, as
2 last amended by Section 93, Chapter 15, O.S.L. 2013 (69 O.S. Supp.
3 2016, Section 1521), is amended to read as follows:

4 Section 1521. A. There is hereby created in the State Treasury
5 a fund to be known as the "Rebuilding Oklahoma Access and Driver
6 Safety Fund". The fund shall be a continuing fund, not subject to
7 fiscal year limitations, and shall consist of all appropriations and
8 transfers made by the Legislature. All monies accruing to the
9 credit of the fund are hereby appropriated and may be budgeted and
10 expended each fiscal year by the Department of Transportation for
11 the purposes authorized by subsection G of this section.

12 Expenditures from the fund shall be made upon warrants issued by the
13 State Treasurer against claims filed as prescribed by law with the
14 Director of the Office of Management and Enterprise Services for
15 approval and payment.

16 B. There shall be apportioned to the funds specified in this
17 subsection from the monies that would otherwise be apportioned to
18 the General Revenue Fund by Section 2352 of Title 68 of the Oklahoma
19 Statutes from the revenues derived pursuant to subsections A, B and
20 E of Section 2355 of Title 68 of the Oklahoma Statutes amounts as
21 follows:

22 1. ~~For each fiscal year, subject to the provisions of paragraph~~
23 ~~3 of this subsection, and, except for the amount prescribed by~~
24 ~~subparagraph a of this paragraph, subject to any reductions required~~

1 ~~by subsection F of this section, there shall be apportioned to the~~
2 ~~Rebuilding Oklahoma Access and Driver Safety Fund:~~

3 ~~a. for the fiscal year beginning July 1, 2011, the first~~
4 ~~Thirty-five Million Seven Hundred Thousand Dollars~~
5 ~~(\$35,700,000.00), for the fiscal year beginning July~~
6 ~~1, 2012, the first Forty-one Million Seven Hundred~~
7 ~~Thousand Dollars (\$41,700,000.00) and for the fiscal~~
8 ~~year beginning July 1, 2013, and for each fiscal year~~
9 ~~thereafter, Fifty-nine Million Seven Hundred Thousand~~
10 ~~Dollars (\$59,700,000.00), which shall be allocated and~~
11 ~~used by the Department of Transportation first for the~~
12 ~~purpose of making any required payments for principal,~~
13 ~~interest or other costs of borrowing with respect to~~
14 ~~the obligations issued pursuant to Section 341 of~~
15 ~~Title 73 of the Oklahoma Statutes and after any such~~
16 ~~required payment has been made then for the purposes~~
17 ~~otherwise authorized by this section, plus~~

18 ~~b. the total amount apportioned to the Rebuilding~~
19 ~~Oklahoma Access and Driver Safety Fund for the~~
20 ~~preceding fiscal year which, except for the amount~~
21 ~~prescribed by subparagraph a of this paragraph, shall~~
22 ~~be apportioned before any other amount is apportioned~~
23 ~~pursuant to Section 2352 of Title 68 of the Oklahoma~~
24 ~~Statutes, plus~~

1 ~~e. an additional incremental amount which shall not be in~~
2 ~~excess of the amount prescribed by subparagraph a of~~
3 ~~this paragraph and that is required in order for the~~
4 ~~total apportionment for such fiscal year to equal Five~~
5 ~~Hundred Seventy-five Million Dollars~~
6 ~~(\$575,000,000.00).~~

7 ~~All amounts apportioned pursuant to this paragraph shall be~~
8 ~~divided into twelve equal amounts to be apportioned each month~~
9 ~~during the fiscal year except the amount specified in subparagraph a~~
10 ~~of this paragraph which amount shall be allocated in its full amount~~
11 ~~in cash not later than July 30 each year or such later date as may~~
12 ~~be required in order for the amount to be allocated in cash; There~~
13 ~~shall be apportioned to the Rebuilding Oklahoma Access and Driver~~
14 ~~Safety Fund, from the monies that would otherwise be apportioned to~~
15 ~~the General Revenue Fund, before any other amount is apportioned~~
16 ~~pursuant to Section 2352 of Title 68 of the Oklahoma Statutes and~~
17 ~~subject to any reductions required by subsection F of this section,~~
18 ~~for the fiscal year beginning:~~

19 a. July 1, 2017, Three Hundred Twenty Million Dollars
20 (\$320,000,000.00),

21 b. July 1, 2018, Three Hundred Thirty-seven Million Seven
22 Hundred Thousand Dollars (\$337,700,000.00),

23 c. July 1, 2019, Three Hundred Ninety-seven Million Four
24 Hundred Thousand Dollars (\$397,400,000.00), and

1 d. July 1, 2020, and all subsequent years, Four Hundred
2 Eight Million Dollars (\$408,000,000.00); and

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

19 ~~3. For each fiscal year after the first fiscal year in which~~
20 ~~the total apportionment to the Rebuilding Oklahoma Access and Driver~~
21 ~~Safety Fund as provided by paragraph 1 of this subsection equals~~
22 ~~Five Hundred Seventy-five Million Dollars (\$575,000,000.00), the~~
23 ~~first Five Hundred Seventy-five Million Dollars (\$575,000,000.00)~~
24 ~~collected pursuant to subsections A, B and E of Section 2355 of~~

~~Title 68 of the Oklahoma Statutes and apportioned pursuant to Section 2352 of Title 68 of the Oklahoma Statutes that would otherwise be apportioned to the General Revenue Fund shall be apportioned to the Rebuilding Oklahoma Access and Driver Safety Fund. With the exception of the amount prescribed by subparagraph a of paragraph 1 of this subsection, all amounts apportioned pursuant to this paragraph shall be divided into twelve equal amounts to be apportioned each month during the fiscal year.~~

~~C. The apportionments of revenues required by subparagraphs a, b and c of paragraph 1 of subsection B of this section shall be made until the total annual apportionment to the Rebuilding Oklahoma Access and Driver Safety Fund equals Five Hundred Seventy-five Million Dollars (\$575,000,000.00). After such annual apportionment level is reached, the apportionment to the fund shall be governed by the provisions of paragraph 3 of subsection B of this section~~
Contingent upon the enactment of a provision in the Oklahoma Motor Fuel Tax Code to apportion motor fuel tax revenue to the Rebuilding Oklahoma Access and Driver Safety Fund, for the following fiscal years there shall be apportioned motor fuel tax revenue in the amount of:

1. One Hundred Twenty-five Million Dollars (\$125,000,000.00) for the fiscal year beginning July 1, 2017; and
2. One Hundred Sixty-seven Million Dollars (\$167,000,000.00) for the fiscal year beginning July 1, 2018, and all subsequent

1 fiscal years. All amounts apportioned pursuant to this subsection
2 shall be divided into twelve (12) equal amounts to be apportioned
3 each month during the fiscal year.

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
23 appropriation in that amount is made to replenish state funding for
24 the Department of Transportation.

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

8 ~~1. Subparagraph a of paragraph 1 of subsection B of this~~
9 ~~section pursuant to subsection B of this section,~~ only to the extent
10 that the amount is not required for debt service related to the
11 obligations authorized pursuant to Section 341 of Title 73 of the
12 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,~~ shall be reduced by a percentage equal to that required of
17 the General Revenue Fund appropriations to state agencies and such
18 reductions shall occur during the entire fiscal year and for any
19 month during which such reductions are required by the Office of
20 Management and Enterprise Services and by the same percentage as
21 that required of the agencies for such General Revenue Fund
22 appropriations.

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

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

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

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

8 4. Matching federal funds;

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

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

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

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

1 Department each fiscal year before such monies are used for any
2 other purpose.

3 SECTION 2. This act shall become effective July 1, 2017.

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

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