

1 ENGROSSED SENATE
2 BILL NO. 837

By: David and Fields of the
Senate

3 and

4 Osborn (Leslie) and Wallace
5 of the House
6

7 An Act relating to the Rebuilding Oklahoma Access and
8 Driver Safety Fund; amending 69 O.S. 2011, Section
9 1521, as last amended by Section 93, Chapter 15,
10 O.S.L. 2013 (69 O.S. Supp. 2016, Section 1521), which
11 relates to apportionment of revenue to, and
12 expenditures authorized from, Rebuilding Oklahoma
13 Access and Driver Safety Fund; deleting specified
14 apportionment schedule, limitations and procedures
15 from specified revenue source; establishing certain
16 apportionment schedule and limitations from specified
17 revenue source for specified time periods, subject to
18 certain requirements; deleting reference to certain
19 procedures required under specified circumstance;
20 providing for contingent apportionment of certain
21 motor fuel tax revenue to specified fund for
22 specified time periods, subject to certain
23 limitations; conforming references; providing an
24 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, as
last amended by Section 93, Chapter 15, O.S.L. 2013 (69 O.S. Supp.
2016, 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

1 fiscal year limitations, and shall consist of all appropriations and
2 transfers made by the Legislature. All monies accruing to the
3 credit of the fund are hereby appropriated and may be budgeted and
4 expended each fiscal year by the Department of Transportation for
5 the purposes authorized by subsection G of this section.

6 Expenditures from the fund shall be made upon warrants issued by the
7 State Treasurer against claims filed as prescribed by law with the
8 Director of the Office of Management and Enterprise Services for
9 approval and payment.

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

16 1. ~~For each fiscal year, subject to the provisions of paragraph~~
17 ~~3 of this subsection, and, except for the amount prescribed by~~
18 ~~subparagraph a of this paragraph, subject to any reductions required~~
19 ~~by subsection F of this section, there shall be apportioned to the~~
20 ~~Rebuilding Oklahoma Access and Driver Safety Fund:~~

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

~~Thousand Dollars (\$41,700,000.00) and for the fiscal year beginning 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 Five Hundred Seventy-five Million Dollars (\$575,000,000.00).~~

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

13 a. July 1, 2017, Three Hundred Twenty Million Dollars
14 (\$320,000,000.00),

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

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

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

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

23 a. the next Two Million Dollars (\$2,000,000.00) shall be
24 apportioned to the Oklahoma Tourism and Passenger Rail

1 Revolving Fund created pursuant to Section 325 of
2 Title 66 of the Oklahoma Statutes to be used for
3 capital and operating costs for the "Heartland Flyer"
4 rail project, and

- 5 b. the next Three Million Dollars (\$3,000,000.00) shall
6 be apportioned to the Public Transit Revolving Fund
7 created pursuant to Section 4031 of this title to be
8 used for purposes authorized by law other than the
9 purpose described by subparagraph a of this paragraph.

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

13 ~~3. For each fiscal year after the first fiscal year in which~~
14 ~~the total apportionment to the Rebuilding Oklahoma Access and Driver~~
15 ~~Safety Fund as provided by paragraph 1 of this subsection equals~~
16 ~~Five Hundred Seventy-five Million Dollars (\$575,000,000.00), the~~
17 ~~first Five Hundred Seventy-five Million Dollars (\$575,000,000.00)~~
18 ~~collected pursuant to subsections A, B and E of Section 2355 of~~
19 ~~Title 68 of the Oklahoma Statutes and apportioned pursuant to~~
20 ~~Section 2352 of Title 68 of the Oklahoma Statutes that would~~
21 ~~otherwise be apportioned to the General Revenue Fund shall be~~
22 ~~apportioned to the Rebuilding Oklahoma Access and Driver Safety~~
23 ~~Fund. With the exception of the amount prescribed by subparagraph a~~
24 ~~of paragraph 1 of this subsection, all amounts apportioned pursuant~~

1 ~~to this paragraph shall be divided into twelve equal amounts to be~~
2 ~~apportioned each month during the fiscal year.~~

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

15 1. One Hundred Twenty-five Million Dollars (\$125,000,000.00)
16 for the fiscal year beginning July 1, 2017; and

17 2. One Hundred Sixty-seven Million Dollars (\$167,000,000.00)
18 for the fiscal year beginning July 1, 2018, and all subsequent
19 fiscal years. All amounts apportioned pursuant to this subsection
20 shall be divided into twelve (12) equal amounts to be apportioned
21 each month during the fiscal year.

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

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

19 F. In the event that the Director of the Office of Management
20 and Enterprise Services declares a General Revenue Fund revenue
21 failure pursuant to Section 34.49 of Title 62 of the Oklahoma
22 Statutes, and agency allocations are reduced pursuant to the
23 provisions of Section 34.49 of Title 62 of the Oklahoma Statutes,
24

1 the amounts that would otherwise be apportioned ~~to the ROADS Fund~~
2 ~~by:~~

3 ~~1. Subparagraph a of paragraph 1 of subsection B of this~~
4 ~~section pursuant to subsection B of this section,~~ only to the extent
5 that the amount is not required for debt service related to the
6 obligations authorized pursuant to Section 341 of Title 73 of the
7 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,~~ shall be reduced by a percentage equal to that required of
12 the General Revenue Fund appropriations to state agencies and such
13 reductions shall occur during the entire fiscal year and for any
14 month during which such reductions are required by the Office of
15 Management and Enterprise Services and by the same percentage as
16 that required of the agencies for such General Revenue Fund
17 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, 2017.
24

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

Passed the Senate the 2nd day of May, 2017.

Presiding Officer of the Senate

Passed the House of Representatives the ____ day of _____,
2017.

Presiding Officer of the House
of Representatives