

1                   **HOUSE OF REPRESENTATIVES - FLOOR VERSION**

2                               STATE OF OKLAHOMA

3                               1st Session of the 56th Legislature (2017)

4   ENGROSSED SENATE  
5   BILL NO. 837

                              By: David and Fields of the  
                              Senate

6   and

7   Osborn (Leslie) and Wallace  
8   of the House

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

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

29           SECTION 1.           AMENDATORY           69 O.S. 2011, Section 1521, as  
30           last amended by Section 93, Chapter 15, O.S.L. 2013 (69 O.S. Supp.  
31           2016, Section 1521), is amended to read as follows:

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

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

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

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

1       ~~a. for the fiscal year beginning July 1, 2011, the first~~  
2       ~~Thirty-five Million Seven Hundred Thousand Dollars~~  
3       ~~(\$35,700,000.00), for the fiscal year beginning July~~  
4       ~~1, 2012, the first Forty-one Million Seven Hundred~~  
5       ~~Thousand Dollars (\$41,700,000.00) and for the fiscal~~  
6       ~~year beginning July 1, 2013, and for each fiscal year~~  
7       ~~thereafter, Fifty-nine Million Seven Hundred Thousand~~  
8       ~~Dollars (\$59,700,000.00), which shall be allocated and~~  
9       ~~used by the Department of Transportation first for the~~  
10      ~~purpose of making any required payments for principal,~~  
11      ~~interest or other costs of borrowing with respect to~~  
12      ~~the obligations issued pursuant to Section 341 of~~  
13      ~~Title 73 of the Oklahoma Statutes and after any such~~  
14      ~~required payment has been made then for the purposes~~  
15      ~~otherwise authorized by this section, plus~~  
16      ~~b. the total amount apportioned to the Rebuilding~~  
17      ~~Oklahoma Access and Driver Safety Fund for the~~  
18      ~~preceding fiscal year which, except for the amount~~  
19      ~~prescribed by subparagraph a of this paragraph, shall~~  
20      ~~be apportioned before any other amount is apportioned~~  
21      ~~pursuant to Section 2352 of Title 68 of the Oklahoma~~  
22      ~~Statutes, plus~~  
23      ~~c. an additional incremental amount which shall not be in~~  
24      ~~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).~~

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

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

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

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

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

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

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

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

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

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

1 ~~otherwise be apportioned to the General Revenue Fund shall be~~  
2 ~~apportioned to the Rebuilding Oklahoma Access and Driver Safety~~  
3 ~~Fund. With the exception of the amount prescribed by subparagraph a~~  
4 ~~of paragraph 1 of this subsection, all amounts apportioned pursuant~~  
5 ~~to this paragraph shall be divided into twelve equal amounts to be~~  
6 ~~apportioned each month during the fiscal year.~~

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

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

21 2. One Hundred Sixty-seven Million Dollars (\$167,000,000.00)  
22 for the fiscal year beginning July 1, 2018, and all subsequent  
23 fiscal years. All amounts apportioned pursuant to this subsection  
24

1 shall be divided into twelve (12) equal amounts to be apportioned  
2 each month during the fiscal year.

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

6 E. In order to ensure that the funds from the ROADS Fund are  
7 used to enhance and not supplant state funding for the Department of  
8 Transportation, the State Board of Equalization shall examine and  
9 investigate expenditures from the fund each year. For purposes of  
10 this examination, monies used to retire outstanding debt obligations  
11 for which the Department of Transportation is responsible shall be  
12 excluded. At the meeting of the State Board of Equalization held  
13 within five (5) days after the monthly apportionment in February of  
14 each year, the State Board of Equalization shall issue a finding and  
15 report which shall state whether expenditures from the ROADS Fund  
16 were used to enhance or supplant state funding for the Department of  
17 Transportation. If the State Board of Equalization finds that state  
18 funding for the Department of Transportation was supplanted by funds  
19 from the ROADS Fund, the Board shall specify the amount by which  
20 such funding was supplanted. In this event, the Legislature shall  
21 not make any appropriations for the ensuing fiscal year until an  
22 appropriation in that amount is made to replenish state funding for  
23 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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9 DIRECT TO CALENDAR.

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