

1 STATE OF OKLAHOMA

2 1st Session of the 56th Legislature (2017)

3 SENATE BILL 837

By: David and Fields of the  
Senate

4 and

5 Osborn (Leslie) and Wallace  
6 of the House

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8  
9  
10 AS INTRODUCED

11 An Act relating to Rebuilding Oklahoma Access and  
12 Driver Safety Fund; amending 69 O.S. 2011, Section  
13 1521, as last amended by Section 93, Chapter 15,  
14 O.S.L. 2013 (69 O.S. Supp. 2016, Section 1521), which  
15 relates to apportionment to the ROADS fund; requiring  
16 certain monies to be included in specified  
17 examination; providing an effective date; and  
18 declaring an emergency.

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

20 SECTION 1. AMENDATORY 69 O.S. 2011, Section 1521, as  
21 last amended by Section 93, Chapter 15, O.S.L. 2013 (69 O.S. Supp.  
22 2016, Section 1521), is amended to read as follows:

23 Section 1521. A. There is hereby created in the State Treasury  
24 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

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

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

19 c. an additional incremental amount which shall not be in  
20 excess of the amount prescribed by subparagraph a of  
21 this paragraph and that is required in order for the  
22 total apportionment for such fiscal year to equal Five  
23 Hundred Seventy-five Million Dollars  
24 (\$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;

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

23 3. For each fiscal year after the first fiscal year in which  
24 the total apportionment to the Rebuilding Oklahoma Access and Driver

1 Safety Fund as provided by paragraph 1 of this subsection equals  
2 Five Hundred Seventy-five Million Dollars (\$575,000,000.00), the  
3 first Five Hundred Seventy-five Million Dollars (\$575,000,000.00)  
4 collected pursuant to subsections A, B and E of Section 2355 of  
5 Title 68 of the Oklahoma Statutes and apportioned pursuant to  
6 Section 2352 of Title 68 of the Oklahoma Statutes that would  
7 otherwise be apportioned to the General Revenue Fund shall be  
8 apportioned to the Rebuilding Oklahoma Access and Driver Safety  
9 Fund. With the exception of the amount prescribed by subparagraph a  
10 of paragraph 1 of this subsection, all amounts apportioned pursuant  
11 to this paragraph shall be divided into twelve equal amounts to be  
12 apportioned each month during the fiscal year.

13 C. The apportionments of revenues required by subparagraphs a,  
14 b and c of paragraph 1 of subsection B of this section shall be made  
15 until the total annual apportionment to the Rebuilding Oklahoma  
16 Access and Driver Safety Fund equals Five Hundred Seventy-five  
17 Million Dollars (\$575,000,000.00). After such annual apportionment  
18 level is reached, the apportionment to the fund shall be governed by  
19 the 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~~ included. At the meeting of the State Board of  
6 Equalization held within five (5) days after the monthly  
7 apportionment in February of each year, the State Board of  
8 Equalization shall issue a finding and report which shall state  
9 whether expenditures from the ROADS Fund were used to enhance or  
10 supplant state funding for the Department of Transportation. If the  
11 State Board of Equalization finds that state funding for the  
12 Department of Transportation was supplanted by funds from the ROADS  
13 Fund, the Board shall specify the amount by which such funding was  
14 supplanted. In this event, the Legislature shall not make any  
15 appropriations for the ensuing fiscal year until an appropriation in  
16 that amount is made to replenish state funding for the Department of  
17 Transportation.

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

1        1. Subparagraph a of paragraph 1 of subsection B of this  
2 section, only to the extent that the amount is not required for debt  
3 service related to the obligations authorized pursuant to Section  
4 341 of Title 73 of the Oklahoma Statutes;

5        2. Subparagraphs b and c of paragraph 1 of subsection B of this  
6 section; and

7        3. Subparagraphs a and b of paragraph 2 of subsection B of this  
8 section,

9 shall be reduced by a percentage equal to that required of the  
10 General Revenue Fund appropriations to state agencies and such  
11 reductions shall occur during the entire fiscal year and for any  
12 month during which such reductions are required by the Office of  
13 Management and Enterprise Services and by the same percentage as  
14 that required of the agencies for such General Revenue Fund  
15 appropriations.

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

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

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

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

1       4. Matching federal funds;

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

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

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

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

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

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

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