

STATE OF OKLAHOMA

1st Session of the 56th Legislature (2017)

SENATE BILL 855

By: David and Fields of the  
Senate

and

Osborn (Leslie) and Wallace  
of the House

AS INTRODUCED

An Act relating to 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 the apportionment of funds; providing exception; modifying apportionment for specified fiscal year; providing an 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 fiscal year limitations, and shall consist of all appropriations and transfers made by the Legislature. All monies accruing to the

1 credit of the fund are hereby appropriated and may be budgeted and  
2 expended each fiscal year by the Department of Transportation for  
3 the purposes authorized by subsection G of this section.

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

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

14 1. For each fiscal year, subject to the provisions of paragraph  
15 3 of this subsection, and, except for the amount prescribed by  
16 subparagraph a of this paragraph, subject to any reductions required  
17 by subsection F of this section and the provisions of subparagraph d  
18 of this paragraph, there shall be apportioned to the Rebuilding  
19 Oklahoma Access and Driver Safety Fund:

20 a. for the fiscal year beginning July 1, 2011, the first  
21 Thirty-five Million Seven Hundred Thousand Dollars  
22 (\$35,700,000.00), for the fiscal year beginning July  
23 1, 2012, the first Forty-one Million Seven Hundred  
24 Thousand Dollars (\$41,700,000.00) and for the fiscal

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

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

18 c. an additional incremental amount which shall not be in  
19 excess of the amount prescribed by subparagraph a of  
20 this paragraph and that is required in order for the  
21 total apportionment for such fiscal year to equal Five  
22 Hundred Seventy-five Million Dollars  
23 (\$575,000,000.00); provided,

1        d.    for the fiscal year beginning July 1, 2017,  
2                notwithstanding the provisions of subparagraphs a, b  
3                or c of this paragraph, the total amount apportioned  
4                pursuant to this subsection from the monies that would  
5                otherwise be apportioned to the General Revenue Fund  
6                by Section 2352 of Title 68 of the Oklahoma Statutes  
7                shall be Four Hundred Forty-six Million Six Hundred  
8                Sixty-nine Thousand Nine Hundred Fifteen Dollars  
9                (\$446,669,915.00).

10        All amounts apportioned pursuant to this paragraph shall be  
11        divided into twelve equal amounts to be apportioned each month  
12        during the fiscal year except ~~the amount specified in subparagraph a~~  
13        ~~of this paragraph~~ Fifty-nine Million Seven Hundred Thousand Dollars  
14        (\$59,700,000.00) which amount shall be allocated in its full amount  
15        in cash not later than July 30 each year or such later date as may  
16        be required in order for the amount to be allocated in cash;

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

19            a.    the next Two Million Dollars (\$2,000,000.00) shall be  
20                apportioned to the Oklahoma Tourism and Passenger Rail  
21                Revolving Fund created pursuant to Section 325 of  
22                Title 66 of the Oklahoma Statutes to be used for  
23                capital and operating costs for the "Heartland Flyer"  
24                rail project, and

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

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

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

23          C.   The apportionments of revenues required by subparagraphs a,  
24          b and c of paragraph 1 of subsection B of this section shall be made

1 until the total annual apportionment to the Rebuilding Oklahoma  
2 Access and Driver Safety Fund equals Five Hundred Seventy-five  
3 Million Dollars (\$575,000,000.00). After such annual apportionment  
4 level is reached, the apportionment to the fund shall be governed by  
5 the provisions of paragraph 3 of subsection B of this section.

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

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

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

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

10 1. Subparagraph a of paragraph 1 of subsection B of this  
11 section, only to the extent that the amount is not required for debt  
12 service related to the obligations authorized pursuant to Section  
13 341 of Title 73 of the Oklahoma Statutes;

14 2. Subparagraphs b and c of paragraph 1 of subsection B of this  
15 section; and

16 3. Subparagraphs a and b of paragraph 2 of subsection B of this  
17 section,  
18 shall be reduced by a percentage equal to that required of the  
19 General Revenue Fund appropriations to state agencies and such  
20 reductions shall occur during the entire fiscal year and for any  
21 month during which such reductions are required by the Office of  
22 Management and Enterprise Services and by the same percentage as  
23 that required of the agencies for such General Revenue Fund  
24 appropriations.

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

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

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

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

10 4. Matching federal funds;

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

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

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

20 H. From the monies allocated pursuant to the provisions of  
21 subparagraph a of paragraph 1 of subsection B of this section each  
22 fiscal year, the Department of Transportation shall make payments  
23 required for the payment of principal, interest and other costs  
24 related to the obligations issued by the Oklahoma Capitol



1 Improvement Authority as authorized by Section 341 of Title 73 of  
2 the Oklahoma Statutes and such payments shall be made by the  
3 Department each fiscal year before such monies are used for any  
4 other purpose.

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

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

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