

1 STATE OF OKLAHOMA

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

3 SENATE BILL 41x

By: David and Fields of the
Senate

4 and

5 Wallace and Casey of the
6 House

7
8
9 AS INTRODUCED

10 An Act relating to roads, bridges and ferries;
11 amending 69 O.S. 2011, Section 1521, as last amended
12 by Section 93, Chapter 15, O.S.L. 2013 (69 O.S. Supp.
13 2017, Section 1521), which relates to the Rebuilding
14 Oklahoma Access and Driver Safety Fund; modifying
15 monies to be deposited to Fund; and declaring an
16 emergency.

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

18 SECTION 1. AMENDATORY 69 O.S. 2011, Section 1521, as
19 last amended by Section 93, Chapter 15, O.S.L. 2013 (69 O.S. Supp.
20 2017, Section 1521), is amended to read as follows:

21 Section 1521. A. There is hereby created in the State Treasury
22 a fund to be known as the "Rebuilding Oklahoma Access and Driver
23 Safety Fund". The fund shall be a continuing fund, not subject to
24 fiscal year limitations, and shall consist of all appropriations and
transfers made by the Legislature and funds apportioned thereto as

1 provided by law. All monies accruing to the credit of the fund are
2 hereby appropriated and may be budgeted and expended each fiscal
3 year by the Department of Transportation for the purposes authorized
4 by subsection G of this section. Expenditures from the fund shall
5 be made upon warrants issued by the State Treasurer against claims
6 filed as prescribed by law with the Director of the Office of
7 Management and Enterprise Services for 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, there shall be apportioned to the
18 Rebuilding Oklahoma Access and Driver Safety Fund:

19 a. for the fiscal year beginning July 1, 2011, the first
20 Thirty-five Million Seven Hundred Thousand Dollars
21 (\$35,700,000.00), for the fiscal year beginning July
22 1, 2012, the first Forty-one Million Seven Hundred
23 Thousand Dollars (\$41,700,000.00) and for the fiscal
24 year beginning July 1, 2013, and for each fiscal year

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

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

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

23 All amounts apportioned pursuant to this paragraph shall be
24 divided into twelve equal amounts to be apportioned each month

1 during the fiscal year except the amount specified in subparagraph a
2 of this paragraph which amount shall be allocated in its full amount
3 in cash not later than July 30 each year or such later date as may
4 be required in order for the amount to be allocated in cash;

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

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

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

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

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

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

11 C. The apportionments of revenues required by subparagraphs a,
12 b and c of paragraph 1 of subsection B of this section shall be made
13 until the total annual apportionment to the Rebuilding Oklahoma
14 Access and Driver Safety Fund equals Five Hundred Seventy-five
15 Million Dollars (\$575,000,000.00). After such annual apportionment
16 level is reached, the apportionment to the fund shall be governed by
17 the provisions of paragraph 3 of subsection B of this section.

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

21 E. In order to ensure that the funds from the ROADS Fund are
22 used to enhance and not supplant state funding for the Department of
23 Transportation, the State Board of Equalization shall examine and
24 investigate expenditures from the fund each year. For purposes of

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

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

22 1. Subparagraph a of paragraph 1 of subsection B of this
23 section, only to the extent that the amount is not required for debt
24

1 service related to the obligations authorized pursuant to Section
2 341 of Title 73 of the Oklahoma Statutes;

3 2. Subparagraphs b and c of paragraph 1 of subsection B of this
4 section; and

5 3. Subparagraphs a and b of paragraph 2 of subsection B of this
6 section,

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

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

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

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

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

23 4. Matching federal funds;

24

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

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

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

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

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

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