

STATE OF OKLAHOMA

2nd Session of the 57th Legislature (2020)

COMMITTEE SUBSTITUTE
FOR

HOUSE BILL NO. 2743

By: Wallace and Hilbert of the
House

and

Thompson and Rader of the
Senate

COMMITTEE SUBSTITUTE

An Act relating to apportionments; amending 69 O.S. 2011, Section 1521, as last amended by Section 1, Chapter 18, 2nd Extraordinary Session, O.S.L. 2018 (69 O.S. Supp. 2019, Section 1521), which relates to the Rebuilding Oklahoma Access and Driver Safety Fund; reducing certain apportionment to the Rebuilding Oklahoma Access and Driver Safety Fund in certain years; providing apportionment to the Education Reform Revolving Fund in certain years; limiting amount of total apportionments; exempting amounts related to certain debt obligation from certain allocation reductions; and authorizing and requiring the use of certain funds for certain debt obligation.

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 1, Chapter 18, 2nd Extraordinary Session,

1 O.S.L. 2018 (69 O.S. Supp. 2019, Section 1521), is amended to read
2 as follows:

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

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

15 B. Beginning July 1, 2019, except for an amount equivalent to
16 the amount of revenue apportioned to the Rebuilding Oklahoma Access
17 and Driver Safety Fund pursuant to Section 6 of Enrolled House Bill
18 No. 1010 of the 2nd Extraordinary Session of the 56th Oklahoma
19 Legislature and Section 1104 of Title 47 of the Oklahoma Statutes,
20 there shall be apportioned to the funds specified in this subsection
21 from the monies that would otherwise be apportioned to the General
22 Revenue Fund by Section 2352 of Title 68 of the Oklahoma Statutes
23 from the revenues derived pursuant to subsections A, B and E of
24

1 Section 2355 of Title 68 of the Oklahoma Statutes amounts as
2 follows:

3 1. For each fiscal year, subject to the provisions of paragraph
4 3 of this subsection, and, except for the amount prescribed by
5 subparagraph a of this paragraph, subject to any reductions required
6 by subsection F of this section, there shall be apportioned to the
7 Rebuilding Oklahoma Access and Driver Safety Fund:

- 8 a. for the fiscal year beginning July 1, 2011, the first
9 Thirty-five Million Seven Hundred Thousand Dollars
10 (\$35,700,000.00), for the fiscal year beginning July
11 1, 2012, the first Forty-one Million Seven Hundred
12 Thousand Dollars (\$41,700,000.00) and for the fiscal
13 year beginning July 1, 2013, and for each fiscal year
14 thereafter, Fifty-nine Million Seven Hundred Thousand
15 Dollars (\$59,700,000.00), which shall be allocated and
16 used by the Department of Transportation first for the
17 purpose of making any required payments for principal,
18 interest or other costs of borrowing with respect to
19 the obligations issued pursuant to Section 341 of
20 Title 73 of the Oklahoma Statutes and after any such
21 required payment has been made then for the purposes
22 otherwise authorized by this section, plus
23 b. the total amount apportioned to the Rebuilding
24 Oklahoma Access and Driver Safety Fund for the

1 preceding fiscal year which, except for the amount
2 prescribed by subparagraph a of this paragraph, shall
3 be apportioned before any other amount is apportioned
4 pursuant to Section 2352 of Title 68 of the Oklahoma
5 Statutes, plus

6 c. an additional incremental amount which shall not be in
7 excess of the amount prescribed by subparagraph a of
8 this paragraph and that is required in order for the
9 total apportionment to the Rebuilding Oklahoma Access
10 and Driver Safety Fund from all sources for such
11 fiscal year to equal Five Hundred Seventy-five Million
12 Dollars (\$575,000,000.00).

13 All amounts apportioned pursuant to this paragraph shall be
14 divided into twelve equal amounts to be apportioned each month
15 during the fiscal year except the amount specified in subparagraph a
16 of this paragraph which amount shall be allocated in its full amount
17 in cash not later than July 30 each year or such later date as may
18 be required in order for the amount to be allocated in cash;

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

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

capital and operating costs for the "Heartland Flyer" rail project, and

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

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

3. ~~For~~

- a. Except as provided in subparagraph b of this paragraph, each fiscal year after the first fiscal year in which the total apportionment to the Rebuilding Oklahoma Access and Driver Safety Fund as provided by paragraph 1 of this subsection and from other sources equals Five Hundred Seventy-five Million Dollars (\$575,000,000.00), an amount in addition to the amount prescribed by subparagraph a of paragraph 1 of this subsection collected pursuant to subsections A, B and E of Section 2355 of Title 68 of the Oklahoma Statutes and apportioned pursuant to Section 2352 of Title 68 of the Oklahoma Statutes that would otherwise be apportioned to the General Revenue Fund if needed

1 shall be apportioned to the Rebuilding Oklahoma Access
2 and Driver Safety Fund which in conjunction with all
3 other funds apportioned to the Rebuilding Oklahoma
4 Access and Driver Safety Fund by law for such fiscal
5 year shall equal Five Hundred Seventy-five Million
6 Dollars (\$575,000,000.00).

7 b. For the fiscal year beginning July 1, 2020, and the
8 fiscal year beginning July 1, 2021, the amount that
9 would otherwise be apportioned to the Rebuilding
10 Oklahoma Access and Driver Safety Fund under the
11 provisions of subparagraph a of this paragraph for
12 each fiscal year shall be apportioned for each fiscal
13 year as follows:

14 (1) One Hundred Eighty Million Dollars
15 (\$180,000,000.00) to the Education Reform
16 Revolving Fund of the State Department of
17 Education, and

18 (2) any remaining amounts as otherwise provided in
19 subparagraph a of this paragraph,

20 provided that in no fiscal year shall the total funds apportioned
21 pursuant to the provisions of this subparagraph exceed the amount
22 that would otherwise be apportioned pursuant to the provisions of
23 subparagraph a of this paragraph.

1 c. With the exception of the amount prescribed by
2 subparagraph a of paragraph 1 of this subsection, all
3 amounts apportioned pursuant to this paragraph shall
4 be divided into twelve equal amounts to be apportioned
5 each month during the fiscal year.

6 C. The apportionments of revenues required by subparagraphs a,
7 b and c of paragraph 1 of subsection B of this section shall be made
8 until the total annual apportionment from such sources in addition
9 to the apportionments made pursuant to Section 6 of Enrolled House
10 Bill No. 1010 of the 2nd Extraordinary Session of the 56th Oklahoma
11 Legislature and Section 1104 of Title 47 of the Oklahoma Statutes to
12 the Rebuilding Oklahoma Access and Driver Safety Fund equals Five
13 Hundred Seventy-five Million Dollars (\$575,000,000.00). After such
14 annual apportionment level is reached, the apportionment to the fund
15 shall be governed by the provisions of paragraph 3 of subsection B
16 of this section; provided, that in no event shall the total amount
17 apportioned to the Rebuilding Oklahoma Access and Driver Safety Fund
18 in any fiscal year exceed Five Hundred Seventy-five Million Dollars
19 (\$575,000,000.00). Any amounts in excess of such limitation shall
20 be placed to the credit of the General Revenue Fund.

21 D. The monies apportioned to the Rebuilding Oklahoma Access and
22 Driver Safety Fund shall not be used to supplant or replace existing
23 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,
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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, only to the extent that the amount is not required for debt
5 service related to the obligations authorized pursuant to Section
6 341 of Title 73 of the Oklahoma Statutes and Section 1 of Enrolled
7 House Bill No. 2744 of the 2nd Session of the 57th Oklahoma
8 Legislature;

9 2. Subparagraphs b and c of paragraph 1 of subsection B of this
10 section; and

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

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

22 1. The construction and maintenance of state roads, bridges and
23 highways;

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

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

6 4. Matching federal funds;

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

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

13 7. Debt service incurred on or after July 1, 2009, with respect
14 to obligations authorized to be issued pursuant to Section 341 of
15 Title 73 of the Oklahoma Statutes and Section 1 of Enrolled House
16 Bill No. 2744 of the 2nd Session of the 57th Oklahoma Legislature.

17 H. From the monies allocated pursuant to the provisions of
18 subparagraph a of paragraph 1 of subsection B of this section each
19 fiscal year, the Department of Transportation shall make payments
20 required for the payment of principal, interest and other costs
21 related to the obligations issued by the Oklahoma Capitol
22 Improvement Authority as authorized by Section 341 of Title 73 of
23 the Oklahoma Statutes and Section 1 of Enrolled House Bill No. 2744
24 of the 2nd Session of the 57th Oklahoma Legislature, and such

1 payments shall be made by the Department each fiscal year before
2 such monies are used for any other purpose.

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