

STATE OF OKLAHOMA

1st Session of the 58th Legislature (2021)

COMMITTEE SUBSTITUTE
FOR

HOUSE BILL NO. 2895

By: Wallace and Hilbert of the
House

and

Thompson and Hall of the
Senate

COMMITTEE SUBSTITUTE

An Act relating to roads and bridges; amending 69 O.S. 2011, Section 1521, as last amended by Section 1, Chapter 17, O.S.L. 2020 (69 O.S. Supp. 2020, Section 1521), which relates to the Rebuilding Oklahoma Access and Driver Safety Fund; clarifying language; requiring funds be authorized prior to budgeting and expenditure; updating references; eliminating obsolete references; eliminating certain exceptions; prioritizing certain apportionment amount; modifying apportionment calculations and amounts for certain fiscal years; prohibiting certain apportionment reduction; authorizing certain use of funds; prioritizing certain use of funds; 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 1, Chapter 17, O.S.L. 2020 (69 O.S. Supp. 2020, 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~~ F of this section in amounts
9 as authorized by the Oklahoma Legislature. Expenditures from the
10 fund shall be made upon warrants issued by the State Treasurer
11 against claims filed as prescribed by law with the Director of the
12 Office of Management and Enterprise Services for approval and
13 payment.

14 B. Beginning July 1, ~~2019~~ 2021, except for an amount equivalent
15 to the amount of revenue apportioned to the Rebuilding Oklahoma
16 Access and Driver Safety Fund pursuant to Section ~~6 of Enrolled~~
17 ~~House Bill No. 1010 of the 2nd Extraordinary Session of the 56th~~
18 ~~Oklahoma Legislature~~ 500.4B of Title 68 and Section 1104 of Title 47
19 of the Oklahoma Statutes and from other sources apportioned to the
20 Fund by law, there shall be apportioned to the funds specified in
21 this subsection from the monies that would otherwise be apportioned
22 to the General Revenue Fund by Section 2352 of Title 68 of the
23 Oklahoma Statutes from the revenues derived pursuant to subsections
24

1 A, B and E of Section 2355 of Title 68 of the Oklahoma Statutes
2 amounts as 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~~ Subject to any reductions
6 required by subsection ~~F~~ E of this section, there shall be
7 apportioned to the Rebuilding Oklahoma Access and Driver Safety
8 Fund:

9 a. for the fiscal year beginning July 1, ~~2011~~ 2021, ~~the~~
10 ~~first Thirty-five Million Seven Hundred Thousand~~
11 ~~Dollars (\$35,700,000.00), for the fiscal year~~
12 ~~beginning July 1, 2012, the first Forty-one Million~~
13 ~~Seven Hundred Thousand Dollars (\$41,700,000.00) and~~
14 ~~for the fiscal year beginning July 1, 2013, and for~~
15 ~~each fiscal year thereafter, Fifty-nine Million Seven~~
16 ~~Hundred Thousand Dollars (\$59,700,000.00)~~ Eighty
17 Million Dollars (\$80,000,000.00), which shall be
18 allocated and used by the Department of Transportation
19 first for the purpose of making any required payments
20 for principal, interest or other costs of borrowing
21 with respect to the obligations issued pursuant to
22 Section 341 of Title 73 of the Oklahoma Statutes and
23 after any such required payment has been made then for
24

1 the purposes otherwise authorized by this section,
2 plus

3 b. the total amount apportioned to the Rebuilding
4 Oklahoma Access and Driver Safety Fund for the
5 preceding fiscal year which, except for the amount
6 prescribed by subparagraph a of this paragraph, shall
7 be apportioned before any other amount is apportioned
8 pursuant to Section 2352 of Title 68 of the Oklahoma
9 Statutes, plus

10 c. an additional ~~incremental~~ amount ~~which shall not be in~~
11 ~~excess of the amount prescribed by subparagraph a of~~
12 ~~this paragraph and~~ that is required in order for the
13 total apportionment to the Rebuilding Oklahoma Access
14 and Driver Safety Fund from all sources for such
15 fiscal year to equal:

16 (1) Five Hundred Seventy-five Million Dollars
17 (\$575,000,000.00) for the fiscal year beginning
18 July 1, 2021, and

19 (2) Five Hundred Ninety Million Dollars
20 (\$590,000,000.00) for the fiscal year beginning
21 July 1, 2022, and for each fiscal year
22 thereafter.

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. a. Except as provided in subparagraph b of this~~
22 ~~paragraph, each fiscal year after the first fiscal~~
23 ~~year in which the total apportionment to the~~
24 ~~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
shall be apportioned to the Rebuilding Oklahoma Access
and Driver Safety Fund which in conjunction with all
other funds apportioned to the Rebuilding Oklahoma
Access and Driver Safety Fund by law for such fiscal
year shall equal Five Hundred Seventy-five Million
Dollars (\$575,000,000.00).~~

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

~~(1) One Hundred Eighty Million Dollars
(\$180,000,000.00) to the Education Reform~~

~~Revolving Fund of the State Department of
Education, and~~

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

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

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

~~C. The apportionments of revenues required by subparagraphs a,
b and c of paragraph 1 of subsection B of this section shall be made
until the total annual apportionment from such sources in addition
to the apportionments made pursuant to Section 6 of Enrolled House
Bill No. 1010 of the 2nd Extraordinary Session of the 56th Oklahoma
Legislature and Section 1104 of Title 47 of the Oklahoma Statutes to
the Rebuilding Oklahoma Access and Driver Safety Fund equals Five
Hundred Seventy-five Million Dollars (\$575,000,000.00). After such
annual apportionment level is reached, the apportionment to the fund
shall be governed by the provisions of paragraph 3 of subsection B
of this section; provided, that in no event shall the total amount~~

1 ~~apportioned to the Rebuilding Oklahoma Access and Driver Safety Fund~~
2 ~~in any fiscal year exceed Five Hundred Seventy-five Million Dollars~~
3 ~~(\$575,000,000.00). Any amounts in excess of such limitation shall~~
4 ~~be placed to the credit of the General Revenue Fund.~~

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

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

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

3 ~~F.~~ E. In the event that the Director of the Office of
4 Management and Enterprise Services declares a General Revenue Fund
5 revenue failure pursuant to Section 34.49 of Title 62 of the
6 Oklahoma Statutes, and agency allocations are reduced pursuant to
7 the provisions of Section 34.49 of Title 62 of the Oklahoma
8 Statutes, the amounts that would otherwise be apportioned to the
9 ROADS Fund 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 ~~and~~, Section 1 of Enrolled
14 House Bill No. 2744 of the 2nd Session of the 57th Oklahoma
15 Legislature and Section 1 of Enrolled House Bill No. 2896 of the 1st
16 Session of the 58th Oklahoma Legislature;

17 2. Subparagraphs b and c of paragraph 1 of subsection B of this
18 section; and

19 3. Subparagraphs a and b of paragraph 2 of subsection B of this
20 section,

21 shall be reduced by a percentage equal to that required of the
22 General Revenue Fund appropriations to state agencies and such
23 reductions shall occur during the entire fiscal year and for any
24 month during which such reductions are required by the Office of

1 Management and Enterprise Services and by the same percentage as
2 that required of the agencies for such General Revenue Fund
3 appropriations.

4 ~~G.~~ F. The Department of Transportation shall use the monies in
5 the Rebuilding Oklahoma Access and Driver Safety Fund for:

6 1. The construction and maintenance of state roads, bridges and
7 highways;

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

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

13 4. Matching federal funds;

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

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

20 7. Debt service incurred on or after July 1, 2009, with respect
21 to obligations authorized to be issued pursuant to Section 341 of
22 Title 73 of the Oklahoma Statutes ~~and~~, and Section 1 of Enrolled House
23 Bill No. 2744 of the 2nd Session of the 57th Oklahoma Legislature
24

1 and Section 1 of Enrolled House Bill No. 2896 of the 1st Session of
2 the 58th Oklahoma Legislature.

3 ~~H.~~ G. From the monies allocated pursuant to the provisions of
4 subparagraph a of paragraph 1 of subsection B of this section each
5 fiscal year, the Department of Transportation shall make payments
6 required for the payment of principal, interest and other costs
7 related to the obligations issued by the Oklahoma Capitol
8 Improvement Authority as authorized by Section 341 of Title 73 of
9 the Oklahoma Statutes ~~and~~, Section 1 of Enrolled House Bill No. 2744
10 of the 2nd Session of the 57th Oklahoma Legislature and Section 1 of
11 Enrolled House Bill No. 2896 of the 1st Session of the 58th Oklahoma
12 Legislature, and such payments shall be made by the Department each
13 fiscal year before such monies are used for any other purpose.

14 SECTION 2. This act shall become effective July 1, 2021.

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

19
20 58-1-8319 JM 05/17/21
21
22
23
24