

1 ENGROSSED HOUSE
2 BILL NO. 2895

By: Wallace and Hilbert of the
House

3 and

4 Thompson and Hall of the
5 Senate

6
7
8 An Act relating to roads and bridges; amending 69
9 O.S. 2011, Section 1521, as last amended by Section
10 1, Chapter 17, O.S.L. 2020 (69 O.S. Supp. 2020,
11 Section 1521), which relates to the Rebuilding
12 Oklahoma Access and Driver Safety Fund; clarifying
13 language; requiring funds be authorized prior to
14 budgeting and expenditure; updating references;
15 eliminating obsolete references; eliminating certain
16 exceptions; prioritizing certain apportionment
17 amount; modifying apportionment calculations and
18 amounts for certain fiscal years; prohibiting certain
19 apportionment reduction; authorizing certain use of
20 funds; prioritizing certain use of funds; providing
21 an effective date; and declaring an emergency.

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

23 SECTION 1. AMENDATORY 69 O.S. 2011, Section 1521, as
24 last amended by Section 1, Chapter 17, O.S.L. 2020 (69 O.S. Supp.
2020, 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

1 transfers made by the Legislature. All monies accruing to the
2 credit of the fund are hereby appropriated and may be budgeted and
3 expended ~~each fiscal year~~ by the Department of Transportation for
4 the purposes authorized by subsection ~~G~~ F of this section in amounts
5 as authorized by the Oklahoma Legislature. Expenditures from the
6 fund shall be made upon warrants issued by the State Treasurer
7 against claims filed as prescribed by law with the Director of the
8 Office of Management and Enterprise Services for approval and
9 payment.

10 B. Beginning July 1, ~~2019~~ 2021, except for an amount equivalent
11 to the amount of revenue apportioned to the Rebuilding Oklahoma
12 Access and Driver Safety Fund pursuant to Section ~~6 of Enrolled~~
13 ~~House Bill No. 1010 of the 2nd Extraordinary Session of the 56th~~
14 ~~Oklahoma Legislature~~ 500.4B of Title 68 and Section 1104 of Title 47
15 of the Oklahoma Statutes and from other sources apportioned to the
16 Fund by law, there shall be apportioned to the funds specified in
17 this subsection from the monies that would otherwise be apportioned
18 to the General Revenue Fund by Section 2352 of Title 68 of the
19 Oklahoma Statutes from the revenues derived pursuant to subsections
20 A, B and E of Section 2355 of Title 68 of the Oklahoma Statutes
21 amounts as follows:

22 1. ~~For each fiscal year, subject to the provisions of paragraph~~
23 ~~3 of this subsection, and, except for the amount prescribed by~~
24 ~~subparagraph a of this paragraph, subject~~ Subject to any reductions

1 required by subsection ~~F~~ E of this section, there shall be
2 apportioned to the Rebuilding Oklahoma Access and Driver Safety
3 Fund:

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

21 b. the total amount apportioned to the Rebuilding
22 Oklahoma Access and Driver Safety Fund for the
23 preceding fiscal year which, except for the amount
24 prescribed by subparagraph a of this paragraph, shall

1 be apportioned before any other amount is apportioned
2 pursuant to Section 2352 of Title 68 of the Oklahoma
3 Statutes, plus

4 c. an additional ~~incremental~~ amount ~~which shall not be in~~
5 ~~excess of the amount prescribed by subparagraph a of~~
6 ~~this paragraph and~~ that is required in order for the
7 total apportionment to the Rebuilding Oklahoma Access
8 and Driver Safety Fund from all sources for such
9 fiscal year to equal:

10 (1) Five Hundred Seventy-five Million Dollars

11 (\$575,000,000.00) for the fiscal year beginning
12 July 1, 2021, and

13 (2) Five Hundred Ninety Million Dollars

14 (\$590,000,000.00) for the fiscal year beginning
15 July 1, 2022, and for each fiscal year
16 thereafter.

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

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

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

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

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

15 ~~3. a. Except as provided in subparagraph b of this~~
16 ~~paragraph, each fiscal year after the first fiscal~~
17 ~~year in which the total apportionment to the~~
18 ~~Rebuilding Oklahoma Access and Driver Safety Fund as~~
19 ~~provided by paragraph 1 of this subsection and from~~
20 ~~other sources equals Five Hundred Seventy-five Million~~
21 ~~Dollars (\$575,000,000.00), an amount in addition to~~
22 ~~the amount prescribed by subparagraph a of paragraph 1~~
23 ~~of this subsection collected pursuant to subsections~~
24 ~~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~~

1 ~~that would otherwise be apportioned pursuant to the provisions of~~
2 ~~subparagraph a of this paragraph.~~

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

8 ~~C. The apportionments of revenues required by subparagraphs a,~~
9 ~~b and c of paragraph 1 of subsection B of this section shall be made~~
10 ~~until the total annual apportionment from such sources in addition~~
11 ~~to the apportionments made pursuant to Section 6 of Enrolled House~~
12 ~~Bill No. 1010 of the 2nd Extraordinary Session of the 56th Oklahoma~~
13 ~~Legislature and Section 1104 of Title 47 of the Oklahoma Statutes to~~
14 ~~the Rebuilding Oklahoma Access and Driver Safety Fund equals Five~~
15 ~~Hundred Seventy-five Million Dollars (\$575,000,000.00). After such~~
16 ~~annual apportionment level is reached, the apportionment to the fund~~
17 ~~shall be governed by the provisions of paragraph 3 of subsection B~~
18 ~~of this section; provided, that in no event shall the total amount~~
19 ~~apportioned to the Rebuilding Oklahoma Access and Driver Safety Fund~~
20 ~~in any fiscal year exceed Five Hundred Seventy-five Million Dollars~~
21 ~~(\$575,000,000.00). Any amounts in excess of such limitation shall~~
22 ~~be placed to the credit of the General Revenue Fund.~~

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

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

22 ~~F.~~ E. In the event that the Director of the Office of
23 Management and Enterprise Services declares a General Revenue Fund
24 revenue failure pursuant to Section 34.49 of Title 62 of the

Oklahoma Statutes, and agency allocations are reduced pursuant to the provisions of Section 34.49 of Title 62 of the Oklahoma Statutes, the amounts that would otherwise be apportioned to the ROADS Fund by:

1. Subparagraph a of paragraph 1 of subsection B of this section, only to the extent that the amount is not required for debt service related to the obligations authorized pursuant to Section 341 of Title 73 of the Oklahoma Statutes ~~and~~, Section 1 of Enrolled House Bill No. 2744 of the 2nd Session of the 57th Oklahoma Legislature and Section 1 of Enrolled House Bill No. 2896 of the 1st Session of the 58th Oklahoma Legislature;

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

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

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

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

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

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

8 4. Matching federal funds;

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

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

15 7. Debt service incurred on or after July 1, 2009, with respect
16 to obligations authorized to be issued pursuant to Section 341 of
17 Title 73 of the Oklahoma Statutes ~~and~~, Section 1 of Enrolled House
18 Bill No. 2744 of the 2nd Session of the 57th Oklahoma Legislature
19 and Section 1 of Enrolled House Bill No. 2896 of the 1st Session of
20 the 58th Oklahoma Legislature.

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

1 related to the obligations issued by the Oklahoma Capitol
2 Improvement Authority as authorized by Section 341 of Title 73 of
3 the Oklahoma Statutes ~~and~~, Section 1 of Enrolled House Bill No. 2744
4 of the 2nd Session of the 57th Oklahoma Legislature and Section 1 of
5 Enrolled House Bill No. 2896 of the 1st Session of the 58th Oklahoma
6 Legislature, and such payments shall be made by the Department each
7 fiscal year before such monies are used for any other purpose.

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

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

13 Passed the House of Representatives the 18th day of May, 2021.

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16 _____
Presiding Officer of the House
of Representatives

17 Passed the Senate the ____ day of _____, 2021.

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20 _____
Presiding Officer of the Senate