

1                   **HOUSE OF REPRESENTATIVES - FLOOR VERSION**

2                                   STATE OF OKLAHOMA

3                                   1st Session of the 58th Legislature (2021)

4 COMMITTEE SUBSTITUTE  
5 FOR  
6 HOUSE BILL NO. 2895

By: Wallace and Hilbert of the  
House

and

Thompson and Hall of the  
Senate

11                                   COMMITTEE SUBSTITUTE

12                   An Act relating to roads and bridges; amending 69  
13                   O.S. 2011, Section 1521, as last amended by Section  
14                   1, Chapter 17, O.S.L. 2020 (69 O.S. Supp. 2020,  
15                   Section 1521), which relates to the Rebuilding  
16                   Oklahoma Access and Driver Safety Fund; clarifying  
17                   language; requiring funds be authorized prior to  
18                   budgeting and expenditure; updating references;  
19                   eliminating obsolete references; eliminating certain  
20                   exceptions; prioritizing certain apportionment  
21                   amount; modifying apportionment calculations and  
22                   amounts for certain fiscal years; prohibiting certain  
23                   apportionment reduction; authorizing certain use of  
24                   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 COMMITTEE REPORT BY: COMMITTEE ON JOINT COMMITTEE ON APPROPRIATIONS  
21 AND BUDGET, dated 05/17/2021 - DO PASS, As Amended.  
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23  
24