

FLOOR AMENDMENT

HOUSE OF REPRESENTATIVES

State of Oklahoma

SPEAKER:

CHAIR:

I move to amend HB2352 _____
Of the printed Bill

Page _____ Section _____ Lines _____
Of the Engrossed Bill

By striking the Title, the Enacting Clause, the entire bill, and by inserting in lieu thereof the following language:

AMEND TITLE TO CONFORM TO AMENDMENTS

Adopted: _____

Amendment submitted by: Eddy Dempsey _____

Reading Clerk

1 STATE OF OKLAHOMA

2 1st Session of the 59th Legislature (2023)

3 FLOOR SUBSTITUTE
4 FOR

5 HOUSE BILL NO. 2352

By: Dempsey of the House

and

Garvin of the Senate

7
8
9 FLOOR SUBSTITUTE

10 An Act relating to transportation; creating the
11 Oklahoma Rural Highway Improvements for Safety Act;
12 providing for certain objectives for certain rural
13 highway safety improvements; amending 69 O.S. 2021,
14 Section 1521, which relates to the Rebuilding
15 Oklahoma Access and Driver Safety Fund; providing
16 funds for certain safety improvement projects;
17 providing for codification; providing an effective
18 date; and declaring an emergency.

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

20 SECTION 1. NEW LAW A new section of law to be codified
21 in the Oklahoma Statutes as Section 1914 of Title 69, unless there
22 is created a duplication in numbering, reads as follows:

23 This act shall be known and may be cited as the "Oklahoma Rural
24 Highway Improvements for Safety Act".

1 SECTION 2. NEW LAW A new section of law to be codified
2 in the Oklahoma Statutes as Section 1914.1 of Title 69, unless there
3 is created a duplication in numbering, reads as follows:

4 A. Effective on November 1, 2023, the Oklahoma Department of
5 Transportation shall implement a plan to add a minimum of two
6 hundred fifty (250) center-line miles of upgrades for rural two-lane
7 highways with deficient shoulders to the Eight-Year Construction
8 Work Plan (CWP) each year.

9 B. The new projects referenced in subsection A of this section
10 shall be spread across all transportation districts and selected
11 based on the factors of historic fatality rates, traffic counts, and
12 connectivity of rural communities. Areas experiencing traffic
13 growth pattern over the past five (5) years shall have priority.

14 C. This act shall remain in effect until October 31, 2032.

15 SECTION 3. AMENDATORY 69 O.S. 2021, Section 1521, is
16 amended to read as follows:

17 Section 1521. A. There is hereby created in the State Treasury
18 a fund to be known as the "Rebuilding Oklahoma Access and Driver
19 Safety Fund". The fund shall be a continuing fund, not subject to
20 fiscal year limitations, and shall consist of all appropriations and
21 transfers made by the Legislature. All monies accruing to the
22 credit of the fund are hereby appropriated and may be budgeted and
23 expended by the Department of Transportation for the purposes
24 authorized by subsection F of this section in amounts as authorized

1 by the Oklahoma Legislature. Expenditures from the fund shall be
2 made upon warrants issued by the State Treasurer against claims
3 filed as prescribed by law with the Director of the Office of
4 Management and Enterprise Services for approval and payment.

5 B. Beginning July 1, 2021, except for an amount equivalent to
6 the amount of revenue apportioned to the Rebuilding Oklahoma Access
7 and Driver Safety Fund pursuant to Section 500.4B of Title 68 and
8 Section 1104 of Title 47 of the Oklahoma Statutes and from other
9 sources apportioned to the ~~Fund~~ fund by law, there shall be
10 apportioned to the funds specified in this subsection from the
11 monies that would otherwise be apportioned to the General Revenue
12 Fund by Section 2352 of Title 68 of the Oklahoma Statutes from the
13 revenues derived pursuant to subsections A, B and E of Section 2355
14 of Title 68 of the Oklahoma Statutes amounts as follows:

15 1. Subject to any reductions required by subsection E of this
16 section, there shall be apportioned to the Rebuilding Oklahoma
17 Access and Driver Safety Fund:

18 a. for the fiscal year beginning July 1, 2021, and for
19 each fiscal year thereafter, Eighty Million Dollars
20 (\$80,000,000.00), which shall be allocated and used by
21 the Department of Transportation first for the purpose
22 of making any required payments for principal,
23 interest or other costs of borrowing with respect to
24 the obligations issued pursuant to Section 341 of

1 Title 73 of the Oklahoma Statutes and after any such
2 required payment has been made then for the purposes
3 otherwise authorized by this section, plus

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

11 c. an additional amount that is required in order for the
12 total apportionment to the Rebuilding Oklahoma Access
13 and Driver Safety Fund from all sources for such
14 fiscal year to equal:

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

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

22 All amounts apportioned pursuant to this paragraph shall be
23 divided into twelve equal amounts to be apportioned each month
24 during the fiscal year except the amount specified in subparagraph a

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

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

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

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

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.

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

23 D. In order to ensure that the funds from the ROADS Fund are
24 used to enhance and not supplant state funding for the Department of

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

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

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1 1. Subparagraph a of paragraph 1 of subsection B of this
2 section, only to the extent that the amount is not required for debt
3 service related to the obligations authorized pursuant to Section
4 341 of Title 73 of the Oklahoma Statutes, Section 350 of Title 73 of
5 the Oklahoma Statutes and Section 1 of Enrolled House Bill No. 2896
6 of the 1st Session of the 58th Oklahoma Legislature;

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

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

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

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

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

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

4 4. Matching federal funds;

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

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

11 7. Debt service incurred on or after July 1, 2009, with respect
12 to obligations authorized to be issued pursuant to Section 341 of
13 Title 73 of the Oklahoma Statutes, Section 350 of Title 73 of the
14 Oklahoma Statutes and Section 1 of Enrolled House Bill No. 2896 of
15 the 1st Session of the 58th Oklahoma Legislature.

16 G. From the monies allocated pursuant to the provisions of
17 subparagraph a of paragraph 1 of subsection B of this section each
18 fiscal year, the Department of Transportation shall make payments
19 required for the payment of principal, interest and other costs
20 related to the obligations issued by the Oklahoma Capitol
21 Improvement Authority as authorized by Section 341 of Title 73 of
22 the Oklahoma Statutes, Section 350 of Title 73 of the Oklahoma
23 Statutes and Section 1 of Enrolled House Bill No. 2896 of the 1st
24 Session of the 58th Oklahoma Legislature, and such payments shall be

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

3 H. In addition to the apportionments required by paragraph 1 of
4 subsection B of this section, there shall be apportioned to the
5 Rebuilding Oklahoma Access and Driver Safety Fund for the fiscal
6 year beginning July 1, 2023, an additional Thirty Million Dollars
7 (\$30,000,000.00) and an annual increase of Thirty Million Dollars
8 (\$30,000,000.00) for each fiscal year thereafter until the
9 Rebuilding Oklahoma Access and Driver Safety Fund reaches Seven
10 Hundred Fifty Million Dollars (\$750,000,000.00). Every dollar over
11 Five Hundred Ninety Million Dollars (\$590,000,000.00) until the fund
12 reaches Seven Hundred Fifty Million Dollars (\$750,000,000.00) shall
13 be divided equally among the transportation districts to be spent on
14 safety improvement projects for two-lane county roads in the county
15 highway system as defined by Section 213 of this title. Eligible
16 safety improvement projects shall be the inclusion of shoulders, as
17 defined by Section 241 of this title, and rumble strips to two-lane
18 county roads in the county highway system constructed on or after
19 the passage of this act. All amounts apportioned pursuant to this
20 subsection shall be divided into twelve equal amounts to be
21 apportioned each month during the fiscal year.

22 SECTION 4. Sections 1 and 2 of this act shall become effective
23 November 1, 2023.

24 SECTION 5. This act shall become effective July 1, 2023.

1 SECTION 6. It being immediately necessary for the preservation
2 of the public peace, health or safety, an emergency is hereby
3 declared to exist, by reason whereof this act shall take effect and
4 be in full force from and after its passage and approval.

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