

1 ENGROSSED HOUSE  
2 BILL NO. 2743

By: Wallace and Hilbert of the  
House

3 and

4 Thompson and Rader of the  
5 Senate

6  
7 An Act relating to apportionments; amending 69 O.S.  
8 2011, Section 1521, as last amended by Section 1,  
9 Chapter 18, 2nd Extraordinary Session, O.S.L. 2018  
10 (69 O.S. Supp. 2019, Section 1521), which relates to  
11 the Rebuilding Oklahoma Access and Driver Safety  
12 Fund; reducing certain apportionment to the  
13 Rebuilding Oklahoma Access and Driver Safety Fund in  
14 certain years; providing apportionment to the  
15 Education Reform Revolving Fund in certain years;  
16 limiting amount of total apportionments; exempting  
17 amounts related to certain debt obligation from  
18 certain allocation reductions; and authorizing and  
19 requiring the use of certain funds for certain debt  
20 obligation.

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

22 SECTION 1. AMENDATORY 69 O.S. 2011, Section 1521, as  
23 last amended by Section 1, Chapter 18, 2nd Extraordinary Session,  
24 O.S.L. 2018 (69 O.S. Supp. 2019, Section 1521), is amended to read  
as follows:

Section 1521. A. There is hereby created in the State Treasury  
a fund to be known as the "Rebuilding Oklahoma Access and Driver  
Safety Fund". The fund shall be a continuing fund, not subject to

1 fiscal year limitations, and shall consist of all appropriations and  
2 transfers made by the Legislature. All monies accruing to the  
3 credit of the fund are hereby appropriated and may be budgeted and  
4 expended each fiscal year by the Department of Transportation for  
5 the purposes authorized by subsection G of this section.

6 Expenditures from the fund shall be made upon warrants issued by the  
7 State Treasurer against claims filed as prescribed by law with the  
8 Director of the Office of Management and Enterprise Services for  
9 approval and payment.

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

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

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

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

18 b. the total amount apportioned to the Rebuilding  
19 Oklahoma Access and Driver Safety Fund for the  
20 preceding fiscal year which, except for the amount  
21 prescribed by subparagraph a of this paragraph, shall  
22 be apportioned before any other amount is apportioned  
23 pursuant to Section 2352 of Title 68 of the Oklahoma  
24 Statutes, plus

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

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

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

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

22 b. the next Three Million Dollars (\$3,000,000.00) shall  
23 be apportioned to the Public Transit Revolving Fund  
24 created pursuant to Section 4031 of this title to be

1 used for purposes authorized by law other than the  
2 purpose described by subparagraph a of this paragraph.

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

6 3. ~~For~~

7 a. Except as provided in subparagraph b of this  
8 paragraph, each fiscal year after the first fiscal  
9 year in which the total apportionment to the  
10 Rebuilding Oklahoma Access and Driver Safety Fund as  
11 provided by paragraph 1 of this subsection and from  
12 other sources equals Five Hundred Seventy-five Million  
13 Dollars (\$575,000,000.00), an amount in addition to  
14 the amount prescribed by subparagraph a of paragraph 1  
15 of this subsection collected pursuant to subsections  
16 A, B and E of Section 2355 of Title 68 of the Oklahoma  
17 Statutes and apportioned pursuant to Section 2352 of  
18 Title 68 of the Oklahoma Statutes that would otherwise  
19 be apportioned to the General Revenue Fund if needed  
20 shall be apportioned to the Rebuilding Oklahoma Access  
21 and Driver Safety Fund which in conjunction with all  
22 other funds apportioned to the Rebuilding Oklahoma  
23 Access and Driver Safety Fund by law for such fiscal  
24

1 year shall equal Five Hundred Seventy-five Million  
2 Dollars (\$575,000,000.00).

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

10 (1) One Hundred Eighty Million Dollars  
11 (\$180,000,000.00) to the Education Reform  
12 Revolving Fund of the State Department of  
13 Education, and

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

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

20 c. With the exception of the amount prescribed by  
21 subparagraph a of paragraph 1 of this subsection, all  
22 amounts apportioned pursuant to this paragraph shall  
23 be divided into twelve equal amounts to be apportioned  
24 each month during the fiscal year.

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

16 D. The monies apportioned to the Rebuilding Oklahoma Access and  
17 Driver Safety Fund shall not be used to supplant or replace existing  
18 state funds used for transportation purposes.

19 E. In order to ensure that the funds from the ROADS Fund are  
20 used to enhance and not supplant state funding for the Department of  
21 Transportation, the State Board of Equalization shall examine and  
22 investigate expenditures from the fund each year. For purposes of  
23 this examination, monies used to retire outstanding debt obligations  
24 for which the Department of Transportation is responsible shall be

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

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

20 1. Subparagraph a of paragraph 1 of subsection B of this  
21 section, only to the extent that the amount is not required for debt  
22 service related to the obligations authorized pursuant to Section  
23 341 of Title 73 of the Oklahoma Statutes and Section 1 of Enrolled  
24



1 House Bill No. 2744 of the 2nd Session of the 57th Oklahoma  
2 Legislature;

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

5 3. Subparagraphs a and b of paragraph 2 of subsection B of this  
6 section,

7 shall be reduced by a percentage equal to that required of the  
8 General Revenue Fund appropriations to state agencies and such  
9 reductions shall occur during the entire fiscal year and for any  
10 month during which such reductions are required by the Office of  
11 Management and Enterprise Services and by the same percentage as  
12 that required of the agencies for such General Revenue Fund  
13 appropriations.

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

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

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

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

23 4. Matching federal funds;

24

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

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

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

11           H. From the monies allocated pursuant to the provisions of  
12 subparagraph a of paragraph 1 of subsection B of this section each  
13 fiscal year, the Department of Transportation shall make payments  
14 required for the payment of principal, interest and other costs  
15 related to the obligations issued by the Oklahoma Capitol  
16 Improvement Authority as authorized by Section 341 of Title 73 of  
17 the Oklahoma Statutes and Section 1 of Enrolled House Bill No. 2744  
18 of the 2nd Session of the 57th Oklahoma Legislature, and such  
19 payments shall be made by the Department each fiscal year before  
20 such monies are used for any other purpose.

1 Passed the House of Representatives the 5th day of May, 2020.

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3 \_\_\_\_\_  
4 Presiding Officer of the House  
of Representatives

5 Passed the Senate the \_\_\_\_ day of \_\_\_\_\_, 2020.

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8 \_\_\_\_\_  
9 Presiding Officer of the Senate