

An Act

ENROLLED HOUSE
BILL NO. 2743

By: Wallace and Hilbert of the
House

and

Thompson and Rader of the
Senate

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

SUBJECT: Apportionments

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 18, 2nd Extraordinary Session, 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 fiscal year limitations, and shall consist of all appropriations and transfers made by the Legislature. All monies accruing to the credit of the fund are hereby appropriated and may be budgeted and

expended each fiscal year by the Department of Transportation for the purposes authorized by subsection G of this section. Expenditures from the fund shall be made upon warrants issued by the State Treasurer against claims filed as prescribed by law with the Director of the Office of Management and Enterprise Services for approval and payment.

B. Beginning July 1, 2019, except for an amount equivalent to the amount of revenue apportioned to the Rebuilding Oklahoma Access and Driver Safety Fund 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, there shall be apportioned to the funds specified in this subsection from the monies that would otherwise be apportioned to the General Revenue Fund by Section 2352 of Title 68 of the Oklahoma Statutes from the revenues derived pursuant to subsections A, B and E of Section 2355 of Title 68 of the Oklahoma Statutes amounts as follows:

1. For each fiscal year, subject to the provisions of paragraph 3 of this subsection, and, except for the amount prescribed by subparagraph a of this paragraph, subject to any reductions required by subsection F of this section, there shall be apportioned to the Rebuilding Oklahoma Access and Driver Safety Fund:

- a. for the fiscal year beginning July 1, 2011, the first Thirty-five Million Seven Hundred Thousand Dollars (\$35,700,000.00), for the fiscal year beginning July 1, 2012, the first Forty-one Million Seven Hundred Thousand Dollars (\$41,700,000.00) and for the fiscal year beginning July 1, 2013, and for each fiscal year thereafter, Fifty-nine Million Seven Hundred Thousand Dollars (\$59,700,000.00), which shall be allocated and used by the Department of Transportation first for the purpose of making any required payments for principal, interest or other costs of borrowing with respect to the obligations issued pursuant to Section 341 of Title 73 of the Oklahoma Statutes and after any such required payment has been made then for the purposes otherwise authorized by this section, plus
- b. the total amount apportioned to the Rebuilding Oklahoma Access and Driver Safety Fund for the preceding fiscal year which, except for the amount prescribed by subparagraph a of this paragraph, shall

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

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

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

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

- a. the next Two Million Dollars (\$2,000,000.00) shall be apportioned to the Oklahoma Tourism and Passenger Rail Revolving Fund created pursuant to Section 325 of Title 66 of the Oklahoma Statutes to be used for capital and operating costs for the "Heartland Flyer" rail project, and
- b. the next Three Million Dollars (\$3,000,000.00) shall be apportioned to the Public Transit Revolving Fund created pursuant to Section 4031 of this title to be used for purposes authorized by law other than the purpose described by subparagraph a of this paragraph.

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

3. ~~For~~

- a. Except as provided in subparagraph b of this paragraph, each fiscal year after the first fiscal year in which the total apportionment to the 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.

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

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

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

F. In the event that the Director of the Office of Management and Enterprise Services declares a General Revenue Fund 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;

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

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

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

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

4. Matching federal funds;

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

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

7. Debt service incurred on or after July 1, 2009, with respect to obligations authorized to be issued 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.

H. From the monies allocated pursuant to the provisions of subparagraph a of paragraph 1 of subsection B of this section each fiscal year, the Department of Transportation shall make payments required for the payment of principal, interest and other costs related to the obligations issued by the Oklahoma Capitol Improvement Authority as authorized by 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 such payments shall be made by the Department each fiscal year before such monies are used for any other purpose.

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

WJ
Presiding Officer of the House
of Representatives

Passed the Senate the 7th day of May, 2020.

Brent Howard
Presiding Officer of the Senate

OFFICE OF THE GOVERNOR

Received by the Office of the Governor this 4th

day of May, 20 20, at 2:45 o'clock 4th M.

By: Sumer Curry

Approved by the Governor of the State of Oklahoma this _____

day of _____, 20 _____, at _____ o'clock _____ M.

Governor of the State of Oklahoma

OFFICE OF THE SECRETARY OF STATE

Received by the Office of the Secretary of State this 13th

day of May, 20 20, at 11:13 o'clock P. M.

By: Michael Byers

MESSAGE
FROM THE
HOUSE OF REPRESENTATIVES

5/13/2020

THE HONORABLE
SECRETARY OF STATE

By order of the House of Representatives of the State of Oklahoma, this
Message is sent:

Transmitting herewith Enrolled HB 2743 and advising that under the
provisions of Article VI, Section 11, of the Constitution of the State
of Oklahoma, the House of Representatives and the Senate have reconsidered
and passed said bill, over the Governor's veto, by a two-thirds vote of each
House, said votes being as follows: House of Representatives: Ayes 97,
Nays 3; Senate: Ayes 44, Nays 2.

Respectfully,

EMILY GILES

Chief Clerk

f

22:33:00
HM 34-43

RECEIVED

MAY 13 2020

OKLAHOMA SECRETARY
OF STATE

A. Canton @ 11:13 pm



OFFICE OF

No. HB 2743

THE GOVERNOR
STATE OF OKLAHOMA

OKLAHOMA CITY, OKLA., May 13, 2020

TIME SIGNED: 2:30 pm

TO THE HONORABLE SPEAKER OF THE HOUSE
AND MEMBERS OF THE OKLAHOMA HOUSE OF REPRESENTATIVES
SECOND REGULAR SESSION OF THE
FIFTY SEVENTH OKLAHOMA LEGISLATURE

ENROLLED HOUSE BILL NO. 2743:

This is to advise you that on this date, pursuant to the authority vested in me by Section 11 of Article VI of the Oklahoma Constitution to approve or object to legislation presented to me, I have vetoed House Bill 2743.


House Bill 2743 would pull \$180,000,000 away from the Rebuilding Oklahoma Access and Driver Safety (ROADS) Fund. This has the potential to cause significant delays in many of the critical infrastructure projects supported by the ROADS Fund, thereby jeopardizing the progress made by the Oklahoma Department of Transportation's Eight Year Plan.

As Governor, my goal is for Oklahoma to become a Top Ten State. This includes becoming Top Ten in infrastructure, specifically in roads and bridges. House Bill 2743 would force ODOT to unnecessarily take on additional debt through the use of bonds. Because of the State's dedication to the ODOT plan, we are now up to 13th in bridges and improving our roads.

I understand and agree with the use of bonds in limited circumstances. In fact, I previously supported the use of bonds to expedite ODOT projects. However, I cannot support the use of bonds to plug budget holes.

For the aforementioned reasons, I have vetoed House Bill 2743.

BY THE GOVERNOR OF THE STATE OF OKLAHOMA



By Emily A. Giles
Date/Time 5/13/20 2:53 pm

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MAY 13 2020

OKLAHOMA SECRETARY
OF STATE

A. Canton @ 2:58 pm