ENGROSSED HOUSE
CONCURRENT
RESOLUTION NO. 1063

By: Fields and Ervin of the House

and

Stipe of the Senate

A Concurrent Resolution relating to railroads; providing that the monies in the Oklahoma Railroad Maintenance Revolving Fund are to be used for certain purposes; declaring that certain powers and duties of the Oklahoma Department of Transportation are limited; providing that certain revolving funds cannot be used for certain purposes; and directing distribution.

WHEREAS, in 1971, the Oklahoma Legislature enacted the Oklahoma Railroad Maintenance Authority Act to facilitate railroad transportation and commerce within the state and to acquire, construct, reconstruct, repair, replace, operate and maintain railroad rights-of-way and trackage projects within certain counties; and

WHEREAS, as a part of the Oklahoma Railroad Maintenance Authority Act, the Oklahoma Railroad Maintenance Authority Fund was created and the Authority had the power to use any money in the fund to carry out the provisions of the act; and

WHEREAS, in 1978, the Authority was abolished and the act was renamed the "Railroad Revitalization Act" and the fund was renamed the "Oklahoma Railroad Maintenance Revolving Fund" and the powers and duties of the Authority were transferred to the Oklahoma Department of Transportation which was given authority to acquire and maintain railroad rights-of-way and trackage projects in all

feasible and economically sound locations, and to receive and accept certain grants or funds for aid in the acquisition and maintenance of railroad rights-of-way and trackage; and

WHEREAS, the Oklahoma Railroad Maintenance Revolving Fund was amended to provide that the fund shall be composed of all revenues generated from the freight car tax levied pursuant to Section 2201 et seq. of Title 68 of the Oklahoma Statutes together with any federal grants or private donations, and shall be used for the purposes of the act; and

WHEREAS, in 1981, the revolving fund was permitted to receive additional monies from any federal grants, or financial assistance payments or contributions by any state or agency thereof or any authority constituted by a state, private donation or the proceeds from any rail property sale or payments for the use of any rail property; and

WHEREAS, the statutory authority creating the Oklahoma Railroad Maintenance Revolving Fund limits the use of the monies in the revolving fund for the implementation of the provisions of the Railroad Revitalization Act; and

WHEREAS, the Oklahoma Constitution provides that no tax levied and collected for one purpose shall ever be devoted to another purpose.

NOW, THEREFORE, BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES OF THE 2ND SESSION OF THE 45TH OKLAHOMA LEGISLATURE, THE SENATE CONCURRING THEREIN:

THAT the Oklahoma Legislature declares that the monies in the Oklahoma Railroad Maintenance Revolving Fund are to be used to implement the provisions of the Railroad Revitalization Act.

THAT the provisions of Section 304 of Title 66 of the Oklahoma Statutes set forth the powers and duties of the Oklahoma Department of Transportation in implementing the Railroad Revitalization Act which powers and duties are limited to railroad related projects and

services and that constitutional and statutory law does not permit the use of the monies in the revolving fund for any other purpose.

THAT a copy of this resolution be distributed to Governor Frank Keating.

Adopted by the House of Representatives the 26th day of February, 1996.

Speaker of the House of Representatives

Adopted by the Senate the ____ day of _____, 1996.

President of the Senate