

STATE OF OKLAHOMA

2nd Session of the 46th Legislature (1998)

HOUSE BILL NO. 2535

By: Glover

AS INTRODUCED

An Act relating to roads, bridges and ferries;  
amending Section 1, Chapter 329, O.S.L. 1997 (69  
O.S. Supp. 1997, Section 2001), which relates to  
highway infrastructure and funding; permitting the  
Oklahoma Department of Transportation to utilize  
certain funds to advance fund certain projects;  
providing that advance funding shall not delay or  
impair construction of certain highway projects;  
and declaring an emergency.

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

SECTION 1. AMENDATORY Section 1, Chapter 329, O.S.L.  
1997 (69 O.S. Supp. 1997, Section 2001), is amended to read as  
follows:

Section 2001. A. The Legislature finds that the highway  
infrastructure in this state is vital to the health, safety, and  
welfare of the traveling public and to the economic development in  
this state. The Legislature also finds that the highway  
infrastructure should be continually improved and expanded in order  
to meet the general public's desire for a safe and convenient  
highway system. Based on these findings, it is the intent of the  
Legislature to expend and equitably distribute approximately Seven

Hundred Million Dollars (\$700,000,000.00), plus any additional expenditures approved pursuant to subsection F of this section, to construct new highways and improve existing highways over a five-year period as set forth in this act.

B. To properly fund the construction and improvement of the highway system in this state, it is the intent of the Legislature to appropriate Fifty Million Dollars (\$50,000,000.00) from the Constitutional Reserve Fund each year for the first two (2) years and Fifty-two Million Five Hundred Fifty Thousand Dollars (\$52,550,000.00) from the Constitutional Reserve Fund each year for the next two (2) years for the purposes of highway construction and improvement subject to the declaration of an emergency pursuant to the provisions of Section 23 of Article X of the Constitution of the State of Oklahoma. In addition to the appropriation of Fifty Million Dollars (\$50,000,000.00) from the Constitutional Reserve Fund in the second year of this program, it is the intent of the Legislature to appropriate an additional Ten Million Dollars (\$10,000,000.00) in the second year of this program from the Constitutional Reserve Fund to be divided equally between Oklahoma and Tulsa Counties to further fund highway construction and improvement projects as set forth in this act.

C. In addition to the funding specified in subsection A of this section, the Legislature shall appropriate Thirty-four Million Nine Hundred Thousand Dollars (\$34,900,000.00) in the first year and Forty Million Dollars (\$40,000,000.00) in each of the next four (4) years, and other sufficient monies to the Oklahoma Department of Transportation to be deposited in the State Highway Construction and Maintenance Fund for the construction and improvement of the highway system in this state.

D. In addition to the funding specified in subsections B and C of this section, the Oklahoma Capitol Improvement Authority shall be authorized to issue bonds, other negotiable instruments or other

evidences of indebtedness in the principal amount sufficient to generate Three Hundred Million Dollars (\$300,000,000.00) in proceeds available to fund the construction and improvements to the highway system as set forth in this act.

E. For purposes of this act, and despite any provision to the contrary as set forth in Section 1511 of Title 69 of the Oklahoma Statutes, each State Transportation Commission district in this state shall receive equitable funding as follows:

1. Not more than twenty percent (20%) of the funding pursuant to this act shall be allocated to each of State Transportation Commission Districts 4 and 8. The percentage reflected in this paragraph shall not include the additional Ten Million Dollars (\$10,000,000.00) appropriated from the Constitutional Reserve Fund as set forth in subsection B of this section; and

2. Not less than ten percent (10%) of the total funding pursuant to this act shall be allocated to each of the remaining six (6) transportation districts.

Only those highway projects set forth in Section ~~3~~ 2002 of this ~~act~~ title shall be eligible for funding pursuant to this act. Any excess funds from a particular highway project shall only be expended for other highway projects within the same transportation district. ~~It~~ Except as provided in subsection H of this section, it is the intent of the Legislature that highway projects listed on the five-year plan for transportation facilities developed to meet present and future needs of this state shall continue to be funded as provided by current law. In addition, the Department of Transportation shall be required to construct, improve, maintain, and repair all highway projects listed on the five-year plan as such plan exists on May 28, 1997, except for normal highway programming adjustments, to the extent possible consistent with the funds provided by law for such highway projects.

F. 1. In addition to the provisions of this section, it is the intent of the Legislature to reexamine in fiscal year 2000 the status of the highway infrastructure as well as the highway construction and improvement projects as set forth in Section 3 2002 of this ~~act~~ title. Based on such reexamination, it is the intent of the Legislature to expend additional monies, amounting to approximately Three Hundred Million Dollars (\$300,000,000.00) to continue the construction of new highways and improve existing highways as set forth in this subsection.

2. In order for any additional monies to be expended as provided in this subsection, the Contingency Review Board as created pursuant to Section 3605 of Title 74 of the Oklahoma Statutes shall determine for fiscal years 1998 and 1999 that the state exhibits qualitative and quantitative growth after a review of such indicators of economic conditions as are utilized by professional economists and for fiscal year 2000 that the certified economic estimates, actuals, and projections forecast a positive growth for the economy and General Revenue Fund. The Contingency Review Board shall also determine that there is positive growth in the General Revenue Fund for fiscal years 1998 and 1999, and estimated or projected positive growth in the General Revenue Fund in fiscal year 2000. If such conditions exist, the Contingency Review Board may, by unanimous vote, authorize the Oklahoma Capitol Improvement Authority to issue bonds, other negotiable instruments or other evidences of indebtedness in a principal amount sufficient to generate One Hundred Fifty Million Dollars (\$150,000,000.00) in proceeds available to fund the construction and improvement of the highway system as set forth in this act. However, if such conditions are determined by the Contingency Review Board not to exist, the Legislature may, by a majority vote on a joint resolution for such purpose, authorize the Oklahoma Capitol Improvement Authority to issue bonds, other negotiable instruments, or other

evidences of indebtedness in the amount set forth in this paragraph. The terms and conditions of such issue shall be in accordance with the provisions of Section 7 168.6 of ~~this act~~ Title 73 of the Oklahoma Statutes.

3. In addition to the funding specified in paragraph 2 of this subsection, the Legislature shall authorize an appropriation in an amount not to exceed One Hundred Fifty Million Dollars (\$150,000,000.00) from the Constitutional Reserve Fund, subject to the declaration of an emergency pursuant to the provisions of Section 23 of Article X of the Constitution of the State of Oklahoma, the General Revenue Fund, or the State Transportation Fund, or a combination of each.

4. For purposes of this subsection, each State Transportation Commission district in this state shall receive equitable funding as follows:

- a. not more than eighteen percent (18%) of the funding pursuant to this subsection shall be allocated to each of State Transportation Commission Districts 4 and 8,
- b. not less than nine percent (9%) of the funding pursuant to this subsection shall be allocated to each of the remaining six (6) transportation districts, and
- c. any excess funds from a particular highway improvement or highway improvements shall only be expended for other highway improvements within the same transportation district.

5. The remaining Thirty Million Dollars (\$30,000,000.00) of the funds shall be used by the Department of Transportation for the completion of existing highway projects set forth in Section 3 2002 of this ~~act~~ title, highway projects to be approved as set forth in paragraph 6 of this subsection, or highway projects determined by the State Transportation Commission to be vital to the health,

safety, and welfare of the traveling public and to the economic development in this state.

6. The additional funding as allocated by subparagraphs a and b of paragraph 4 of this subsection may be used for the completion of existing highway projects as set forth in Section ~~3~~ 2002 of this ~~act~~ title or any other highway improvements within such transportation districts to which the funds were allocated as approved by unanimous vote of the Contingency Review Board.

G. Of the total funding allocated under this section to State Transportation Commission District 4, sixty-seven percent (67%) of such funds are allocated exclusively to Oklahoma County. Of the total funding allocated under this section to State Transportation Commission District 8, fifty-eight and eight-tenths percent (58.8%) of such funds are allocated exclusively to Tulsa County.

H. Despite any other provision of this title to the contrary, the Department of Transportation may utilize any funds specified in subsections B and C of this section which are not immediately needed for the construction of the projects set forth in Section 2002 of this title to advance fund projects currently programmed for construction in the five-year program of the Department. However, the advance funding of a project shall in no manner delay or impair the construction of a project specified in Section 2002 of this title.

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

46-2-8976

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