

SHORT TITLE: Roads, bridges and ferries; authorizing the Department of Transportation to utilize certain funds under certain conditions; emergency.

STATE OF OKLAHOMA

2nd Session of the 46th Legislature (1998)

SENATE BILL NO. 879

By: Stipe

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
infrastructure improvement and expansion;
authorizing the Department of Transportation to
utilize certain funds under certain conditions; 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~~ Chapter 329, O.S.L. 1997.

E. For purposes of ~~this act~~ Chapter 329, O.S.L. 1997, 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~~ Chapter 329, O.S.L. 1997 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 of this act~~ Section 2002 of this title, shall be eligible for funding pursuant to ~~this act~~ Section 329 O.S.L. 1997. Any excess funds from a particular highway project shall only be expended for other highway projects within the same transportation district. 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 of this act~~ Section 2002 of this 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~~ Chapter 329, O.S.L. 1997. 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 of this act~~ Section 168.6 of 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 of this act~~ Section 2002 of this 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 of this act~~ Section 2002 of this 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. Notwithstanding any other provision of law, the Department of Transportation may utilize any funds specified in subsections B and C of this section that are not immediately needed for the construction of the projects authorized by Section 2002 of this title, to finance the construction of projects that are currently on the Department's Five-Year Program. Provided, however, the utilization of such funds shall not in any manner delay or impede the construction of any projects authorized 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.

46-2-2509

RH