STATE OF OKLAHOMA

1st Session of the 50th Legislature (2005)

HOUSE BILL 1079

By: Benge and Newport of the House

and

Morgan and Crutchfield of the Senate

AS INTRODUCED

An Act relating to the Department of Transportation; making appropriations to the Department of Transportation; stating purposes; requiring transfers of certain monies; providing budgetary limitations; providing for duties and compensation of employees; limiting the salary of the Director; authorizing the Department to match certain federal funds and coordinate with the Oklahoma Department of Emergency Management for expenditure of funds; authorizing expenditure of certain funds in conjunction or cooperation with federal agencies or institutions; making certain appropriations nonfiscal; providing lapse dates; requiring certain budget procedures; prohibiting certain budget procedures; providing an effective date; and declaring an emergency.

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

SECTION 1. There is hereby appropriated to the Department of Transportation from any monies not otherwise appropriated from the State Transportation Fund of the State Treasury for the fiscal year ending June 30, 2006, the sum of _____ Dollars ($0.00) or so much thereof as may be necessary to perform the duties imposed upon the Department of Transportation by law. Said appropriation shall be transferred to the State Highway Construction and Maintenance Fund and shall be expended in the same manner and for the same purposes as provided by law for other monies accruing to the credit of the State Highway Construction and Maintenance Fund.

SECTION 2. There is hereby appropriated to the Department of Transportation from any monies not otherwise appropriated from the State Transportation Fund of the State Treasury for the fiscal year

ending June 30, 2004, the sum of _____ Dollars ($0.00) or so much thereof as may be necessary to perform the duties imposed upon the Department of Transportation by law. Said appropriation shall be transferred to the State Highway Construction and Maintenance Fund and shall be expended in the same manner and for the same purposes as provided by law for other monies accruing to the credit of the State Highway Construction and Maintenance Fund.

SECTION 3. There is hereby appropriated to the Department of Transportation from any monies not otherwise appropriated from the State Transportation Fund of the State Treasury for the fiscal year ending June 30, 2006, the sum of _____ Dollars ($0.00) or so much thereof as may be necessary to perform the duties imposed upon the Department of Transportation by law. Said appropriation shall be transferred to the State Highway Construction and Maintenance Fund and shall be expended for the purpose set forth in Section 2002 of Title 69 of the Oklahoma Statutes.

SECTION 4. There is hereby appropriated to the Department of Transportation from any monies not otherwise appropriated from the State Transportation Fund of the State Treasury for the fiscal year ending June 30, 2006, the sum of _____ Dollars ($0.00) or so much thereof as may be necessary to perform the duties imposed upon the Department of Transportation by law. The appropriation set forth in this section shall be transferred to the Public Transit Revolving Fund.

SECTION 5. The Department of Transportation shall expend from the funds dedicated to construction not less than _____ Dollars ($0.00) for the construction of roads to existing industrial sites and roads for economic development purposes, and not less than _____ Dollars ($0.00) for the construction, maintenance and repair of roads to historical sites and lake access roads.

SECTION 6. For the fiscal year ending June 30, 2006, the Department of Transportation shall budget all funds in the following categories and amounts:

Category	Appropriation	Total
Administration	$ 0.00	$ 0.00
Operations	0.00	0.00
Engineering	0.00	0.00
Intermodal	0.00	0.00
County Roads, Bridges and Equipment	0.00	0.00
Industrial and Lake Access	0.00	0.00
Capital Improvement Program	0.00	0.00
State Aid Roads and Bridges	0.00	0.00
Federal Aid Roads and Bridges	0.00	0.00
Right-of-Way Acquisition	0.00	0.00
TOTAL	$0.00	$0.00

SECTION 7. The duties and compensation of employees, not otherwise prescribed by law, necessary to perform the duties imposed upon the Department of Transportation by law shall be set by the Director. The salary of the Director of the Department of Transportation shall not exceed _____ Dollars ($____.00) per annum, payable monthly for the fiscal year ending June 30, 2006. The Department of Transportation for the fiscal year ending June 30, 2006, shall be subject to the following budgetary limitations on full-time-equivalent employees and expenditures excluding expenditures for capital and special projects, except as may be authorized pursuant to the provisions of Section 3603 of Title 74 of the Oklahoma Statutes:

Budgetary Limitation	Amount
Average Number of Full-time-equivalent Employees, Excluding Engineering Interns	0.0
Lease-Purchase Agreements	$0.00

SECTION 8. The Department of Transportation is hereby authorized to use any funds available to the Department to match funds which are advanced under the provisions of Sections 402, 403 and 419, Public Law 93-288, Disaster Relief Act of 1974, to repair, restore, reconstruct or replace public transportation facilities or to remove debris or wreckage from publicly owned facilities. The Department of Transportation shall coordinate with the Oklahoma Department of Emergency Management for expenditure of funds for such purpose.

SECTION 9. All funds available by law for expenditure by the Department of Transportation may be used and expended in conjunction or cooperation with any federal agency or instrumentality pursuant to such terms and conditions as may be necessary to obtain grants or federal aid assistance in accordance with state law.

SECTION 10. Appropriations made by this act, not including appropriations made for capital outlay purposes, may be budgeted for the fiscal year ending June 30, 2006 (hereafter FY-06) or may be budgeted for the fiscal year ending June 30, 2007 (hereafter FY-07). Funds budgeted for FY-06 may be encumbered only through June 30, 2006, and must be expended by November 15, 2006. Any funds remaining after November 15, 2006, and not budgeted for FY-07, shall lapse to the credit of the proper fund for the then current fiscal year. Funds budgeted for FY-07 may be encumbered only through June 30, 2007. Any funds remaining after November 15, 2007, shall lapse to the credit of the proper fund for the then current fiscal year. These appropriations may not be budgeted in both fiscal years simultaneously. Funds budgeted in FY-06, and not required to pay obligations for that fiscal year, may be budgeted for FY-07, after

the agency to which the funds have been appropriated has prepared and submitted a budget work program revision removing these funds from the FY-06 budget work program and after such revision has been approved by the Office of State Finance.

SECTION 11. This act shall become effective July 1, 2005.

SECTION 12. 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.

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