

ENROLLED SENATE
BILL NO. 121

By: Johnson (Mike) and Myers of
the Senate

and

Miller and Martin (Scott)
of the House

An Act relating to the Department of Transportation; requiring expenditures for certain purposes; requiring and authorizing certain transfer; requiring budgeting in certain categories and amounts; requiring certain performance measures; providing for duties and compensation of employees; limiting the salary of the Director; providing budgetary limitations; authorizing the Department to match certain federal funds and coordinate with the Oklahoma Department of Emergency Management for expenditure of funds; authorizing expenditure of funds in conjunction or cooperation with federal agencies or institutions; providing lapse dates; requiring and 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. The Department of Transportation shall expend from the funds dedicated to construction up to Two Million Five Hundred Thousand Dollars (\$2,500,000.00) for the construction of roads to existing industrial sites and roads for economic development purposes, and up to Two Million Five Hundred Thousand Dollars

(\$2,500,000.00) for the construction, maintenance and repair of roads to historical sites and lake access roads.

SECTION 2. TRANSFER The Director of the Office of State Finance shall transfer the sum of One Million Nine Hundred Thousand Dollars (\$1,900,000.00) from the State Highway Construction and Maintenance Fund to the Public Transit Revolving Fund of the State Treasury. These funds 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 Public Transit Revolving Fund.

SECTION 3. For the fiscal year ending June 30, 2010, the Department of Transportation shall budget all funds in the following categories and amounts:

<u>Category</u>	<u>Appropriation</u>	<u>Total</u>
Highway	\$0.00	\$2,500,000,000.00
County	0.00	292,000,000.00
Transit	0.00	30,000,000.00
Rail	0.00	50,000,000.00
Waterways	<u>0.00</u>	<u>1,000,000.00</u>
TOTAL	\$0.00	\$2,873,000,000.00

The agency shall develop outcome-based performance measures for each budget category.

SECTION 4. 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 One Hundred Seventeen Thousand Seven Hundred Five Dollars (\$117,705.00) per annum, payable monthly for the fiscal year ending June 30, 2010. The Department of Transportation for the fiscal year ending June 30, 2010, 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:

<u>Budgetary Limitation</u>	<u>Amount</u>
Full-time-equivalent Employees	2,850.0
Lease-Purchase Agreements	\$400,000.00

SECTION 5. 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 6. 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 7. Appropriations made by Section 64 of Enrolled Senate Bill No. 216 of the 1st Session of the 52nd Oklahoma Legislature, not including appropriations made for capital outlay purposes, may be budgeted for the fiscal year ending June 30, 2010 (hereafter FY-10) or may be budgeted for the fiscal year ending June 30, 2011 (hereafter FY-11). Funds budgeted for FY-10 may be encumbered only through June 30, 2010, and must be expended by November 15, 2010. Any funds remaining after November 15, 2010, and not budgeted for FY-11, shall lapse to the credit of the proper fund for the then current fiscal year. Funds budgeted for FY-11 may be encumbered only through June 30, 2011. Any funds remaining after November 15, 2011, 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-10, and not required to pay obligations for that fiscal year, may be budgeted for FY-11, 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-10 budget work program and after such revision has been approved by the Office of State Finance.

SECTION 8. This act shall become effective July 1, 2009.

SECTION 9. 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.

Passed the Senate the 20th day of May, 2009.

Presiding Officer of the Senate

Passed the House of Representatives the 21st day of May, 2009.

Presiding Officer of the House
of Representatives