

STATE OF OKLAHOMA

2nd Session of the 59th Legislature (2024)

SENATE BILL 1429

By: Haste

AS INTRODUCED

An Act relating to public ports; amending 82 O.S. 2021, Section 1141, which relates to the McClellan-Kerr Arkansas River Navigation System Infrastructure Revolving Fund; redesignating fund as the Oklahoma Public Ports Infrastructure Revolving Fund; modifying conditions for access of the fund; defining term; granting certain authority; updating statutory references; appropriating certain monies to certain fund; and providing an effective date.

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

SECTION 1. AMENDATORY 82 O.S. 2021, Section 1141, is amended to read as follows:

Section 1141. A. There is hereby created in the State Treasury a revolving fund for the ~~Oklahoma~~ Department of Transportation to be designated the ~~"McClellan-Kerr Arkansas River Navigation System"~~ "Oklahoma Public Ports Infrastructure Revolving Fund" (OPPIRF). The fund shall be a continuing fund, not subject to fiscal year limitations, for the purpose of pooling all monies received by the ~~Oklahoma~~ Department of Transportation from appropriations, dedicated

1 revenues, federal funds, private contributions or other sources
2 authorized by law dedicated to the McClellan-Kerr Arkansas River
3 Navigation System (MKARNS) or Oklahoma's public waterway ports.

4 Such monies shall include but not be limited to:

5 1. Monies received by the Department of Transportation for
6 waterway projects or infrastructure projects at public waterway
7 ports;

8 2. Principal and interest and penalty payments on loans made
9 directly from appropriated monies in the fund; and

10 3. Any other sums deposited into the fund from any public or
11 private source.

12 All monies accruing to the credit of the fund are hereby
13 appropriated and may be budgeted and expended by the ~~Oklahoma~~
14 Department of Transportation for qualified projects upon a
15 ~~recommendation by the Waterways Advisory Board of~~ review by the
16 ~~Oklahoma Department of Transportation and upon consultation with all~~
17 ~~Native American tribes with an ownership interest in the Arkansas~~
18 ~~riverbed for the purpose of repairing or constructing assets which~~
19 ~~are part of the MKARNS located in the State of Oklahoma which are~~
20 ~~essential to the safe and efficient operation of such system and may~~
21 ~~also be used to match federal grants and awards associated with~~
22 ~~channel improvements of the MKARNS, whether due to natural~~
23 ~~disasters, emergency conditions, operations and maintenance needs or~~
24 ~~construction projects~~ approval from the Transportation Commission.

1 Expenditures from the fund shall be made upon warrants issued by the
2 State Treasurer against claims filed as prescribed by law with the
3 Director of the Office of Management and Enterprise Services for
4 approval and payment.

5 B. The monies placed in the OPPIRF shall be invested by the
6 State Treasurer as prescribed by Section 89.2 of Title 62 of the
7 Oklahoma Statutes. Notwithstanding any other provision of law,
8 income and earnings on the fund shall accrue to the fund and may be
9 used for the purposes provided for in this section. Any interest
10 earned by the State Treasurer from such funds invested shall be
11 deposited in the OPPIRF.

12 C. As used in this section, a "qualified project" shall:

13 1. Enhance the safe and efficient operation of Oklahoma's
14 freight transportation systems;

15 2. Repair, improve, or construct waterway or industrial park
16 infrastructure located at or within public waterway ports of this
17 state; and

18 3. Be developed in consultation with the United States Army
19 Corps of Engineers or all Indian tribes with an ownership interest
20 in the riverbed of the Arkansas River when necessary.

21 D. The OPPIRF may be utilized by public port authorities which
22 have active public waterway ports in this state for pooling
23 available federal, private, and state monies for capital projects at
24

1 their public ports, not inconsistent with Section 1106 of this
2 title.

3 E. The Department of Transportation shall be authorized to:

4 1. Grant or make loans from the OPPIRF for qualified projects
5 in order to implement the provisions of this section;

6 2. Grant an amount not to exceed twenty percent (20%) of the
7 funds available in the OPPIRF during any one (1) year for qualified
8 projects; and

9 3. Loan an amount not to exceed thirty-five percent (35%) of
10 the funds available in the OPPIRF during any one (1) year for
11 qualified projects.

12 No less than ten percent (10%) of the funds available in the
13 OPPIRF during any one (1) year will be reserved for emergency
14 repairs to public ports or waterway infrastructure as authorized by
15 the Transportation Commission. Such determination of ten percent
16 (10%) shall be made based off of the funds available in the OPPIRF
17 at the start of each calendar year.

18 F. The Department of Transportation shall promulgate rules
19 necessary to effectuate the provisions of this section.

20 SECTION 2. There is hereby appropriated to the Department of
21 Transportation from any monies not otherwise appropriated from the
22 General Revenue Fund of the State Treasury for the fiscal year
23 ending June 30, 2025, the sum of Thirty-five Million Dollars
24 (\$35,000,000.00) or so much thereof as may be necessary to transfer

1 to the Oklahoma Public Ports Infrastructure Revolving Fund created
2 pursuant to Section 1141 of Title 82 of the Oklahoma Statutes.

3 SECTION 3. This act shall become effective January 1, 2025.
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