

BILL SUMMARY
2nd Session of the 53rd Legislature

Bill No.:	HJR 1116
Version:	Introduced
Request Number:	10231
Author:	Rep. Liebmann
Date:	4/23/2012
Impact:	OAC 730:35-5-18: Vegetation Clearance Permit Fee of \$200.00 per Clearance Area

**OAC 730:15-3-1, 15-3-2
Supports Provisions of HB 1666 (2011)**

Research Analysis

HJR 1116 approves certain rules promulgated by the Department of Transportation.

Prepared By: Brad Wolgamott

Fiscal Analysis

OAC 730:35-5-3 (definitions) and 730:35-5-18
Highway Advertising Control

From the Permanent Rule Impact Statement:

2. Those most affected by this legislatively authorized rule will be the outdoor advertising sign owners/permit holders. As authorized by SB 339, 2011 O.S.L. c.346 § 1, **the process for vegetation management activity requires the Department to charge a two hundred dollar (\$200) permit fee per clearance area for said outdoor advertisers.**
3. The proposed permanent rule has a probable economic impact. Purportedly, **those affected are land owners who want to lease land to outdoor advertisers, as well as, current or future outdoor advertising sign owners/permit holders who now bear the costs and risks of vegetation management activity.**
4. **The proposed permanent rule benefits the agency as it serves the purpose of minimizing costs to the agency for the removal, cutting, or trimming of trees or vegetation on public rights-of-way. The revenue generated from the two hundred dollar (\$200) permit fee will be used for the implementation and enforcement of the proposed rule.**
5. The proposed rule will not have any economic impact on any political subdivisions nor require the cooperation for implementation or enforcement of a political subdivision.
6. It is determined that that the proposed rule does not have an adverse economic impact on small business.
7. Acting in accordance to the legislative authorization granted in SB 339, the agency determines that there are no less costly or nonregulatory methods to achieve the purpose of the proposed rule.

OAC 730:15-3-1 and 15-3-2
Highway and Bridge Signage

From the Permanent Rule Impact Statement:

1. **The purpose of this proposed permanent rulemaking action is to ensure compliance with the directives of HB 1666, 2011 O.S.L § 1, through the establishment of a procedure to assess and collect the cost of memorial signs honoring individuals who are not members of the U.S. Armed Forces that were killed in action.** This permanent action serves to convey to the citizenry of Oklahoma the Department's procedures for determining signage costs, to bring related policy into statutory compliance and to ensure continuity of operations.

2. **Those most affected by this legislatively directed rule will be the Oklahoma general public and private organizations requesting specific legislation naming Oklahoma's highways and bridges on the state highway system for individuals who are not members of the U.S. Armed Forces that were killed in action.** The services provided by the Department for the production and placement of said signs are required. In accordance with the provisions of HB 1666, 2011 O.S.L § 1, there will be associated costs to the taxpayers.

3. Those that will benefit from this proposed permanent rule are the Oklahoma families which had a member of the family tragically killed in action while serving as a member of the U.S. Armed Forces and/or family designated sponsor that choose to request legislation to honor the fallen.

4. **The proposed rule should not have a considerable impact on any person or class of persons, as signage requests are voluntary.** All non-labor costs associated with signage costs are determined by, but not limited to, changes in the Producer Price Index released by the U.S. Department of Labor.

5. The proposed permanent rule will benefit the agency by allowing it to reallocate funds towards critical infrastructure projects and necessary maintenance and repair projects on the Oklahoma highway system.

6. The proposed permanent rule will not have any economic impact on any political subdivision nor require its cooperation for implementation or enforcement.

Prepared By: Mark Tygret

Other Considerations

None