

1 STATE OF OKLAHOMA

2 2nd Session of the 54th Legislature (2014)

3 HOUSE BILL 2910

By: Brumbaugh

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5  
6 AS INTRODUCED

7 An Act relating to roads and bridges; amending 69  
8 O.S. 2011, Section 4018, which relates to the  
9 Oklahoma Waterways Advisory Board; modifying  
membership qualifications; and providing an effective  
date.

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

13 SECTION 1. AMENDATORY 69 O.S. 2011, Section 4018, is  
14 amended to read as follows:

15 Section 4018. A. There is hereby created within the ~~Oklahoma~~  
16 Department of Transportation Planning Division, a Waterways Branch.  
17 The Director of the Department of Transportation shall appoint such  
18 employees necessary to implement and effectuate the provisions of  
19 this section. The Waterways Branch shall assume the duties and  
20 functions previously performed by the Division of Waterways within  
21 the Department of Commerce. The Transportation Commission is hereby  
22 authorized to adopt rules necessary to effectuate the operation of  
23 the Waterways Branch.

1 B. The Waterways Branch shall have the primary purpose and  
2 responsibility of promoting the McClellan-Kerr Arkansas River  
3 Navigation System which constitutes Oklahoma's navigable waterways.  
4 Additionally, the Department of Transportation acting through the  
5 Waterways Branch shall have the authority to:

6 1. Encourage commercial use of the state's navigable waterways  
7 for the purpose of the transportation of goods;

8 2. Assist state, federal and municipal entities in the  
9 attraction and location of waterways-related industries;

10 3. Assist and coordinate public and private entities in and  
11 with the development of river, port and harbor facilities;

12 4. Aggressively pursue federal funding for construction and  
13 maintenance projects of all necessary improvements to navigational  
14 systems;

15 5. Coordinate with local and state development agencies to  
16 ensure a better understanding of the state's navigable waterways in  
17 a manner that will result in the use and growth of the state's  
18 transportation resources and facilities of this state;

19 6. Study and coordinate efforts designed to promote the  
20 development of the navigable stream areas in this state for water  
21 transportation purposes;

22 7. Monitor and intercede on behalf of and to represent the  
23 State of Oklahoma before any agency of the United States government  
24 in matters pertaining to the application of fees, tolls or user

1 charges levied or contemplated to be levied against the water  
2 transportation industry engaged in either intrastate or interstate  
3 water commerce;

4 8. Receive and use any federal, state or private funds,  
5 donations and grants made available for the development, use and  
6 expansion of river transportation resources of this state;

7 9. Cooperate and enter into contracts with the federal  
8 government or any agency thereof or agencies of other states such as  
9 may be necessary to carry out the purposes of this section, provided  
10 that no such contract may obligate or potentially obligate any state  
11 funds or the full faith and credit of the State of Oklahoma unless  
12 express legislative authorization is given therefor;

13 10. Represent this state in the promotion of the development of  
14 commercial water transportation in this state and to cooperate with  
15 other states, other agencies of this state or agencies of the United  
16 States government, in any manner whatsoever, in an effort to develop  
17 the commercial use of the waterways in this state;

18 11. Study all executive orders and legislation, state and  
19 federal, which may affect the commercial development of interstate  
20 or intrastate water transportation and to make recommendations  
21 concerning any such executive orders or legislation;

22 12. Make studies and plans for the expansion, use and growth of  
23 the water transportation resources and facilities of this state; and  
24

1 13. Do and perform all other functions for and on behalf of the  
2 state which may be necessary or desirable to accomplish the purposes  
3 of this section.

4 C. 1. There is hereby created the Oklahoma Waterways Advisory  
5 Board. Members of the Board shall be selected and appointed by the  
6 Director of the ~~Oklahoma~~ Department of Transportation. The Oklahoma  
7 Waterways Advisory Board shall consist of seven (7) members  
8 qualified as follows:

- 9 a. two members shall be the Executive Directors of the  
10 two active, public ports, commonly known as the Port  
11 of Catoosa and the Port of Muskogee,
- 12 b. two members shall be appointed from private port  
13 operations which have existing waterfront cargo  
14 handling facilities and which regularly employ the use  
15 of barge transportation,
- 16 c. one member shall be appointed from the public at large  
17 who shall ~~be an economist with not less than five (5)~~  
18 ~~continuous years of bona fide~~ have professional  
19 ~~experience in inland navigation feasibility studies,~~  
20 and expertise in shipping, freight logistics or  
21 construction, operation, maintenance and  
22 rehabilitation ~~issues and possess demonstrated~~  
23 ~~knowledge of the maritime and towing industry of~~ of  
24 transportation systems, and

1           d.    two members shall be appointed at large from business  
2                    and/or industry associated with inland navigation.

3           2.   All members shall continue in office until replaced.

4 Members of the Board shall not be compensated or receive travel  
5 reimbursement. The membership shall elect a chairperson and vice-  
6 chairperson and shall meet as necessary.

7           3.   The Board shall:

8           a.    serve in an advisory capacity to the Department of  
9                    Transportation, the Governor's office and the  
10                   Legislature in accomplishing its mission,

11           b.   assist in the development of rules, standards,  
12                   policies, procedures and directions of the Waterways  
13                   Branch of the Department of Transportation regarding  
14                   its duties and responsibilities authorized by this  
15                   section, and

16           c.   recommend specific public and private actions that  
17                   would enable this state to utilize its waterways to  
18                   promote future growth.

19           4.   The ~~Oklahoma~~ Department of Transportation may, as funds and  
20 staff are available, provide support and assistance to the Board.

21           SECTION 2. This act shall become effective November 1, 2014.

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23           54-2-9466           JM           12/26/13