

STATE OF OKLAHOMA

2nd Session of the 57th Legislature (2020)

HOUSE BILL 3498

By: Sneed

AS INTRODUCED

An Act relating to transportation; amending 69 O.S. 2011, Section 4018, as amended by Section 1, Chapter 126, O.S.L. 2014 (69 O.S. Supp. 2019, Section 4018), which relates to the Waterways Branch of Department of Transportation Planning Division; modifying membership of the Oklahoma Waterways Advisory Board; and providing an effective date.

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

SECTION 1. AMENDATORY 69 O.S. 2011, Section 4018, as amended by Section 1, Chapter 126, O.S.L. 2014 (69 O.S. Supp. 2019, Section 4018), is amended to read as follows:

Section 4018. A. There is hereby created within the Department of Transportation Planning Division, a Waterways Branch. The Director of the Department of Transportation shall appoint such employees necessary to implement and effectuate the provisions of this section. The Waterways Branch shall assume the duties and functions previously performed by the Division of Waterways within the Department of Commerce. The Transportation Commission is hereby

1 authorized to adopt rules necessary to effectuate the operation of  
2 the Waterways Branch.

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

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

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

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

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

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

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

1        7. Monitor and intercede on behalf of and to represent the  
2 State of Oklahoma before any agency of the United States government  
3 in matters pertaining to the application of fees, tolls or user  
4 charges levied or contemplated to be levied against the water  
5 transportation industry engaged in either intrastate or interstate  
6 water commerce;

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

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

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

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

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

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

6        C. 1. There is hereby created the Oklahoma Waterways Advisory  
7 Board. Members of the Board shall be selected and appointed by the  
8 Director of the Department of Transportation. The Oklahoma  
9 Waterways Advisory Board shall consist of ~~seven (7)~~ ten (10) members  
10 qualified as follows:

11            a. two members shall be the Executive Directors of the  
12 two active, public ports, commonly known as the Port  
13 of Catoosa and the Port of Muskogee,

14            b. two members shall be appointed from private port  
15 operations which have existing waterfront cargo  
16 handling facilities and which regularly employ the use  
17 of barge transportation,

18            c. one member shall be appointed from the public at large  
19 who shall have professional experience and expertise  
20 in shipping, freight logistics or construction,  
21 operation, maintenance and rehabilitation of  
22 transportation systems, ~~and~~

23            d. two members shall be appointed at large from business  
24 and/or industry associated with inland navigation, and

1           e. one member from each of the three Native American  
2           tribes that has ownership interest in the Arkansas  
3           riverbed.

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

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

8           3. The Board shall:

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

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

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

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

22           SECTION 2. This act shall become effective November 1, 2020.

23  
24           57-2-10080           JBH           01/07/20