

**COMMITTEE AMENDMENT**  
HOUSE OF REPRESENTATIVES  
State of Oklahoma

SPEAKER:

CHAIR:

I move to amend HB2241 \_\_\_\_\_  
Of the printed Bill  
Page \_\_\_\_\_ Section \_\_\_\_\_ Lines \_\_\_\_\_  
Of the Engrossed Bill

By striking the Title, the Enacting Clause, the entire bill, and by inserting in lieu thereof the following language:

**AMEND TITLE TO CONFORM TO AMENDMENTS**

Amendment submitted by: Mike Dobrinski \_\_\_\_\_

Adopted: \_\_\_\_\_

\_\_\_\_\_  
Reading Clerk

1 STATE OF OKLAHOMA

2 1st Session of the 59th Legislature (2023)

3 PROPOSED COMMITTEE  
4 SUBSTITUTE  
5 FOR  
6 HOUSE BILL NO. 2241

By: Dobrinski

7 PROPOSED COMMITTEE SUBSTITUTE

8 An Act relating to transportation; amending 69 O.S.  
9 2021, Section 1403, which relates to public utilities  
10 on state highways; modifying types of roadways  
11 subject to exemption; making certain exemption for  
12 certain costs and expenses; and declaring an  
13 emergency.

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

15 SECTION 1. AMENDATORY 69 O.S. 2021, Section 1403, is  
16 amended to read as follows:

17 Section 1403. A. The location and removal of all telephone,  
18 telegraph, electric light and power transmission lines, poles, wires  
19 and conduits, water, sewers and all pipelines erected, constructed  
20 or in place upon, across or under any state highway shall be under  
21 the control and supervision of the Department of Transportation; and  
22 the location and removal of any facility placed under rights granted  
23 hereunder on county highways shall be under the jurisdiction of the  
24 particular board of county commissioners involved insofar as same

1 affects the public travel or interferes with the construction and  
2 maintenance of such highway.

3 B. Prior to conducting the design survey for a proposed  
4 improvement, construction, or reconstruction of a highway, the  
5 authority having jurisdiction over the highway shall notify any  
6 person, firm, or corporation overseeing the operating or maintaining  
7 of any facility within the proposed project boundaries. Upon  
8 receipt of notice or from a date specified in the notice, the  
9 person, firm, or corporation shall have ten (10) days to locate and  
10 mark the facilities.

11 C. Whenever the authority having jurisdiction over a particular  
12 highway plans an improvement or construction or reconstruction of  
13 the highway, and before the work is started, it shall serve a  
14 written notice upon the person, firm or corporation owning or  
15 maintaining any such facility, which notice shall contain a plan or  
16 chart indicating the places on the right-of-way where the facilities  
17 may be maintained. The notice shall state the time when the work of  
18 improving the highway is proposed to commence, and a reasonable time  
19 shall be allowed to the owner of the facility to remove and relocate  
20 its property. The effect of any change ordered by the public  
21 authority shall not be to exclude the facilities from the right-of-  
22 way of highways.

23 D. The removal and relocation of all the facilities located  
24 within the public right-of-way prior to the planned improvement,

1 construction or reconstruction shall be made at the cost and expense  
2 of the owners, unless otherwise provided by law or order of the  
3 Department of Transportation, and in the event of the failure of  
4 such owners to remove the same at the time set out in the notice,  
5 they may be removed by the public authority and the cost of the  
6 removal collected from the owners, and the authority shall not be  
7 liable in any way to any person for the locating or relocating of  
8 the facilities at the places prescribed. Any corporation or  
9 association, or the officers or agents of such corporation or  
10 association, or any other person who shall erect or maintain any  
11 such lines, poles, wires, conduits, pipelines, equipment or other  
12 facilities within the right-of-way of such highways in a manner not  
13 in complete accordance with the orders of the respective public  
14 authority shall be deemed guilty of a misdemeanor.

15 E. The Department of Transportation may promulgate such rules  
16 as it may deem necessary for the planting of trees and shrubbery and  
17 parking along such state highways.

18 F. Rural water districts, nonprofit water corporations, and  
19 municipal public water systems in municipalities with a population  
20 of ten thousand (10,000) or less, according to the latest Federal  
21 Decennial Census, or their beneficial trusts shall be exempt from  
22 the payment of the costs and expenses for the removal and relocation  
23 of water and sewer pipelines and all such facilities constructed or  
24 in place in the public right-of-way when the removal and relocation

1 of such facilities is necessary for the improvement, construction or  
2 reconstruction of any road or highway which is part of the ~~state~~  
3 ~~county~~ highway system ~~or turnpike project as defined in subsection A~~  
4 ~~of Section 501 and Section 1705 of this title. Any costs and~~  
5 ~~expenses, including any unpaid on July 1, 1990, shall be paid by the~~  
6 ~~public authority having~~ This shall only apply to county roads in  
7 which counties have maintenance jurisdiction ~~over the particular~~  
8 ~~road or highway.~~

9 G. Rural water districts, nonprofit water corporations, and  
10 municipal public water systems in municipalities with a population  
11 of fifteen thousand (15,000) or less, according to the latest  
12 Federal Decennial Census, or their beneficial trusts and natural gas  
13 systems serving less than ten thousand (10,000) customers shall be  
14 exempt from the payment of the costs and expenses for the removal  
15 and relocation of natural gas, water and sewer pipelines and all  
16 such facilities constructed or in place in the public right-of-way  
17 when the removal and relocation of such facilities is necessary for  
18 the improvement, construction or reconstruction of any road or  
19 highway which is part of the state highway system or turnpike  
20 project as defined in subsection A of Section 501 and Section 1705  
21 of this title.

22 SECTION 2. It being immediately necessary for the preservation  
23 of the public peace, health or safety, an emergency is hereby  
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1 declared to exist, by reason whereof this act shall take effect and  
2 be in full force from and after its passage and approval.

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4 59-1-7484 JBH 02/16/23

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