

1                   **HOUSE OF REPRESENTATIVES - FLOOR VERSION**

2                                   STATE OF OKLAHOMA

3                                   1st Session of the 56th Legislature (2017)

4 COMMITTEE SUBSTITUTE  
5 FOR  
6 HOUSE BILL NO. 1301

By: Lepak

7  
8                                   COMMITTEE SUBSTITUTE

9                   An Act relating to municipalities; amending 11 O.S.  
10                   2011, Section 36-113, as amended by Section 1,  
11                   Chapter 129, O.S.L. 2012 (11 O.S. Supp. 2015, Section  
12                   36-113), which relates to the construction,  
13                   improvement, repair and maintenance of municipal  
14                   streets; providing exception to certain population  
15                   cap under certain circumstances; and providing an  
16                   effective date.

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

18                   SECTION 1.           AMENDATORY           11 O.S. 2011, Section 36-113, as  
19                   amended by Section 1, Chapter 129, O.S.L. 2012 (11 O.S. Supp. 2015,  
20                   Section 36-113), is amended to read as follows:

21                   Section 36-113. A. The Department of Transportation may, or  
22                   the board of county commissioners of any county or federally  
23                   recognized tribal government shall, by agreement with the governing  
24                   body of a municipality having a population of less than five  
                 thousand (5,000) persons, construct, improve, repair or maintain any  
                 of the streets of the municipality.

1 B. The board of county commissioners may construct, improve,  
2 repair, or maintain any of the streets of a municipality having a  
3 population of less than five thousand (5,000) persons subject to  
4 agreement between the governing bodies of the county and the  
5 municipality without regard to whether the municipality has passed a  
6 sales tax with proceeds earmarked to construct, improve, repair or  
7 maintain any of the streets or roadways of such municipality.

8 C. The board of county commissioners may construct, improve,  
9 repair or maintain any of the streets of a municipality having a  
10 population of greater than five thousand (5,000) persons but less  
11 than fifteen thousand (15,000) persons if the municipality has  
12 passed a sales tax with the proceeds earmarked to construct,  
13 improve, repair or maintain any of the streets or roadways of such  
14 municipality; provided, that the population cap provided in this  
15 subsection shall not apply and the board of county commissioners may  
16 construct, improve, repair or maintain any of the streets of a  
17 municipality with a population of more than fifteen thousand  
18 (15,000) persons if the county determines the construction,  
19 improvement, repair or maintenance is necessary or desirable to  
20 promote or ensure public safety or encourage, develop or promote  
21 commerce.

22 D. The board of county commissioners may construct, improve,  
23 repair, or maintain any of the streets of a municipality if the  
24 county has a population in excess of five hundred thousand (500,000)

1 persons according to the most recent Federal Decennial Census. The  
2 agreements entered into pursuant to the provisions of this  
3 subsection may be performed without regard to whether the  
4 municipality has passed a sales tax with proceeds earmarked to  
5 construct, improve, repair or maintain any of the streets or  
6 roadways of such municipality.

7 SECTION 2. This act shall become effective November 1, 2017.

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9 COMMITTEE REPORT BY: COMMITTEE ON COUNTY AND MUNICIPAL GOVERNMENT,  
10 dated 03/02/2017 - DO PASS, As Amended.

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