

1 **SENATE FLOOR VERSION**

2 March 23, 2021

3 ENGROSSED HOUSE  
4 BILL NO. 2184

By: Johns of the House

and

Standridge and Haste of the  
Senate

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8  
9 An Act relating to roads, bridges and ferries;  
10 amending 69 O.S. 2011, Section 1952, which relates to  
11 definitions; modifying definition; amending 69 O.S.  
12 2011, Section 1953, which relates to Board  
13 membership; modifying means of Board appointment;  
14 modifying Board oversight; deleting staggered terms  
15 for Board members; amending 69 O.S. 2011, Section  
16 1954, which relates to the promulgation of rules;  
17 modifying entity responsible for rule promulgation;  
18 amending 69 O.S. 2011, Section 1962, which relates to  
19 Board independence; deleting requirement that Board  
20 receive certain independence; modifying Board name;  
21 modifying certain revolving fund name; amending 69  
22 O.S. 2011, Section 1963, as amended by Section 585,  
23 Chapter 304, O.S.L. 2012 (69 O.S. Supp. 2020, Section  
24 1963), which relates to the Highway Construction  
Materials Technician Certification Board Revolving  
Fund; modifying certain fund name; modifying type of  
monies received for deposit; modifying expenditure of  
funds; and providing an effective date.

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

SECTION 1. AMENDATORY 69 O.S. 2011, Section 1952, is  
amended to read as follows:

1 Section 1952. For the purposes of the Oklahoma Highway  
2 Construction Materials Technician Registration Act:

3 1. "Authority" means the Oklahoma Turnpike Authority;

4 2. "Board" means the Highway Construction Materials Technician  
5 Certification Advisory Board;

6 3. "Construction materials technician" means a person uniquely  
7 qualified by education, specialized training and documented field  
8 experience and who possesses certification issued by the Board to  
9 take samples and conduct tests of materials used in the construction  
10 of highways and bridges;

11 4. "Department" means the Department of Transportation;

12 5. "Program Director" means the person designated by the  
13 Director of the Department of Transportation to administer the  
14 training and examination activities of the Oklahoma Highway  
15 Construction Materials Technician Registration Act; and

16 6. "Registration" means a certificate issued pursuant to the  
17 Oklahoma Highway Construction Materials Technician Registration Act.

18 SECTION 2. AMENDATORY 69 O.S. 2011, Section 1953, is  
19 amended to read as follows:

20 Section 1953. A. There is hereby created the Highway  
21 Construction Materials Technician Certification Advisory Board which  
22 shall consist of eleven (11) members to be appointed ~~by the Governor~~  
23 as follows:  
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1           1. The chair and three members may be ~~appointed from a list of~~  
2 ~~nine persons submitted~~ nominated for appointment by the Director of  
3 the Department of Transportation;

4           2. One member may be ~~appointed from a list of three persons~~  
5 ~~submitted~~ nominated for appointment by the Director of the Oklahoma  
6 Turnpike Authority;

7           3. One member may be ~~appointed from a list of three persons~~  
8 ~~submitted~~ nominated for appointment by the Association of County  
9 Commissioners of Oklahoma;

10          4. Two members may be ~~appointed from a list of six persons~~  
11 ~~submitted~~ nominated for appointment by the Association of Oklahoma  
12 General Contractors;

13          5. One member may be ~~appointed from a list of three persons~~  
14 ~~submitted~~ nominated for appointment by the Oklahoma Asphalt Pavement  
15 Association;

16          6. One member may be ~~appointed from a list of three persons~~  
17 ~~submitted~~ nominated for appointment by the Oklahoma Chapter of the  
18 American Concrete Pavement Association; and

19          7. One member may be ~~appointed from a list of three persons~~  
20 ~~submitted~~ nominated for appointment by the Federal Highway  
21 Administration.

22          B. The chair and all other Board members appointed in  
23 subsection A of this section shall serve three-year terms and shall  
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1 serve at the pleasure of the ~~Governor~~ Secretary of Transportation.

2 Members may be appointed for subsequent three-year terms.

3 C. The Board shall select from its membership a vice-chair and  
4 other officers as needed to serve one-year terms. The chair or  
5 vice-chair shall preside at all meetings.

6 D. A majority of Board members shall constitute a quorum to  
7 transact official business.

8 E. The Board shall meet quarterly. In addition, the Board  
9 shall meet when called by the chair or the vice-chair in the absence  
10 of the chair.

11 ~~F. Beginning with the appointments due to expire in 2008, the~~  
12 ~~Governor shall implement a system of staggered terms of office for~~  
13 ~~the appointed members so that no more than four members' terms shall~~  
14 ~~expire in any year. Following the initial staggered terms, all~~  
15 ~~subsequent appointments shall be for three year terms.~~

16 SECTION 3. AMENDATORY 69 O.S. 2011, Section 1954, is  
17 amended to read as follows:

18 Section 1954. The ~~Highway Construction Materials Technician~~  
19 ~~Certification Board~~ Transportation Commission shall be authorized to  
20 promulgate rules governing the training of construction inspectors,  
21 first\_line construction supervisors, and others not seeking  
22 registration as a materials technician, and the examination and  
23 registration of highway construction materials technicians and the

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1 defining of categories and limitations for such registration and  
2 providing requirements for the renewal of registration.

3 SECTION 4. AMENDATORY 69 O.S. 2011, Section 1962, is  
4 amended to read as follows:

5 Section 1962. A. ~~It is the intent of the Legislature that the~~  
6 The Highway Construction Materials Technician Certification Advisory  
7 ~~Board created pursuant to the provisions of the Oklahoma Highway~~  
8 ~~Construction Materials Technician Registration Act shall be~~  
9 ~~independent of,~~ but shall receive administrative and financial  
10 support from, the Department of Transportation.

11 B. Fees collected pursuant to the provisions of the Oklahoma  
12 Highway Construction Materials Technician Registration Act shall be  
13 determined by the Board pursuant to Article I of the Administrative  
14 Procedures Act. All such fees collected shall be deposited in the  
15 Highway Construction Materials Technician Certification ~~Board~~  
16 Revolving Fund.

17 SECTION 5. AMENDATORY 69 O.S. 2011, Section 1963, as  
18 amended by Section 585, Chapter 304, O.S.L. 2012 (69 O.S. Supp.  
19 2020, Section 1963), is amended to read as follows:

20 Section 1963. There is hereby created in the State Treasury a  
21 revolving fund to be designated the "Highway Construction Materials  
22 Technician Certification ~~Board~~ Revolving Fund". The fund shall be a  
23 continuing fund, not subject to fiscal year limitations, and shall  
24 consist of all monies received ~~by the Board~~ for deposit in the fund.

1 All monies accruing to the credit of the fund are hereby  
2 appropriated and may be budgeted and expended ~~by the Board~~ for the  
3 purpose of conducting training ~~and examination and the execution of~~  
4 ~~the powers and duties of the Board as set forth in this act~~ or  
5 certification of individuals seeking to become registered highway  
6 construction materials technicians. Expenditures from the fund  
7 shall be made upon warrants issued by the State Treasurer against  
8 claims filed as prescribed by law with the Director of the Office of  
9 Management and Enterprise Services for approval and payment.

10 SECTION 6. This act shall become effective November 1, 2021.

11 COMMITTEE REPORT BY: COMMITTEE ON TRANSPORTATION  
12 March 23, 2021 - DO PASS  
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