

1 **HOUSE OF REPRESENTATIVES - FLOOR VERSION**

2 STATE OF OKLAHOMA

3 2nd Session of the 57th Legislature (2020)

4 HOUSE BILL 3498

 By: Sneed

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8 AS INTRODUCED

9 An Act relating to transportation; amending 69 O.S.
10 2011, Section 4018, as amended by Section 1, Chapter
11 126, O.S.L. 2014 (69 O.S. Supp. 2019, Section 4018),
12 which relates to the Waterways Branch of Department
13 of Transportation Planning Division; modifying
14 membership of the Oklahoma Waterways Advisory Board;
15 and providing an effective date.

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

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

20 Section 4018. A. There is hereby created within the Department
21 of Transportation Planning Division, a Waterways Branch. The
22 Director of the Department of Transportation shall appoint such
23 employees necessary to implement and effectuate the provisions of
24 this section. The Waterways Branch shall assume the duties and

1 functions previously performed by the Division of Waterways within
2 the Department of Commerce. The Transportation Commission is hereby
3 authorized to adopt rules necessary to effectuate the operation of
4 the Waterways Branch.

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

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

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

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

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

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

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1 6. Study and coordinate efforts designed to promote the
2 development of the navigable stream areas in this state for water
3 transportation purposes;

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

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

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

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

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1 11. Study all executive orders and legislation, state and
2 federal, which may affect the commercial development of interstate
3 or intrastate water transportation and to make recommendations
4 concerning any such executive orders or legislation;

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

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

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

15 a. two members shall be the Executive Directors of the
16 two active, public ports, commonly known as the Port
17 of Catoosa and the Port of Muskogee,

18 b. two members shall be appointed from private port
19 operations which have existing waterfront cargo
20 handling facilities and which regularly employ the use
21 of barge transportation,

22 c. one member shall be appointed from the public at large
23 who shall have professional experience and expertise
24 in shipping, freight logistics or construction,

1 operation, maintenance and rehabilitation of
2 transportation systems, ~~and~~

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

5 e. one member from each of the three Native American
6 tribes that has ownership interest in the Arkansas
7 riverbed.

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

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

12 3. The Board shall:

13 a. serve in an advisory capacity to the Department of
14 Transportation, the Governor's office and the
15 Legislature in accomplishing its mission,

16 b. assist in the development of rules, standards,
17 policies, procedures and directions of the Waterways
18 Branch of the Department of Transportation regarding
19 its duties and responsibilities authorized by this
20 section, and

21 c. recommend specific public and private actions that
22 would enable this state to utilize its waterways to
23 promote future growth.

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

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

COMMITTEE REPORT BY: COMMITTEE ON TRANSPORTATION, dated 02/26/2020 - DO PASS.