

1 STATE OF OKLAHOMA

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

3 SENATE BILL 1910

By: Bergstrom

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5
6 AS INTRODUCED

7 An Act relating to waterways; amending 69 O.S. 2011,
8 Section 4018, as amended by Section 1, Chapter 126,
9 O.S.L. 2014 (69 O.S. Supp. 2019, Section 4018), which
10 relates to the Oklahoma Waterways Advisory Board;
11 modifying certain duties of certain board; and
12 providing an effective date.

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

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

17 Section 4018. A. There is hereby created within the Department
18 of Transportation Planning Division, a Waterways Branch. The
19 Director of the Department of Transportation shall appoint such
20 employees necessary to implement and effectuate the provisions of
21 this section. The Waterways Branch shall assume the duties and
22 functions previously performed by the Division of Waterways within
23 the Department of Commerce. The Transportation Commission is hereby
24 authorized to adopt rules necessary to effectuate the operation of
25 the Waterways Branch.

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

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

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

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

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

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

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

22 7. Monitor and intercede on behalf of and to represent the
23 State of Oklahoma before any agency of the United States government
24 in matters pertaining to the application of fees, tolls or user

1 charges levied or contemplated to be levied against the water
2 transportation industry engaged in either intrastate or interstate
3 water commerce;

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

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

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

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

22 12. Make studies and plans for the expansion, use and growth of
23 the water transportation resources and facilities of this state; and
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1 13. Do and perform all other functions for and on behalf of the
2 state which may be necessary or desirable to accomplish the purposes
3 of this section.

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

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

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

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

21 d. two members shall be appointed at large from business
22 and/or industry associated with inland navigation.

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

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

3 3. The Board shall:

4 a. serve in an advisory capacity to the Department of
5 Transportation, the Governor's office and the
6 Legislature in accomplishing its mission,

7 b. assist in the development of rules, standards,
8 policies, procedures and directions of the Waterways
9 Branch of the Department of Transportation regarding
10 its duties and responsibilities authorized by this
11 section, ~~and~~

12 c. recommend specific public and private actions that
13 would enable this state to utilize its waterways to
14 promote future growth, and

15 d. deliver an annual report to the Governor, the Speaker
16 of the House of Representatives, and the Pro Tempore
17 of the Senate at the end of any year in which the
18 Board has met.

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

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

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