

1 **SENATE FLOOR VERSION**

2 February 28, 2019

3 SENATE BILL NO. 400

By: Paxton of the Senate

4 and

5 Lepak of the House

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8 An Act relating to cities and towns; amending 11 O.S.
9 2011, Section 36-113, as last amended by Section 1,
10 Chapter 23, O.S.L. 2017 (11 O.S. Supp. 2018, Section
11 36-113), which relates to streets and roads;
12 modifying population requirement for the
13 authorization of certain construction projects; and
14 providing an effective date.

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

16 SECTION 1. AMENDATORY 11 O.S. 2011, Section 36-113, as
17 last amended by Section 1, Chapter 23, O.S.L. 2017 (11 O.S. Supp.
18 2018, Section 36-113), is amended to read as follows:

19 Section 36-113. A. The Department of Transportation may, or
20 the board of county commissioners of any county or federally
21 recognized tribal government shall, by agreement with the governing
22 body of a municipality having a population less than five thousand
23 (5,000) persons, construct, improve, repair or maintain any of the
24 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~~ five thousand (5,000) persons
12 and greater if the municipality has passed a sales tax with the
13 proceeds earmarked to construct, improve, repair or maintain any of
14 the streets or roadways of such municipality provided that the
15 county has a population of less than one hundred fifty thousand
16 (150,000) persons.

17 D. ~~The~~ Notwithstanding any provision of this section, the board
18 of county commissioners may construct, improve, repair, or maintain
19 any of the streets of a municipality if the county has a population
20 in excess of one hundred fifty thousand (150,000) persons according
21 to the most recent Federal Decennial Census. The agreements entered
22 into pursuant to the provisions of this subsection may be performed
23 without regard to whether the municipality has passed a sales tax

1 with proceeds earmarked to construct, improve, repair or maintain
2 any of the streets or roadways of such municipality.

3 SECTION 2. This act shall become effective November 1, 2019.

4 COMMITTEE REPORT BY: COMMITTEE ON GENERAL GOVERNMENT
5 February 28, 2019 - DO PASS
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