

1 ENGROSSED SENATE
2 BILL NO. 400

By: Paxton of the Senate

3 and

4 Lepak of the House

5
6 An Act relating to cities and towns; amending 11 O.S.
7 2011, Section 36-113, as last amended by Section 1,
8 Chapter 23, O.S.L. 2017 (11 O.S. Supp. 2018, Section
9 36-113), which relates to streets and roads;
10 modifying population requirement for the
11 authorization of certain construction projects; and
12 providing an effective date.

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

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

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

23 B. The board of county commissioners may construct, improve,
24 repair, or maintain any of the streets of a municipality having a
population of less than five thousand (5,000) persons subject to

1 agreement between the governing bodies of the county and the
2 municipality without regard to whether the municipality has passed a
3 sales tax with proceeds earmarked to construct, improve, repair or
4 maintain any of the streets or roadways of such municipality.

5 C. The board of county commissioners may construct, improve,
6 repair or maintain any of the streets of a municipality having a
7 population of ~~greater than five thousand (5,000) persons but less~~
8 ~~than fifteen thousand (15,000) persons~~ five thousand (5,000) persons
9 and greater if the municipality has passed a sales tax or fee with
10 the proceeds earmarked to construct, improve, repair or maintain any
11 of the streets or roadways of such municipality provided that the
12 county has a population of less than one hundred fifty thousand
13 (150,000) persons.

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

23 SECTION 2. This act shall become effective November 1, 2019.
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1 Passed the Senate the 11th day of March, 2019.

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4 Presiding Officer of the Senate

5 Passed the House of Representatives the ____ day of _____,
6 2019.

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8 _____
9 Presiding Officer of the House
10 of Representatives