An Act

ENROLLED SENATE
BILL NO. 1198

By: Stanislawski of the Senate

and

Brumbaugh of the House

An Act relating to waterways; amending 69 O.S. 2011, Section 4018, which relates to the waterways advisory board; modifying criteria for membership to the board; providing an effective date; and declaring an emergency.

SUBJECT: Oklahoma Waterways Advisory Board membership criteria

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

SECTION 1. AMENDATORY 69 O.S. 2011, Section 4018, is amended to read as follows:

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

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

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

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

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

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

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

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

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

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

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

10. Represent this state in the promotion of the development of commercial water transportation in this state and to cooperate with

other states, other agencies of this state or agencies of the United States government, in any manner whatsoever, in an effort to develop the commercial use of the waterways in this state;

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

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

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

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

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

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

c. one member shall be appointed from the public at large who shall ~~be an economist with not less than five (5) continuous years of bona fide experience in inland navigation feasibility studies, operation, maintenance and rehabilitation issues and possess demonstrated knowledge of the maritime and towing industry,~~ have professional experience and expertise in shipping, freight logistics or construction, operation, maintenance and rehabilitation of transportation systems, and

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

2. All members shall continue in office until replaced. Members of the Board shall not be compensated or receive travel reimbursement. The membership shall elect a chairperson and vice-chairperson and shall meet as necessary.

3. The Board shall:

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

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

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

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

SECTION 2. This act shall become effective July 1, 2014.

SECTION 3. It being immediately necessary for the preservation of the public peace, health and safety, an emergency is hereby declared to exist, by reason whereof this act shall take effect and be in full force from and after its passage and approval.

Passed the Senate the 19th day of February, 2014.

Presiding Officer of the Senate

Passed the House of Representatives the 31st day of March, 2014.

Presiding Officer of the House
of Representatives

OFFICE OF THE GOVERNOR

Received by the Office of the Governor this 1st
day of April, 20 14, at 3:34 o'clock P M.
By: Audrey Rockwell

Approved by the Governor of the State of Oklahoma this 7th
day of April, 20 14, at 3:57 o'clock P M.

Governor of the State of Oklahoma

OFFICE OF THE SECRETARY OF STATE

Received by the Office of the Secretary of State this 7th
day of April, 20 14, at 4:35 o'clock p M.
By: Chris Benge