

1 ENGROSSED HOUSE AMENDMENT
TO
2 ENGROSSED SENATE BILL NO. 400 By: Paxton of the Senate
3 and
4 Lepak of the House
5
6

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

14 AMENDMENT NO. 1. Delete the title, enacting clause and entire bill
15 and replace with:

16 "An Act relating to cities and towns; amending 11
17 O.S. 2011, Section 36-113, as last amended by
18 Section 1, Chapter 23, O.S.L. 2017 (11 O.S. Supp.
19 2018, Section 36-113), which relates to streets and
20 roads; modifying population requirement for the
21 authorization of certain construction projects; and
22 providing an effective date.

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

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

Section 36-113. A. The Department of Transportation may, or
the board of county commissioners of any county or federally

1 recognized tribal government shall, by agreement with the governing
2 body of a municipality having a population less than five thousand
3 (5,000) persons, construct, improve, repair or maintain any of the
4 streets of the municipality.

5 B. The board of county commissioners may construct, improve,
6 repair, or maintain any of the streets of a municipality having a
7 population of less than five thousand (5,000) persons subject to
8 agreement between the governing bodies of the county and the
9 municipality without regard to whether the municipality has passed a
10 sales tax with proceeds earmarked to construct, improve, repair or
11 maintain any of the streets or roadways of such municipality.

12 C. The board of county commissioners may construct, improve,
13 repair or maintain any of the streets of a municipality having a
14 population of greater than five thousand (5,000) persons but less
15 than fifteen thousand (15,000) persons if the municipality has
16 passed a sales tax or fee with the proceeds earmarked to construct,
17 improve, repair or maintain any of the streets or roadways of such
18 municipality; provided, that the county has a population of less
19 than one hundred fifty thousand (150,000) persons.

20 D. The Notwithstanding any provision of this section, the board
21 of county commissioners may construct, improve, repair, or maintain
22 any of the streets of a municipality if the county has a population
23 in excess of one hundred fifty thousand (150,000) persons according
24 to the most recent Federal Decennial Census. The agreements entered

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 3. 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 4. This act shall become effective November 1, 2019.

24

