

STATE OF OKLAHOMA

1st Session of the 57th Legislature (2019)

HOUSE BILL 2025

By: Lepak

AS INTRODUCED

An Act relating to the Department of Transportation; amending 69 O.S. 2011, Sections 302, 304 and 305, which relate to transportation; authorizing Governor to appoint the Director of the Department of Transportation; making the State Transportation Commission an advisory commission; transferring duties to the Director; and providing an effective date.

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

SECTION 1. AMENDATORY 69 O.S. 2011, Section 302, is amended to read as follows:

Section 302. ~~(a)~~ A. The State Transportation Commission shall be an advisory commission to the Director of the Department of Transportation. All duties and powers of the Commission shall be transferred to the Director. Any provision in statute that provides authority to the Commission that is not advisory in nature shall be deemed to grant the duty or power to the Director. The Commission shall consist of one (1) member from each of the eight districts of

1 the state, such districts to serve as the maintenance districts and  
2 to include the area as follows:

3 District 1. Wagoner, Cherokee, Adair, Sequoyah, Muskogee,  
4 Okmulgee, McIntosh and Haskell Counties.

5 District 2. Pittsburg, Latimer, LeFlore, McCurtain, Pushmataha,  
6 Atoka, Choctaw, Bryan and Marshall Counties.

7 District 3. Lincoln, Cleveland, McClain, Garvin, Pottawatomie,  
8 Okfuskee, Seminole, Hughes, Pontotoc, Coal and Johnston Counties.

9 District 4. Payne, Logan, Canadian, Kingfisher, Garfield,  
10 Grant, Kay, Noble and Oklahoma Counties.

11 District 5. Roger Mills, Dewey, Custer, Washita, Beckham,  
12 Greer, Kiowa, Harmon, Jackson, Blaine, and Tillman Counties.

13 District 6. Cimarron, Texas, Beaver, Harper, Woods, Alfalfa,  
14 Ellis, Major and Woodward Counties.

15 District 7. Carter, Love, Murray, Grady, Comanche, Stephens,  
16 Cotton, Caddo and Jefferson Counties.

17 District 8. Osage, Pawnee, Nowata, Creek, Craig, Ottawa,  
18 Rogers, Mayes, Delaware, Washington and Tulsa Counties.

19 ~~(b)~~ B. The members of the Commission shall be appointed by the  
20 Governor, by and with the consent of the Senate, such appointment to  
21 have full force and effect and to be submitted to the Senate for its  
22 confirmation at the first session of the Senate after such  
23 appointment is made. No Commissioner shall be entitled to the  
24 payment of salary, or to perform any service, until his or her

1 appointment is confirmed by the Senate, if the Senate then be in  
2 session; if the Senate be not in session, then such Commissioner may  
3 serve and draw his salary until a special or regular session  
4 convenes; and if his or her appointment is not then confirmed within  
5 twenty (20) days, he or she shall cease to perform such services and  
6 cease to draw his or her salary. Each of the Commissioners thus  
7 appointed shall, at the time of his or her appointment, be a citizen  
8 and resident of the district for which he or she shall have been  
9 appointed for at least three (3) years prior to the date of his or  
10 her appointment. Not more than one Commissioner shall reside in any  
11 one district, as defined herein, at any time while serving on the  
12 Commission. Each Commissioner thus appointed and confirmed shall,  
13 after the first term of office as herein provided, serve for a term  
14 of eight (8) years, and unless he or she is reappointed by the  
15 Governor and confirmed by the Senate within twenty (20) legislative  
16 days his or her services are automatically terminated and he shall  
17 cease to draw his or her salary, or any perquisites or emoluments as  
18 a Commissioner; provided, that in the event the Governor's appointee  
19 is not confirmed by the Senate within ten (10) days from the date  
20 his or her name is submitted, then the Governor shall submit a  
21 further appointee for confirmation; and during his or her term of  
22 office may be removed by the Governor at ~~his~~ the Governor's  
23 pleasure. The terms of office shall be as follows: Two  
24 Commissioners shall serve until the 15th day of February, 1969; two

1 Commissioners shall serve until the 15th day of February, 1971; two  
2 Commissioners shall serve until the 15th day of February, 1973; and  
3 two Commissioners shall serve until the 15th day of February, 1975;  
4 and the Governor, at the time of making the first appointment,  
5 shall, in ~~his~~ the Governor's order of appointment, designate the  
6 term each Commissioner so appointed shall serve. Thereafter the  
7 term of each Commissioner appointed and confirmed shall expire the  
8 15th day of February in the eighth year after ~~his~~ appointment, and  
9 in case of death, resignation, or removal, the place shall be filled  
10 by appointment by the Governor for the remainder of the term. Such  
11 appointments also shall be confirmed by the Senate. The members of  
12 the Commission each shall receive an annual salary of Four Thousand  
13 Eight Hundred Dollars (\$4,800.00), payable monthly, and each shall  
14 be entitled to receive travel expenses pursuant to the State Travel  
15 Reimbursement Act, Section 500.1 et seq. of Title 74 of the Oklahoma  
16 Statutes. The Governor shall be an ex officio member of the  
17 Commission, but shall be entitled to vote only in case of a tie  
18 vote.

19 ~~(e)~~ C. Provided, that persons serving as members of the State  
20 Highway Commission created by Section 301 of this title, when this  
21 Code becomes effective shall serve as members of the State  
22 Transportation Commission created by this Code for the remainder of  
23 the terms for which they were appointed, in the positions on the  
24 latter Commission having corresponding terms of office, or until

1 such positions are filled as herein provided. Future ~~Gubernatorial~~  
2 gubernatorial appointments shall be made from districts as directed  
3 by this act.

4 SECTION 2. AMENDATORY 69 O.S. 2011, Section 304, is  
5 amended to read as follows:

6 Section 304. ~~(a)~~ A. The construction and maintenance of the  
7 State Highway System, and all work incidental thereto, shall be  
8 under the general supervision and control of the Director of the  
9 Department of Transportation ~~Commission~~.

10 ~~(b)~~ B. The ~~Commission~~ Director shall have power to make all  
11 final decisions affecting the work provided for herein, and all  
12 reasonable rules and regulations it may deem necessary, not  
13 inconsistent with this code, for the proper management and conduct  
14 of such work, and for carrying out the provisions of this article,  
15 in such manner as shall be to the best interest and advantage of the  
16 people of this state.

17 ~~(c)~~ C. The ~~Commission~~ Director shall have power and authority  
18 to contract for and purchase, lease or otherwise acquire any tools,  
19 machinery, supplies, material or labor needed or to be needed for  
20 such work, having the deliveries of such articles made as actually  
21 needed, and to pay for engineering, preparation of plans and  
22 specifications, costs of advertising, engineering supervision and  
23 inspection and all expenses and contingencies in connection with the  
24 construction and maintenance of the State Highway System. When

1 quality and prices are equal, preference shall be given to materials  
2 produced within the State of Oklahoma and highway construction  
3 companies domiciled, having and maintaining offices in and being  
4 citizen taxpayers of the State of Oklahoma.

5 ~~(d)~~ D. The ~~Commission~~ Director shall have authority to make all  
6 contracts and do all things necessary to cooperate with the United  
7 States Government in matters relating to the cooperative  
8 construction, improvement and maintenance of the State Highway  
9 System, or any road or street of any political or governmental  
10 subdivision or any municipal or public corporation of this state,  
11 for which federal funds or aid are secured. Such contracts or acts  
12 shall be carried out in the manner required by the provisions of the  
13 Acts of Congress and rules and regulations made by an agency of the  
14 United States in pursuance of such acts.

15 ~~(e)~~ E. Any political or governmental subdivision or any public  
16 or municipal corporation of this state shall have the authority to  
17 enter into contracts through or with the ~~Commission~~ Director to  
18 enable them to participate in all the benefits to be secured from  
19 federal aid funds, or funds made available from the federal  
20 government to be used on roads and streets. The ~~Commission~~ Director  
21 may negotiate and enter into contracts with the federal government,  
22 or any of its constituted agencies, and take all steps and  
23 proceedings necessary in order to secure such benefits for such  
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1 political or governmental subdivisions or public or municipal  
2 corporations.

3 ~~(f)~~ F. The ~~Commission~~ Director, on behalf of the state, and any  
4 political or governmental subdivision or public or municipal  
5 corporation of this state shall have the authority to enter into  
6 agreements with each other respecting the planning, designating,  
7 financing, establishing, constructing, improving, maintaining,  
8 using, altering, relocating, regulating or vacating of highways,  
9 roads, streets or connecting links.

10 ~~(g)~~ G. The ~~Commission~~ Director shall have authority to act in  
11 an advisory capacity, upon request, to any political or governmental  
12 subdivision or public or municipal corporation of this state in  
13 matters pertaining to the planning, locating, constructing and  
14 maintaining of roads, highways and streets and other related  
15 matters. The ~~Commission~~ Director, in such instances, may provide  
16 services and may cooperate with such subdivisions and corporations  
17 on such terms as may be mutually agreed upon.

18 ~~(h)~~ H. The ~~Commission~~ Director may purchase out of the State  
19 Highway Construction and Maintenance Fund such commercial vehicles  
20 and passenger automobiles as may be necessary for the use of the  
21 Department and its employees in the construction and maintenance of  
22 the State Highway System and all work incidental thereto, and in  
23 carrying out the duties now or hereafter imposed upon the Department  
24 by the laws of this state.

1        ~~(i)~~ I. The ~~Commission~~ Director may enter into written

2 agreements with private citizens to allow such citizens to mow state  
3 highway rights-of-way and keep the clippings from such mowing as the  
4 sole compensation therefor.

5        SECTION 3.        AMENDATORY        69 O.S. 2011, Section 305, is  
6 amended to read as follows:

7        Section 305. There is hereby created the office of the Director  
8 of the Department of Transportation, who shall be ~~elected by a~~  
9 ~~majority vote of the entire Commission~~ appointed by the Governor,  
10 with the advice and consent of the Senate, and who shall serve at  
11 the pleasure of the ~~Commission.~~ The Director shall receive an  
12 annual salary to be fixed by a majority vote of the entire  
13 Commission from appropriations made by the Legislature Governor and  
14 may be removed or replaced without cause. Compensation for the  
15 Director shall be determined pursuant to Section 3601.2 of Title 74  
16 of the Oklahoma Statutes.

17        SECTION 4. This act shall become effective November 1, 2019.

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19        57-1-5227        LRB        01/08/19  
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