

1 **HOUSE OF REPRESENTATIVES - FLOOR VERSION**

2 STATE OF OKLAHOMA

3 1st Session of the 58th Legislature (2021)

4 HOUSE BILL 2184

By: Johns of the House

5 and

6 **Haste** of the Senate

7  
8  
9 AS INTRODUCED

10 An Act relating to roads, bridges and ferries;  
11 amending 69 O.S. 2011, Section 1952, which relates to  
12 definitions; modifying definition; amending 69 O.S.  
13 2011, Section 1953, which relates to board  
14 membership; modifying means of board appointment;  
15 modifying board oversight; deleting staggered terms  
16 for board members; amending 69 O.S. 2011, Section  
17 1954, which relates to the promulgation of rules;  
18 modifying entity responsible for rule promulgation;  
19 amending 69 O.S. 2011, Section 1962, which relates to  
20 board independence; deleting requirement that board  
21 receive certain independence; modifying board name;  
22 modifying certain revolving fund name; amending 69  
23 O.S. 2011, Section 1963, as amended by Section 585,  
24 Chapter 304, O.S.L. 2012 (69 O.S. Supp. 2020, Section  
1963), which relates to the Highway Construction  
Materials Technician Certification Board Revolving  
Fund; modifying certain fund name; modifying type of  
monies received for deposit; modifying expenditure of  
funds; and providing an effective date.

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

1 SECTION 1. AMENDATORY 69 O.S. 2011, Section 1952, is  
2 amended to read as follows:

3 Section 1952. For the purposes of the Oklahoma Highway  
4 Construction Materials Technician Registration Act:

5 1. "Authority" means the Oklahoma Turnpike Authority;

6 2. "Board" means the Highway Construction Materials Technician  
7 Certification Advisory Board;

8 3. "Construction materials technician" means a person uniquely  
9 qualified by education, specialized training and documented field  
10 experience and who possesses certification issued by the Board to  
11 take samples and conduct tests of materials used in the construction  
12 of highways and bridges;

13 4. "Department" means the Department of Transportation;

14 5. "Program Director" means the person designated by the  
15 Director of the Department of Transportation to administer the  
16 training and examination activities of the Oklahoma Highway  
17 Construction Materials Technician Registration Act; and

18 6. "Registration" means a certificate issued pursuant to the  
19 Oklahoma Highway Construction Materials Technician Registration Act.

20 SECTION 2. AMENDATORY 69 O.S. 2011, Section 1953, is  
21 amended to read as follows:

22 Section 1953. A. There is hereby created the Highway  
23 Construction Materials Technician Certification Advisory Board which  
24

1 shall consist of eleven (11) members to be appointed ~~by the Governor~~  
2 as follows:

3 1. The chair and three members may be ~~appointed from a list of~~  
4 ~~nine persons submitted~~ nominated for appointment by the Director of  
5 the Department of Transportation;

6 2. One member may be ~~appointed from a list of three persons~~  
7 ~~submitted~~ nominated for appointment by the Director of the Oklahoma  
8 Turnpike Authority;

9 3. One member may be ~~appointed from a list of three persons~~  
10 ~~submitted~~ nominated for appointment by the Association of County  
11 Commissioners of Oklahoma;

12 4. Two members may be ~~appointed from a list of six persons~~  
13 ~~submitted~~ nominated for appointment by the Association of Oklahoma  
14 General Contractors;

15 5. One member may be ~~appointed from a list of three persons~~  
16 ~~submitted~~ nominated for appointment by the Oklahoma Asphalt Pavement  
17 Association;

18 6. One member may be ~~appointed from a list of three persons~~  
19 ~~submitted~~ nominated for appointment by the Oklahoma Chapter of the  
20 American Concrete Pavement Association; and

21 7. One member may be ~~appointed from a list of three persons~~  
22 ~~submitted~~ nominated for appointment by the Federal Highway  
23 Administration.

24

1 B. The chair and all other Board members appointed in  
2 subsection A of this section shall serve three-year terms and shall  
3 serve at the pleasure of the ~~Governor~~ Secretary of Transportation.  
4 Members may be appointed for subsequent three-year terms.

5 C. The Board shall select from its membership a vice-chair and  
6 other officers as needed to serve one-year terms. The chair or  
7 vice-chair shall preside at all meetings.

8 D. A majority of Board members shall constitute a quorum to  
9 transact official business.

10 E. The Board shall meet quarterly. In addition, the Board  
11 shall meet when called by the chair or the vice-chair in the absence  
12 of the chair.

13 ~~F. Beginning with the appointments due to expire in 2008, the~~  
14 ~~Governor shall implement a system of staggered terms of office for~~  
15 ~~the appointed members so that no more than four members' terms shall~~  
16 ~~expire in any year. Following the initial staggered terms, all~~  
17 ~~subsequent appointments shall be for three-year terms.~~

18 SECTION 3. AMENDATORY 69 O.S. 2011, Section 1954, is  
19 amended to read as follows:

20 Section 1954. The ~~Highway Construction Materials Technician~~  
21 ~~Certification Board~~ Transportation Commission shall be authorized to  
22 promulgate rules governing the training of construction inspectors,  
23 first-line construction supervisors, and others not seeking  
24 registration as a materials technician, and the examination and

1 registration of highway construction materials technicians and the  
2 defining of categories and limitations for such registration and  
3 providing requirements for the renewal of registration.

4 SECTION 4. AMENDATORY 69 O.S. 2011, Section 1962, is  
5 amended to read as follows:

6 Section 1962. A. ~~It is the intent of the Legislature that the~~  
7 The Highway Construction Materials Technician Certification Advisory  
8 ~~Board created pursuant to the provisions of the Oklahoma Highway~~  
9 ~~Construction Materials Technician Registration Act shall be~~  
10 ~~independent of,~~ but shall receive administrative and financial  
11 support from, the Department of Transportation.

12 B. Fees collected pursuant to the provisions of the Oklahoma  
13 Highway Construction Materials Technician Registration Act shall be  
14 determined by the Board pursuant to Article I of the Administrative  
15 Procedures Act. All such fees collected shall be deposited in the  
16 Highway Construction Materials Technician Certification ~~Board~~  
17 Revolving Fund.

18 SECTION 5. AMENDATORY 69 O.S. 2011, Section 1963, as  
19 amended by Section 585, Chapter 304, O.S.L. 2012 (69 O.S. Supp.  
20 2020, Section 1963), is amended to read as follows:

21 Section 1963. There is hereby created in the State Treasury a  
22 revolving fund to be designated the "Highway Construction Materials  
23 Technician Certification ~~Board~~ Revolving Fund". The fund shall be a  
24 continuing fund, not subject to fiscal year limitations, and shall

1 consist of all monies received ~~by the Board~~ for deposit in the fund.  
2 All monies accruing to the credit of the fund are hereby  
3 appropriated and may be budgeted and expended ~~by the Board~~ for the  
4 purpose of conducting training ~~and examination and the execution of~~  
5 ~~the powers and duties of the Board as set forth in this act~~ or  
6 certification of individuals seeking to become registered highway  
7 construction materials technicians. Expenditures from the fund  
8 shall be made upon warrants issued by the State Treasurer against  
9 claims filed as prescribed by law with the Director of the Office of  
10 Management and Enterprise Services for approval and payment.

11 SECTION 6. This act shall become effective November 1, 2021.

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13 COMMITTEE REPORT BY: COMMITTEE ON TRANSPORTATION, dated 02/25/2021 -  
14 DO PASS, As Coauthored.

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