

ENROLLED HOUSE
BILL NO. 2387

BY: STEIDLEY, HENSHAW and
REESE of the HOUSE

and

TAYLOR, ROBINSON and
LONG (Ed) of the SENATE

AN ACT RELATING TO WATERS AND WATER RIGHTS;
CREATING THE DIVISION OF WATERWAYS IN THE OKLAHOMA
DEPARTMENT OF COMMERCE; PROVIDING FOR APPOINTMENT
OF AN ADMINISTRATIVE HEAD; PROVIDING FOR POWERS AND
DUTIES; PROVIDING FOR APPOINTMENT OF AN ADVISORY
BOARD; PROVIDING QUALIFICATIONS AND SPECIFYING
DUTIES; AMENDING 74 O.S. 1991, SECTION 5001, WHICH
RELATES TO THE DEPARTMENT OF COMMERCE; CLARIFYING
LANGUAGE REGARDING LOCATION OF DIVISION OF
WATERWAYS; PROVIDING FOR CODIFICATION; PROVIDING AN
EFFECTIVE DATE; AND DECLARING AN EMERGENCY.

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

SECTION 1. NEW LAW A new section of law to be codified
in the Oklahoma Statutes as Section 1701 of Title 82, unless there
is created a duplication in numbering, reads as follows:

A. There is hereby created within the Oklahoma Department of
Commerce, the Division of Waterways. The Division shall be subject
to the administrative direction of the Oklahoma Department of
Commerce. The Director of the Department of Commerce shall appoint
an administrative head of the Division and such additional employees
necessary to implement and effectuate the provisions of this
section.

B. The Division shall have the primary purpose and
responsibility of promoting the McClellan-Kerr Arkansas River
Navigation System which constitutes Oklahoma's navigable waterways.
In addition the Division shall have the authority to:

1. Encourage commercial use of the state's navigable waterways
for purposes of the transportation of goods;
2. Assist with 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 harbour 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. The Division is authorized to cooperate with all state agencies, boards and commissions which have the power to furnish assurances of repayment to the federal government for water resource projects, for the purpose of obtaining improvement of the waterways of this state for commercial navigation and other project purposes, in regard to projects and programs that are on the navigable waterways of the state or may affect such waterways and to provide assistance to such state agencies, boards and commissions in contracting with the federal government to provide the necessary lands, easements and rights-of-way in connection therewith;

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 Commerce. The Board shall consist of a representative from each Oklahoma Public Port Authority, two representatives from private port authorities which have existing waterfront cargo handling facilities and which regularly employ the use of barge transportation, and not more than five members appointed at-large, one of which shall be an economist with experience in river development problems. 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;

2. The Board shall:

- a. serve in an advisory capacity to the Division of Waterways in the Oklahoma Department of Commerce, 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 Division 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; and

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

SECTION 2. AMENDATORY 74 O.S. 1991, Section 5001, is amended to read as follows:

Section 5001. A. The Oklahoma Economic Development Commission, the Office of the Governor - Department of Economic Development, and the Department of Economic and Community Affairs, are hereby abolished.

B. All powers, duties, responsibilities, property, personnel, assets, liabilities, fund balances, encumbrances and obligations of the Oklahoma Economic Development Commission, the Office of the Governor - Department of Economic Development, and the Department of Economic and Community Affairs are hereby transferred to the Oklahoma Department of Commerce or other appropriate governmental entity as provided for in this act. As soon as possible the offices and staff of the Oklahoma Department of Commerce shall be moved to a common location.

C. The current Tulsa field office of the Department of Commerce shall be designated as the Tulsa Division of the Department of Commerce. The Tulsa Division shall include, but not be limited to the following services: ~~The waterways section~~ Division of Waterways of the Department of Commerce, film industry promotion, international trade recruitment and export assistance, trade reference, business expansion and start-up, small business assistance, economic and community development financing, and economic and community development.

The Department of Commerce shall transfer only those employees requesting to be transferred to the Tulsa Division, provided the employee meets the criteria established by the Department for positions to be placed in the Tulsa Division, and shall fill any remaining positions at the Tulsa Division through accrued vacancies within the Department of Commerce.

D. All powers, duties, responsibilities, property, personnel, assets, liabilities, fund balances, encumbrances and obligations of the film industry program in the Marketing Division of the Oklahoma Department of Tourism and Recreation are hereby transferred to the Oklahoma Department of Commerce.

E. The Director of Public Affairs and Director of State Finance shall coordinate the transfers made pursuant to subsections B and D of this section.

SECTION 3. This act shall become effective July 1, 1992.

SECTION 4. 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 House of Representatives the 9th day of March, 1992.

Speaker of the House of
Representatives

Passed the Senate the 21st day of April, 1992.

President of the Senate