

ENROLLED SENATE
BILL NO. 437

BY: MILES-LaGRANGE of the
SENATE

and

MONSON of the HOUSE

AN ACT RELATING TO STATE GOVERNMENT; AMENDING SECTIONS 4 AND 6, CHAPTER 269, O.S.L. 1990 (74 O.S. SUPP. 1990, SECTIONS 7052 AND 7054), WHICH RELATE TO THE MEDICAL TECHNOLOGY AND RESEARCH AUTHORITY OF OKLAHOMA; EXPANDING THE MEMBERSHIP OF THE AUTHORITY; RESTRICTING THE POWER OF THE AUTHORITY TO ACQUIRE CERTAIN PROPERTY; AND DECLARING AN EMERGENCY.

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

SECTION 1. AMENDATORY Section 4, Chapter 269, O.S.L. 1990 (74 O.S. Supp. 1990, Section 7052), is amended to read as follows:

Section 7052. A. There is hereby created a body corporate and politic to be known as the "Medical Technology and Research Authority of Oklahoma", and by that name the Authority may sue and be sued, and plead and be impleaded. The Authority is hereby constituted an agency of the state, and the exercise by the Authority of the powers conferred by this act shall be deemed to be essential governmental functions of the state with all the attributes thereof. Provided, however, the Authority is authorized to carry liability insurance to the extent authorized by the Authority, and in addition thereto it shall be subject to the workers' compensation laws of the State of Oklahoma the same as a private employer.

B. The Authority shall consist of two (2) ex officio members and ~~five (5)~~ six (6) appointed members. Each ex officio member and each appointed member shall have one (1) vote for purposes of conducting the business of the Authority. One ex officio member shall be the President of the University of Oklahoma, or the designee of the same. One ex officio member shall be the Director of the Department of Human Services, or the designee of same. The ~~five~~ six appointed members shall serve overlapping terms and shall be chosen as follows: ~~One member~~ two (2) members shall be appointed by the Governor; one member shall be appointed by the Speaker of the House of Representatives; one member shall be appointed by the President Pro Tempore of the Senate; one member shall be appointed by the President of the University of Oklahoma; and one member shall be appointed by the Director of the Department of Human Services. The appointed members shall be residents of the state, and shall have been qualified electors therein for a period of at least one (1) year preceding their appointment. Appointed members initially appointed shall continue in office for terms of from three (3) to seven (7) years, respectively, from the date of their appointment, and thereafter until their respective successors shall be duly appointed and qualified, with the term of each initially appointed

member to be designated by the Governor at the time of the appointment, with one member to be appointed to a three-year term, one member to be appointed to a four-year term, one member to be appointed to a five-year term, one member to be appointed to a six-year term, and ~~one member~~ two (2) members to be appointed to a seven-year term; but their successors shall each be appointed for a term of seven (7) years, except that any person appointed to fill a vacancy shall serve only for the unexpired term. At the expiration of any term, the person holding such office shall continue to serve until such person's duly appointed successor shall be appointed and qualified. Any member of the Authority shall be eligible for reappointment, and no member shall be removed from office except for good cause shown.

C. The Authority shall elect one of its members as chairman and another as vice-chairman, and also shall elect a secretary, treasurer and such other officers as the Authority may deem appropriate. A majority of the members of the Authority (exclusive of vacancies) shall constitute a quorum and the vote of a majority of the members (exclusive of vacancies) shall be necessary for any action taken by the Authority. No vacancy in the membership of the Authority shall impair the right of a quorum to exercise all the rights and perform all the duties of the Authority.

D. Before the issuance of any improvement revenue bonds under the provisions of this act, each member of the Authority shall execute a surety bond in the penal sum of Twenty-five Thousand Dollars (\$25,000.00) and the secretary and treasurer shall execute a surety bond in the penal sum of One Hundred Thousand Dollars (\$100,000.00), each such surety bond to be conditioned upon the faithful performance of the duties of his or her office, to be executed by a surety company authorized to transact business in the State of Oklahoma as surety, and to be filed in the office of the Secretary of State.

E. The members of the Authority shall not be entitled to compensation for their services, but each member shall be reimbursed for actual expenses necessarily incurred in the performance of duties on behalf of the Authority, provided that members of the Authority shall be compensated for their travel expenses pursuant to the State Travel Reimbursement Act. All expenses incurred in carrying out the provisions of this act shall be payable solely from funds provided under the authority of this act and no liability or obligation shall be incurred by the Authority hereunder beyond the extent to which monies shall have been provided under the authority of this act.

SECTION 2. AMENDATORY Section 6, Chapter 269, O.S.L. 1990 (74 O.S. Supp. 1990, Section 7054), is amended to read as follows:

Section 7054. The Authority is hereby authorized and empowered:

1. To adopt bylaws for the regulation of its affairs and conduct of its business;
2. To adopt an official seal and alter the same at pleasure;
3. To have its principal office located in Oklahoma City;
4. To sue and be sued in contract, reverse condemnation, equity, mandamus and similar actions in its own name, plead and be impleaded; provided, that any and all actions at law or in equity against the Authority shall be brought in Oklahoma County. The Authority shall be subject to the Governmental Tort Claims Act, Section 151 et seq. of Title 51 of the Oklahoma Statutes;
5. To construct, maintain, repair and operate improvement projects, and further to provide operational services to service recipients at such locations within the district as shall be

determined by the Authority to be feasible and economically sound, and to enter into contracts with service recipients for operational services. The Authority is specifically empowered to enter into agreements with service recipients whereby assessments are paid by service recipients to the Authority for operational services provided by the Authority;

6. To issue improvement revenue bonds of the Authority, payable solely from revenues, including the revenues accruing to the trust fund created by this act, for the purpose of paying all or any part of the cost of any one or more improvement projects;

7. To fix and revise from time to time user charges for the use of improvements and improvement projects, provided that prior to such user charges becoming effective with respect to parking garages and parking lots owned on May 1, 1990, by the University of Oklahoma, said University shall first approve such user charges, and with respect to parking garages and parking lots owned on May 1, 1990, by the Department of Human Services, said Department shall first approve such user charges;

8. To acquire, hold, and dispose of real and personal property in the exercise of its powers and the performance of its duties, to include the right to acquire such property for prospective improvement projects, including the acquisition of existing facilities, buildings, equipment and improvements;

9. To lease improvement projects, or portions thereof, to other governmental agencies or to private persons, partnerships, corporations, trusts, and other private entities;

10. To acquire within the district in the name of the Authority by purchase or otherwise on such terms and conditions and in such manner as it may deem proper, or by exercise of the right of condemnation in the manner hereinafter provided, such public or private lands, including public parks, playgrounds, or reservations, or parts thereof or rights therein, rights-of-way, property rights, easements, and interests, as it may deem necessary for carrying out the provisions of this act; provided, that all public property damaged in carrying out the powers granted by this act shall be restored or repaired and placed in its original condition as nearly as practicable; and further provided, in no case shall the Authority be authorized to acquire by condemnation the property of any agency of the State of Oklahoma or of an urban renewal area as defined by Section 38-101 of Title 11 of the Oklahoma Statutes without the approval of ~~such~~ the appropriate agency, and provided further that this limitation on the Authority's acquisition of property by condemnation shall supersede any conflicting provision of this act;

11. To make and enter into all contracts and agreements necessary or incidental to the performance of its duties and the execution of its powers, and to employ consulting engineers, attorneys, accountants, construction and financial experts, superintendents, managers, and such other employees and agents as may be necessary in its judgment, and to fix their compensation;

12. To receive and accept from any federal agency grants for or in aid of the construction of any improvement project or operational service; and to receive and accept aid or contributions from any source of either money, property, labor, or other things of value, to be held, used, and applied only for the purposes for which such grants and contributions may be made;

13. To regulate and control all vehicular parking within the district, including vehicular parking in parking garages, on parking lots, along driveways and along public or private streets, and at all other locations within the district. The Authority is specifically empowered to regulate the number of vehicular parking

spaces within the district, the hours of operation and availability of vehicular parking spaces, the charges to be assessed to the users of vehicular parking spaces and standards of construction and operation with respect to all vehicular parking facilities or areas within the district. In furtherance of the foregoing, the Authority may enter into agreements with the City of Oklahoma City or other governmental agencies with respect to enforcement of parking regulations; however, in all cases, the jurisdiction, power and authority to regulate vehicular parking granted by this act to the Authority shall be superior to and shall control over any parking jurisdiction possessed by any other agency of state government, political subdivision or municipality. No vehicular parking spaces shall be created or allowed to continue within the district unless authorized by the Authority. Notwithstanding anything contained herein to the contrary, vehicular parking garages and hard surfaced parking lots, existing on May 1, 1990, not within public streets or rights-of-way, and having individual capacities in excess of ten (10) vehicular parking spaces, shall not be subject to the powers of the Authority as granted by this paragraph as to parking regulation unless, with respect to an individual property, the holder of same shall consent to such regulation by the Authority. Those parties not consenting to regulation by the Authority shall be responsible for the maintenance and operation of their respective parking garages;

14. To regulate and control vehicular parking within the secondary district as follows: No parking garages or parking lots shall be constructed or used without the prior approval of the Authority; however, vehicular parking accessory to a building, provided to meet the minimum vehicular parking requirements of the City of Oklahoma City for such building need not obtain approval of the Authority, however all parking in excess of such minimum requirements shall obtain the approval of the Authority. Nor shall Authority approval be required for vehicular parking garages or parking lots existing on May 1, 1990. Parking accessory to a residence shall not require Authority approval;

15. To do all things necessary or convenient to carry out the powers expressly granted in this act;

16. All meetings of the Authority shall be subject to the Open Meeting Act, Section 301 et seq. of Title 25 of the Oklahoma Statutes and all records of the Authority shall be subject to the Open Records Act, Section 24A.1 et seq. of Title 51 of the Oklahoma Statutes, both as the same shall from time to time be amended; and

17. All buildings and improvements constructed by the Authority within the jurisdiction of the Capitol-Medical Center Improvement and Zoning Commission shall comply with the rules and regulations of said Commission.

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 1st day of May, 1991.

President of the Senate

Passed the House of Representatives the 17th day of April, 1991.

Speaker of the House of
Representatives