

STATE OF OKLAHOMA

2nd Session of the 43rd Legislature (1992)

HOUSE BILL NO. 2387

BY: STEIDLEY and HENSHAW of
the HOUSE

and

TAYLOR of the SENATE

AS INTRODUCED

AN ACT RELATING TO WATERS AND WATER RIGHTS; CREATING
THE OKLAHOMA WATERWAY COMMISSION; PROVIDING FOR
APPOINTMENT, QUALIFICATIONS AND TERMS; PROVIDING
FOR PROCEDURES; PROVIDING FOR MEMBERSHIP OF THE
COMMISSION; PROVIDING FOR POWERS AND DUTIES;
PROVIDING FOR APPOINTMENT OF AN EXECUTIVE DIRECTOR
AND OTHER EMPLOYEES; REQUIRING CERTAIN REPORTS;
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 the Oklahoma Waterway Commission to
consist of seven (7) members as follows: The Director of the
Oklahoma Water Resources Board, the Director of the Department of
Tourism and Recreation and five members appointed by the Governor.
The appointed members shall consist of: two members who shall be
representatives of the port authorities established pursuant to

Section 1102 of Title 82 of the Oklahoma Statutes which have existing waterfront cargo handling facilities and which regularly employ the use of barge transportation; two members who shall be representatives from private ports along the Oklahoma segment of the McClellan-Kerr Arkansas River Navigation System which have existing waterfront cargo handling facilities and which regularly employ the use of barge transportation; and one who shall be appointed from the public at large and who shall be an economist with experience in river development problems.

B. The initial terms of office of the members appointed by the Governor are as follows:

1. Two members shall expire on June 30, 1994;
2. Two members shall expire on June 30, 1996; and
3. One member shall expire on June 30, 1998.

Thereafter, the term of office of a member appointed by the Governor shall be for six (6) years and until a successor is appointed and qualified.

C. The governor may remove any member so appointed for incompetence, neglect of duty or malfeasance in office upon first giving the member a copy of the charges and an appointment to be heard. Any vacancy on the Commission shall be filled for the unexpired term by appointment made by the Governor.

D. The Commission shall meet at such times and places within this state as the Commission determines. The members of the Commission shall annually elect a chairman, vice-chairman and secretary from the membership of the Commission. A majority of the members shall constitute a quorum. If unable to attend any meeting of the Oklahoma Waterway Commission, the Director of the Oklahoma Water Resources Board may designate, in writing, the Assistant Director of the Oklahoma Water Resources Board or a member of the Oklahoma Water Resources Board, and the Executive Director of the Department of Tourism and Recreation may designate, in writing, the

Executive Assistant of the Department as a member of the Oklahoma Tourism and Recreation Commission to act in the official capacity of such director or executive director at any such meetings of the Oklahoma Waterway Commission.

SECTION 2. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 1702 of Title 82, unless there is created a duplication in numbering, reads as follows:

The Oklahoma Waterway Commission is hereby authorized to:

1. Study and coordinate efforts designed to promote the development of the navigable stream areas in this state for water transportation purposes;
2. Encourage and coordinate the development of river port and harbor facilities;
3. Recommend to the proper officials recreational restrictions in critical commercial navigation areas in order to promote public safety and expedite water transportation;
4. Intercede on behalf of and to represent the State of Oklahoma 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;
5. 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, provided that nothing herein shall be deemed to deny or prohibit any city, county, port authority or other governmental or private agency or authority from accepting such donations and grants they are now authorized by law to receive;
6. 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 Commission 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;

7. Have and exercise the power and authority to acquire such real and personal property, in the name of the State of Oklahoma, by gift, grant, purchase, or negotiation, as the Commission deems necessary or desirable to carry out its functions and responsibilities under this act;

8. Require all state agencies, boards and commissions, when such agencies, boards and commissions are planning industrial, residential or recreational zonings, operational regulations or improvements involving channel alignments, bank stabilization, bank and adjacent land uses, and other regulatory or related activities, which would directly affect commercial navigation on any of the state's inland waterways, to coordinate such planning with the Commission;

9. Authorize the assignment, transfer, lease, conveyance, grant or donation of any or all of its property to the United States of America or to any agency or department thereof, for use of the United States in connection with the purposes of this act;

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. The Commission is hereby empowered to 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; and

11. 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 act, including, but not limited to, the making of studies and plans for the expansion, use and growth of the water transportation resources and facilities of this state.

SECTION 3. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 1703 of Title 82, unless there is created a duplication in numbering, reads as follows:

The Commission may employ an executive director, and such other employees as may be authorized by law, and fix the salaries thereof within the limitations of funds appropriated therefor, to assist the Commission in the performance of its duties under this act. The executive director shall have a minimum of five (5) years' experience with waterway development activities. The Commission shall biennially submit to the Governor and to the Legislature a report of its activities, findings and recommendations for the biennial period.

SECTION 4. This act shall become effective July 1, 1992.

SECTION 5. 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.

