

SHORT TITLE: Creating the Kiamichi Valley Authority; codification;
emergency.

STATE OF OKLAHOMA

2nd Session of the 44th Legislature (1994)

SENATE BILL NO. 1014

By: Stipe

AS INTRODUCED

An Act relating to the creation of the Kiamichi

Valley Authority; providing short title; stating purpose of Authority; stating boundaries; declaring Authority to be a governmental agency, body politic and corporate; stating powers and granting Authority certain rights, privileges and functions; stating membership of Board of Managers; providing for staggered terms; stating procedure to fill vacancy on Board; allowing member to serve certain time period; authorizing removal from Board; providing for meetings; declaring certain number to be quorum; stating powers, rights and privileges of Authority; providing for codification; 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 1801 of Title 82, unless there is created a duplication in numbering, reads as follows:

This act shall be known and may be cited as the "Kiamichi Valley Authority Act of 1994".

SECTION 2. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 1802 of Title 82, unless there is created a duplication in numbering, reads as follows:

There is hereby created within the State of Oklahoma a conservation and protection district to be known as the "Kiamichi Valley Authority", hereinafter called the Authority, and consisting of that part of the State of Oklahoma which is included within the boundaries of the counties of Choctaw, Latimer, Pittsburg and Pushmataha. Such Authority shall be, and is hereby declared to be, a governmental agency of the State of Oklahoma, body politic and corporate, with powers of government and with the authority to exercise the rights, privileges and functions hereinafter specified, including the conservation, protection and maximum utilization of any and all natural resources of its district for any useful purpose.

SECTION 3. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 1803 of Title 82, unless there is created a duplication in numbering, reads as follows:

A. There is hereby created the Board of Managers of the Kiamichi Valley Authority, hereinafter called the Board, which shall consist of seven (7) members to be appointed as follows:

1. One member shall be appointed by the Choctaw Board of County Commissioners, and shall serve an initial term ending December 31, 1995;

2. One member shall be appointed by the Latimer Board of County Commissioners, and shall serve an initial term ending December 31, 1995;

3. One member shall be appointed by the Pittsburg Board of County Commissioners, and shall serve an initial term ending December 31, 1996;

4. One member shall be appointed by the Pushmataha Board of County Commissioners, and shall serve an initial term ending December 31, 1996;

5. One member shall be appointed by the Governor, and shall serve an initial term ending December 31, 1997;

6. One member shall be appointed by the mayor of the largest municipality within the Authority, and shall serve an initial term ending December 31, 1997; and

7. One member shall be the president of any institution of higher education located within the Authority's district appointed by the Governor, and who shall serve an initial term ending December 31, 1998.

B. Members appointed to the Kiamichi Valley Authority Board of Managers shall serve four-year terms, except for the initial members appointed to the Board of Managers, as provided in subsection A of this section. A successor to a member of the Board of Managers appointed to fill a vacancy shall be appointed in the same manner as the original members. Any member appointed to fill a vacancy on the Board shall be appointed for the remainder of such term. Any member of the Board of Managers shall be allowed to succeed himself one time for a total of eight (8) consecutive years served on the Board. Any member may be removed from office for just cause by majority vote of the Board.

C. The time and place of the regular meetings and the manner in which special meetings may be called shall be set forth in the bylaws of the Authority and comply with the Open Meeting Act. Four members shall constitute a quorum at any meeting, and except as may be otherwise provided by the bylaws, all action may be taken by the affirmative vote of the majority of those members present at any such meeting.

SECTION 4. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 1804 of Title 82, unless there is created a duplication in numbering, reads as follows:

The Kiamichi Valley Authority shall have and is hereby authorized to exercise the following powers, rights and privileges:

1. To acquire by purchase, lease, gift, or in any other manner, and to maintain, use and operate or to contract for the maintenance,

use and operation of any and all property of any kind, real, personal, or mixed, or any interest therein, and to own, construct, operate and maintain any project or works in conjunction or jointly with, as tenants in common, any public or private corporation duly authorized and qualified to do business within this state including, but not limited to, rural electric cooperatives of the State of Oklahoma or the United States of America, or any department, subdivision or agency of the State of Oklahoma or the United States of America, or with any "public agency" as defined under the Interlocal Cooperation Act, Sections 1001 through 1008 of Title 74 of the Oklahoma Statutes, within or without the boundaries of the Authority's district, necessary, incidental or convenient to the exercise of the powers, rights, privileges and functions conferred upon it by this act;

2. To acquire by condemnation any and all property of any kind, real, personal, or mixed, or any interest therein, within or without the boundaries of the district, necessary, incidental or convenient to the exercise of the powers, rights, privileges and functions conferred upon it by this act, in the manner provided by general law with respect to condemnation;

3. Subject to the provisions of this act, from time to time sell, which shall include, but not be limited to, an installment sale agreement, lease with nominal purchase options, or otherwise dispose of any property of any kind, real, personal or mixed, or any interest therein, which shall not be necessary to the carrying on of the business of the Authority;

4. To construct, extend, improve, maintain and reconstruct, to cause to be constructed, extended, improved, maintained and reconstructed, and to use and operate any and all facilities of any kind necessary, incidental or convenient to the exercise of such powers, rights, privileges and functions;

5. To sue and be sued in its corporate name in contracts, reverse condemnation, tort, equity, mandamus and similar actions and in its own name plead and be impleaded; provided, however, that any and all actions of law or in an equity against the Authority shall be brought in the county in which the principal office of the Authority shall be located or in the county where the cause of action arose;

6. To adopt, use and alter a corporate seal;

7. To make bylaws for the management and regulation of its affairs;

8. To appoint officers, agents and employees, to prescribe their duties and to fix their compensation; and enter into contracts with labor unions;

9. To make contracts and to execute instruments necessary, incidental or convenient to the exercise of the powers, rights, privileges and functions conferred upon it by this act;

10. To borrow money for its corporate purposes and, without limitation of the generality of the foregoing, to borrow money and accept grants from the United States of America, or from any corporation or agency created or designated by the United States of America, and, in connection with any such loan or grant, to enter into such agreements as the United States of America or such corporation or agency may require; and to make and issue its negotiable bonds for money borrowed, in the manner provided in this act. Nothing in this act shall authorize the issuance of any bonds, notes or other evidences of indebtedness of the Authority, except as specifically provided in this act; and

11. To do any and all other acts or things necessary, incidental or convenient to the exercise of the powers, rights, privileges or functions conferred upon it by this act or any other act or law. Provided, said Authority shall be liable for damage caused by said Authority, its agents, servants and employees in

creating, constructing, maintaining or operating said Authority to any corporation, partnership, person or individual whose property, either real or personal, within or without said Authority's district, has been damaged and said damages may be determined by appropriate action as provided by law. Nothing in this act shall be construed as rendering the Authority liable for damage where it is not liable on general principles of law or statute or Constitutional provision.

Provided, however, that in the course of exercising its powers as herein enumerated, the said Authority shall at all times consider the rights and needs of the people living within and upon the land lying within the watershed of the rivers or streams developed by the Authority; provided, however, that nothing herein shall prevent the Authority from selling for irrigation purposes within the boundaries of the Authority's district any water impounded by it under authority of law; provided, that nothing herein contained shall authorize the state to engage in agriculture except for educational and scientific purposes and for the support of its penal, charitable, and educational institutions.

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.

44-2-1809

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