

STATE OF OKLAHOMA

1st Session of the 49th Legislature (2003)

CONFERENCE COMMITTEE SUBSTITUTE  
FOR ENGROSSED  
SENATE BILL 439

By: Nichols and Williams of the  
Senate

and

Mitchell of the House

CONFERENCE COMMITTEE SUBSTITUTE

An Act relating to international trade; defining terms; deeming the exercise of powers by international trade processing authority to be essential governmental functions and providing exemptions from certain taxes and assessments; empowering other governmental entities to undertake certain transactions with such authority without undergoing certain actions; requiring authority to keep projects in good condition and repair; authorizing Oklahoma Department of Commerce to aid authority in developing an international trade processing center; amending 60 O.S. 2001, Section 178.4, which relates to trust purpose; exempting international trade processing authority from certain provisions; 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 2121 of Title 74, unless there is created a duplication in numbering, reads as follows:

As used in this act:

1. "International trade processing authority" means a public trust heretofore created pursuant to Section 176 of Title 60 of the Oklahoma Statutes with powers to construct, acquire, equip and operate an international trade processing center;

2. "International trade processing center" means a facility constructed and operated for the purpose of facilitating the export of goods or services produced in the United States and the import of

goods or services to the United States that are produced in other countries;

3. "Other governmental entities" means the State of Oklahoma, its agencies and political subdivisions, public trusts other than an international trade processing authority, other states and their agencies and political subdivisions, and the federal government and agencies thereof; and

4. "Project" or "projects" means any facility constructed or improvements made under the provisions of this act by an international trade processing authority for the purpose of acquiring, constructing, equipping and operating an international trade processing center, including rail, water, air, highway intermodal facilities, and commercial support facilities, and shall include all buildings, structures, landscaping, infrastructure, utilities, roadways, railways, parking structures, parking lots, sidewalks, personal property and fixtures, equipment and machinery, and other improvements which an international trade processing authority may deem necessary for the operation of such project, together with all property, rights, easements and interests which may be acquired by an international trade processing authority for the construction or operation of such.

SECTION 2. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 2122 of Title 74, unless there is created a duplication in numbering, reads as follows:

The exercise of powers by an international trade processing authority under the provisions of this act are hereby authorized and shall be deemed and held to be the performance of an essential governmental function. An international trade processing authority operating under the provisions of this act shall not be required to pay any taxes or assessments upon any project, any property acquired or used by an international trade processing authority for a project, or any income derived therefrom.

SECTION 3. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 2123 of Title 74, unless there is created a duplication in numbering, reads as follows:

A. Notwithstanding any other provision of law, other governmental entities are hereby authorized and empowered to lease, lend, grant, or convey to an international trade processing authority at its request, upon such terms and conditions as the proper authorities of such other governmental entities may deem reasonable and fair, and without the necessity for any advertisement, competitive bidding, order of court, or other action or formality other than the regular and formal action of authorities concerned, any property which may be necessary or convenient to the effectuation of the authorized purposes of the international trade processing authority, including property already devoted to public use.

B. Each project, when constructed, shall be maintained and kept in good condition and repair by the international trade processing authority.

C. The Oklahoma Department of Commerce is authorized to aid an international trade processing authority in developing an international trade processing center.

SECTION 4. AMENDATORY 60 O.S. 2001, Section 178.4, is amended to read as follows:

Section 178.4 A. Trusts created under the provisions of Sections 176 through 180.55 of this title or any amendments or extensions thereof shall not include any trust purpose, function nor activity: in any wholesale outlet, unless said wholesale outlet is a direct part of the industry. Provided, however, that the distribution centers for intoxicating beverages and low-point beer as defined in Title 37 of the Oklahoma Statutes shall not qualify under the provisions of this title; nor shall it include a retail outlet unless said retail outlet is operated in conjunction with and

on the same premises as the industrial, manufacturing, cultural, recreational, parking, transportation or airport facility; nor shall it include a residential enterprise or function except as provided in Section 178.6 of this title.

~~Provided further, nothing~~ B. Nothing in this section shall preclude the financing, construction, ownership or leasing of a warehouse as a permissible trust purpose, function or activity, so long as such warehouse is not used directly or indirectly for housing, storage or distribution of intoxicating beverages or low-point beer.

C. The provisions of this section shall not apply to an international trade processing authority operating under the provisions of Sections 1 through 3 of this act.

SECTION 5. This act shall become effective July 1, 2003.

SECTION 6. 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.

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