ENROLLED HOUSE
BILL NO. 1422

By: Roan, Nance and Smaligo of the House

and

Gumm of the Senate

An Act relating to water and water rights; amending 82 O.S. 2001, Sections 1451, 1452 and 1464, which relate to the Scenic Rivers Act; updating language; amending 82 O.S. 2001, Section 1112, which relates to port authorities; making certain public contracts subject to the Public Competitive Bidding Act of 1974; removing certain limitations; clarifying language; updating language; and declaring an emergency.

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

SECTION 1. AMENDATORY 82 O.S. 2001, Section 1451, is amended to read as follows:

Section 1451. ~~This act~~ Sections 1452 through 1471 of this title shall be known and may be cited as the "Scenic Rivers Act".

SECTION 2. AMENDATORY 82 O.S. 2001, Section 1452, is amended to read as follows:

Section 1452. A. The Oklahoma Legislature finds that some of the free-flowing streams and rivers of Oklahoma possess such unique natural scenic beauty, water conservation, fish, wildlife and outdoor recreational values of present and future benefit to the people of the state that it is the policy of the Legislature to preserve these areas for the benefit of the people of Oklahoma. For this purpose there are hereby designated certain "scenic river areas" to be preserved as a part of Oklahoma's diminishing resource of free-flowing rivers and streams.

B. The areas of the state designated as "scenic river areas" shall include:

1. The Flint Creek and the Illinois River above the confluence of the Barren Fork Creek in Cherokee, Adair and Delaware Counties;

2. The Barren Fork Creek in Adair and Cherokee Counties from the present alignment of Highway 59 West to the Illinois River;

3. The Upper Mountain Fork River above the 600-foot elevation level of Broken Bow Reservoir in McCurtain and LeFlore Counties;

4. Big Lee's Creek, sometimes referred to as Lee Creek, located in Sequoyah County, above the 420-foot MSL elevation, excluding that

portion necessary for a dam to be built in the State of Arkansas with a crest elevation of no more than the 420-foot MSL elevation. The Oklahoma Water Resources Board shall make such classifications, designations or adjustments to Oklahoma's water quality standards as required to allow the impoundment of water by said dam; and

5. Little Lee's Creek, sometimes referred to as Little Lee Creek, located in Adair and Sequoyah Counties, beginning approximately four (4) miles east-southeast of Stilwell, Oklahoma, and ending at its conjunction with Big Lee's Creek approximately two (2) miles southwest of Short, Oklahoma.

C. The term "scenic river area" as used in ~~this act~~ the Scenic Rivers Act is defined as the stream or river and the public use and access areas located within the area designated.

SECTION 3. AMENDATORY 82 O.S. 2001, Section 1464, is amended to read as follows:

Section 1464. A. Nothing in the Scenic Rivers Act shall be construed to unduly restrict or adversely affect the use of property within the jurisdiction of any Scenic Rivers Commission for farming, ranching, forestry, silviculture and other agricultural uses so long as they are not inconsistent with the purposes of ~~this act~~ the Scenic Rivers Act.

B. Present farming, ranching, forestry, silviculture and other agricultural uses and practices, including existing building and replacement structures, are hereby exempt from the provisions of any Scenic Rivers Commission.

C. The Scenic Rivers Act shall not be construed in any way to affect existing rights between a landowner and utility or pipeline companies.

SECTION 4. AMENDATORY 82 O.S. 2001, Section 1112, is amended to read as follows:

Section 1112. A. ~~Contracts for the creation, construction, alteration, or repair of any building, structure, or other improvement undertaken~~ Public construction contracts as such term is defined by the Public Competitive Bidding Act of 1974 and executed by a port authority created ~~in accordance with~~ pursuant to Section 1102 of this title ~~and involving an expenditure exceeding Twelve Thousand Five Hundred Dollars ($12,500.00)~~ shall be subject to the Public Competitive Bidding Act of 1974.

B. 1. Except as otherwise provided by subsection ~~B~~ C of this section, no sale of any real property or personal property having a fair market value exceeding ~~Twelve Thousand Five Hundred Dollars ($12,500.00)~~ the public construction contract amount specified by the Public Competitive Bidding Act of 1974 shall be made by the port authority unless notice calling for bids for the ~~same shall have~~ contract has been given by publication as provided by Section 1101 of this title. ~~No such contract shall be let except to the lowest responsible bidder.~~

2. No ~~such~~ sale of real property or personal property shall be made except to the highest responsible bidder.

3. In the case of any sale of land by the port authority requiring competitive bids, specifications for the bids for ~~such~~ the sale shall be in such form and detail as ~~shall be~~ is determined by the port authority. Provided, however, ~~should~~ if the port authority ~~find~~ finds that an immediate emergency exists, which findings shall be entered in the minutes of the port authority, by reason of which an expenditure in an amount exceeding ~~Twelve Thousand Five Hundred Dollars ($12,500.00)~~ the public construction contract amount specified by the Public Competitive Bidding Act of 1974 is necessary in order to avoid loss of life, substantial damage to property, or damage to the public peace or safety, then such contracts may be ~~made and entered into~~ executed without public notice or competitive bids.

~~B.~~ C. Competitive bids shall not be required for the sale of real property or personal property by a port authority if:

1. ~~Such~~ The real property or personal property is to be sold for industrial development purposes;

2. The real property or personal property was acquired by the port authority for industrial development purposes; and

3. The contract for the sale of ~~such~~ the real property or personal property has been approved by the board of directors of such port authority.

D. Every public construction contract ~~let~~ or contract for the sale of real property or personal property shall be executed in writing~~, and if~~. If the ~~same~~ public construction contract involves work or construction, ~~it~~ the contract shall be accompanied by or shall refer to plans and specifications for the work to be done, prepared for and approved by the port authority, signed by the chairman of the port authority and by the contractor, and shall be executed in triplicate.

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.

Passed the House of Representatives the 20th day of May, 2003.

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Presiding Officer of the House of Representatives

Passed the Senate the 22nd day of May, 2003.

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Presiding Officer of the Senate