

1 **HOUSE OF REPRESENTATIVES - FLOOR VERSION**

2 STATE OF OKLAHOMA

3 1st Session of the 53rd Legislature (2011)

4 COMMITTEE SUBSTITUTE
5 FOR ENGROSSED
6 SENATE BILL NO. 593

 By: Brinkley of the Senate

 and

 Quinn of the House

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10 COMMITTEE SUBSTITUTE

11 An Act relating to port authorities; amending 82 O.S.
12 2001, Section 1106, which relates to powers and
13 authority; modifying authority to establish foreign
14 trade zones; clarifying statutory language; amending
15 82 O.S. 2001, Section 1114, which relates to port
16 authority funds; modifying certain financial
17 accounting procedures; requiring adoption of certain
18 rules; and declaring an emergency.

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

20 SECTION 1. AMENDATORY 82 O.S. 2001, Section 1106, is
21 amended to read as follows:

22 Section 1106. A port authority established pursuant to Section
23 1101 et seq. of this title shall have full power and authority to:

24 1. Purchase, construct, reconstruct, sell, lease, operate, and
 otherwise contract concerning docks, wharves, warehouses, piers, and

1 other port, terminal, industrial, or transportation facilities
2 within its jurisdiction consistent with the purposes of the port
3 authority, and to make charges for the use thereof;

4 2. Borrow money from either public or private financial
5 institutions, sources or any agency of the State of Oklahoma or of
6 the United States of America, and to issue therefor such notes or
7 other evidence of indebtedness as may be required and to mortgage,
8 pledge, or otherwise encumber the assets of the authority as
9 security therefor;

10 3. Apply for, receive, and participate in any grants from the
11 State of Oklahoma or from the United States of America;

12 4. Straighten, deepen, improve, construct, reconstruct, or
13 extend any canal, channel, river, stream, basin, or other
14 watercourse or way which may be necessary or proper in the
15 development of the facilities of the port;

16 5. Acquire, own, hold, sell, lease, operate, or otherwise
17 contract concerning real or personal property for the authorized
18 purposes of the port authority;

19 6. Acquire, own, maintain, sell, or lease land within its
20 jurisdiction as it may deem desirable for the development, planning,
21 construction, operation, or leasing of land or completed industrial
22 facilities for industrial use which is hereby declared to be for a
23 public purpose;

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1 7. Apply to the proper authorities of the United States
2 pursuant to appropriate law for the right to establish, operate, and
3 maintain foreign trade zones within the limits ~~of the port authority~~
4 prescribed by the United States Foreign Trade Zones Board and to
5 establish, operate, and maintain such foreign trade zones;

6 8. Exercise the right of eminent domain to appropriate any
7 land, rights, rights-of-way, franchises, easements, or other
8 property, necessary or proper for the construction or the efficient
9 operation of any facility of the port authority and included in its
10 official plan, pursuant to the procedure provided by law for
11 railroad companies, if funds equal to the appraised value of the
12 property to be acquired as the result of such proceedings shall be
13 on hand and available for such purposes, except that nothing
14 contained in Sections 1101 to 1114, inclusive, of this title shall
15 authorize a port authority to take or disturb property or facilities
16 belonging to any public corporation, public utility, or common
17 carrier, which property or facilities are necessary and convenient
18 in the operation of the public corporation, public utility, or
19 common carrier, unless provision is made for the restoration,
20 relocating, or duplication of such property or facilities, or upon
21 the election of such public corporation, public utility, or common
22 carrier for the payment of compensation, if any, at the sole cost of
23 the port authority; provided that:

1 a. if any restoration or duplication proposed to be made
2 hereunder shall involve a relocation of property or
3 facilities, the new facilities and location shall be
4 of at least comparable utilitarian value and
5 effectiveness and relocation shall not impair the
6 ability of the public utility or common carrier to
7 compete in its original area of operation,

8 b. if any restoration or duplication made hereunder shall
9 involve a relocation of such property or facilities,
10 the port authority shall acquire no interest or right
11 in or to the appropriated property or facilities,
12 except as provided in paragraph 3 of this section,
13 until the relocated property or facilities are
14 available for use and until marketable title thereto
15 has been transferred to the public utility or common
16 carrier, and

17 c. provisions for restoration or duplication shall be
18 described in detail in the resolution for
19 appropriation passed by the port authority;

20 9. Maintain such funds as it deems necessary;

21 10. Direct its agents or employees, when properly identified in
22 writing, and after at least five (5) days' written notice, to enter
23 upon lands within the confines of its jurisdiction in order to make
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1 surveys and examinations preliminary to location and construction of
2 works for the purposes of the port authority, without liability of
3 the port authority or its agents or employees except for actual
4 damage done;

5 11. Sell or lease real and personal property not needed for the
6 operation of the port authority and grant easements or rights-of-way
7 over property of the port authority;

8 12. Promote, advertise, and publicize the port and its
9 facilities, provide traffic information and rate information to
10 shippers and shipping interests, and appear before rate making
11 authorities to represent and promote the interests of the port;

12 13. Repay grants or loans made prior to the effective date of
13 this act where the funds have been expended for a proper purpose of
14 the authority as originally authorized; and

15 14. Enter into cooperative agreements with one or more other
16 port authorities to exercise any of the powers or to perform any of
17 the duties conferred by this section. Cooperative agreements
18 authorized by this paragraph need not comply with the provisions of
19 the Interlocal Cooperation Act, ~~Section 1001 et seq. of Title 74 of~~
20 ~~the Oklahoma Statutes.~~

21 SECTION 2. AMENDATORY 82 O.S. 2001, Section 1114, is
22 amended to read as follows:

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1 Section 1114. Before receiving any monies, the secretary of a
2 port authority created in accordance with Section ~~2~~ 1102 of this ~~act~~
3 title shall furnish bond in such amount as shall be determined by
4 the port authority, with sureties satisfactory to it, and all funds
5 coming into the hands of said secretary shall be deposited by ~~him~~
6 the secretary to the account of the port authority in one or more
7 such depositories as shall be qualified to receive deposits of state
8 or county funds, which deposits shall be secured in the same manner
9 as county funds are required to be secured. No disbursements shall
10 be made from such funds except in accordance with rules ~~and~~
11 ~~regulations~~ adopted by the port authority. Such rules, adopted in
12 accordance with the provisions of the Administrative Procedures Act,
13 shall require substantially the same financial accounting procedures
14 as required by the State Treasurer for state funds under control of
15 the Office of State Treasurer.

16 SECTION 3. It being immediately necessary for the preservation
17 of the public peace, health and safety, an emergency is hereby
18 declared to exist, by reason whereof this act shall take effect and
19 be in full force from and after its passage and approval.

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21 COMMITTEE REPORT BY: COMMITTEE ON APPROPRIATIONS AND BUDGET, dated
22 04-07-2011 - DO PASS, As Amended.