

1 STATE OF OKLAHOMA

2 1st Session of the 53rd Legislature (2011)

3 HOUSE BILL 1989

By: Sullivan

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6 AS INTRODUCED

7 An Act relating to waters and water rights; creating
8 the Arkansas River Development Authority Act;
9 creating the Arkansas River Development Authority;
10 stating purpose; making the Authority an agency of
11 the state; conferring certain powers; deeming certain
12 powers essential governmental function; providing for
13 membership of the Authority; stating eligibility
14 requirements; providing for terms and removal;
15 providing for election of officers and a quorum;
16 providing for travel reimbursement; authorizing the
17 creation of subcommittees; exempting members from
18 certain office holding prohibition; stating powers
19 and duties of the Authority; making the Authority
20 subject to certain acts; requiring certain monies to
21 be deemed trust funds; making certain declarations;
22 providing an exemption from certain taxes; providing
23 for codification; providing an effective date; and
24 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 1425.1 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 "Arkansas River
Development Authority Act".

1 SECTION 2. NEW LAW A new section of law to be codified
2 in the Oklahoma Statutes as Section 1425.2 of Title 82, unless there
3 is created a duplication in numbering, reads as follows:

4 In order to provide economic opportunities in the future for the
5 communities along the Arkansas River, and to further enhance the
6 quality of life by allowing improvements to the river, there is
7 hereby created the "Arkansas River Development Authority".

8 SECTION 3. NEW LAW A new section of law to be codified
9 in the Oklahoma Statutes as Section 1425.3 of Title 82, unless there
10 is created a duplication in numbering, reads as follows:

11 A. There is hereby created a body corporate and politic to be
12 known as the "Arkansas River Development Authority", and by that
13 name the Authority may sue and be sued, and plead and be impleaded.
14 The Authority is hereby constituted an agency of the state, and the
15 exercise by the Authority of the powers conferred by the Arkansas
16 River Development Authority Act shall be deemed to be essential
17 governmental functions of the state with all the attributes thereof.

18 B. The Authority shall consist of _____ appointed members.
19 Each appointed member, excluding ex officio members, shall have one
20 vote for purposes of conducting the business of the Authority. The
21 appointed members shall be residents of the state and shall have
22 been qualified electors in Oklahoma for a period of at least one (1)
23 year preceding their appointment. Any member of the Authority shall
24 be eligible for reappointment, and no member shall be removed from

1 office except for good cause shown. Good cause may be shown in
2 evidence of excessive failure to attend three consecutive regular
3 Board meetings of the Authority. The chair of the Authority shall
4 have the right to remove any member pursuant to good cause. At the
5 expiration of any term, the person holding the office shall continue
6 to serve until a duly appointed successor shall be appointed and
7 qualified.

8 C. The Authority shall elect one of its members as chairperson,
9 and another as vice-chairperson, and also shall elect a secretary,
10 treasurer and any other officers as the Authority may deem
11 appropriate. A majority of the members of the Authority, exclusive
12 of vacancies, shall constitute a quorum and the vote of a majority
13 of the members, exclusive of vacancies, shall be necessary for any
14 action taken by the Authority. No vacancy in the membership of the
15 Authority shall impair the right of a quorum to exercise all the
16 rights and perform all the duties of the Authority.

17 D. The members of the Authority shall not be entitled to
18 compensation for their services, but each member shall be reimbursed
19 for actual expenses necessarily incurred in the performance of
20 duties on behalf of the Authority, provided that members of the
21 Authority shall be compensated for their travel expenses pursuant to
22 the State Travel Reimbursement Act.

23 E. The Authority is authorized to establish subcommittees as
24 necessary to perform its functions and duties. A subcommittee may

1 be composed of Authority members or nonmembers and shall not have
2 more than five members. Nonmembers of a subcommittee shall be
3 reimbursed by the Authority in accordance with the State Travel
4 Reimbursement Act.

5 F. Members of the Authority shall be exempt from the provisions
6 of Section 6 of Title 51 of the Oklahoma Statutes, which prohibits
7 the holding of any other office during the term of office of the
8 member on the Authority.

9 SECTION 4. NEW LAW A new section of law to be codified
10 in the Oklahoma Statutes as Section 1425.4 of Title 82, unless there
11 is created a duplication in numbering, reads as follows:

12 A. The Arkansas River Development Authority is hereby
13 authorized and empowered:

14 1. To adopt bylaws for the regulation of its affairs and
15 conduct of its business;

16 2. To adopt an official seal and alter the same at pleasure;

17 3. To have its principal office located at a site designated by
18 the Authority;

19 4. To sue and be sued in contract, reverse condemnation,
20 equity, mandamus and similar actions in its own name, plead and be
21 impleaded. Any and all actions at law or in equity against the
22 Authority shall be brought in Tulsa County. The Authority shall be
23 subject to The Governmental Tort Claims Act;

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1 5. To acquire, hold, and dispose of real and personal property
2 in the exercise of its powers and the performance of its duties, to
3 include the right to acquire property for prospective projects;

4 6. To acquire, in the name of the Authority by purchase or
5 otherwise on terms and conditions and in any manner as it may deem
6 proper, public or private lands, including public parks, rights-of-
7 way, property rights, easements, and interests, as it may deem
8 necessary for carrying out the provisions of the Arkansas River
9 Development Authority Act;

10 7. To make and enter into all contracts and agreements
11 necessary or incidental to the performance of its duties and the
12 execution of its powers; and

13 8. To do all things necessary or convenient to carry out the
14 powers expressly granted in the Arkansas River Development Authority
15 act.

16 B. All meetings of the Authority shall be subject to the
17 Oklahoma Open Meeting Act and all records of the Authority shall be
18 subject to the Oklahoma Open Records Act, both as the same shall
19 from time to time be amended.

20 SECTION 5. NEW LAW A new section of law to be codified
21 in the Oklahoma Statutes as Section 1425.5 of Title 82, unless there
22 is created a duplication in numbering, reads as follows:

23 All monies received pursuant to the authority of the Arkansas
24 River Development Authority Act shall be deemed to be trust funds,

1 to be held and applied solely as provided for in the Arkansas River
2 Development Authority Act.

3 SECTION 6. NEW LAW A new section of law to be codified
4 in the Oklahoma Statutes as Section 1425.6 of Title 82, unless there
5 is created a duplication in numbering, reads as follows:

6 The exercise of the powers granted by the Arkansas River
7 Development Authority Act will be in all respects for the benefit of
8 the people of the state, for the increase of their education,
9 commerce and prosperity, and as the operation and maintenance of
10 projects by the Authority will constitute the performance of
11 essential governmental functions, the Authority shall not be
12 required to pay any taxes or assessments upon any project or any
13 property acquired or used by the Authority under the provisions of
14 this act or upon the income therefrom.

15 SECTION 7. This act shall become effective July 1, 2011.

16 SECTION 8. 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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