

1 ENGROSSED SENATE  
2 BILL NO. 593

By: Brinkley of the Senate

3 and

4 Quinn of the House

5  
6 [ port authorities - powers and duties - procedures -  
7 emergency ]  
8  
9

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

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

13 Section 1106. A port authority established pursuant to Section  
14 1101 et seq. of this title shall have full power and authority to:

15 1. Purchase, construct, reconstruct, sell, lease, operate, and  
16 otherwise contract concerning docks, wharves, warehouses, piers, and  
17 other port, terminal, industrial, or transportation facilities  
18 within its jurisdiction consistent with the purposes of the port  
19 authority, and to make charges for the use thereof;

20 2. Borrow money from either public or private financial  
21 institutions, sources or any agency of the State of Oklahoma or of  
22 the United States of America, and to issue therefor such notes or  
23 other evidence of indebtedness as may be required and to mortgage,  
24

1 pledge, or otherwise encumber the assets of the authority as  
2 security therefor;

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

5 4. Straighten, deepen, improve, construct, reconstruct, or  
6 extend any canal, channel, river, stream, basin, or other  
7 watercourse or way which may be necessary or proper in the  
8 development of the facilities of the port;

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

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

17 7. Apply to the proper authorities of the United States  
18 pursuant to appropriate law for the right to establish, operate, and  
19 maintain foreign trade zones within the limits ~~of the port authority~~  
20 prescribed by the United States Foreign Trade Zones Board and to  
21 establish, operate, and maintain such foreign trade zones;

22 8. Exercise the right of eminent domain to appropriate any  
23 land, rights, rights-of-way, franchises, easements, or other  
24 property, necessary or proper for the construction or the efficient

1 operation of any facility of the port authority and included in its  
2 official plan, pursuant to the procedure provided by law for  
3 railroad companies, if funds equal to the appraised value of the  
4 property to be acquired as the result of such proceedings shall be  
5 on hand and available for such purposes, except that nothing  
6 contained in Sections 1101 to 1114, inclusive, of this title shall  
7 authorize a port authority to take or disturb property or facilities  
8 belonging to any public corporation, public utility, or common  
9 carrier, which property or facilities are necessary and convenient  
10 in the operation of the public corporation, public utility, or  
11 common carrier, unless provision is made for the restoration,  
12 relocating, or duplication of such property or facilities, or upon  
13 the election of such public corporation, public utility, or common  
14 carrier for the payment of compensation, if any, at the sole cost of  
15 the port authority; provided that:

- 16           a. if any restoration or duplication proposed to be made  
17                hereunder shall involve a relocation of property or  
18                facilities, the new facilities and location shall be  
19                of at least comparable utilitarian value and  
20                effectiveness and relocation shall not impair the  
21                ability of the public utility or common carrier to  
22                compete in its original area of operation,
- 23           b. if any restoration or duplication made hereunder shall  
24                involve a relocation of such property or facilities,

1 the port authority shall acquire no interest or right  
2 in or to the appropriated property or facilities,  
3 except as provided in paragraph 3 of this section,  
4 until the relocated property or facilities are  
5 available for use and until marketable title thereto  
6 has been transferred to the public utility or common  
7 carrier, and

8 c. provisions for restoration or duplication shall be  
9 described in detail in the resolution for  
10 appropriation passed by the port authority;

11 9. Maintain such funds as it deems necessary;

12 10. Direct its agents or employees, when properly identified in  
13 writing, and after at least five (5) days' written notice, to enter  
14 upon lands within the confines of its jurisdiction in order to make  
15 surveys and examinations preliminary to location and construction of  
16 works for the purposes of the port authority, without liability of  
17 the port authority or its agents or employees except for actual  
18 damage done;

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

22 12. Promote, advertise, and publicize the port and its  
23 facilities, provide traffic information and rate information to  
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1 shippers and shipping interests, and appear before rate making  
2 authorities to represent and promote the interests of the port;

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

6 14. Enter into cooperative agreements with one or more other  
7 port authorities to exercise any of the powers or to perform any of  
8 the duties conferred by this section. Cooperative agreements  
9 authorized by this paragraph need not comply with the provisions of  
10 the Interlocal Cooperation Act, ~~Section 1001 et seq. of Title 74 of~~  
11 ~~the Oklahoma Statutes.~~

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

14 Section 1114. Before receiving any monies, the secretary of a  
15 port authority created in accordance with Section ~~2 of this act~~ 1102  
16 of this title shall furnish bond in such amount as shall be  
17 determined by the port authority, with sureties satisfactory to it,  
18 and all funds coming into the hands of said secretary shall be  
19 deposited by ~~him~~ the secretary to the account of the port authority  
20 in one or more such depositories as shall be qualified to receive  
21 deposits of state or county funds, which deposits shall be secured  
22 in the same manner as county funds are required to be secured. No  
23 disbursements shall be made from such funds except in accordance  
24 with rules ~~and regulations~~ adopted by the port authority. Such

1 rules, adopted in accordance with the provisions of the  
2 Administrative Procedures Act, shall require substantially the same  
3 financial accounting procedures as required by the State Treasurer  
4 for state funds under control of the Office of State Treasurer.

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

9 Passed the Senate the 15th day of March, 2011.

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11 \_\_\_\_\_  
12 Presiding Officer of the Senate

13 Passed the House of Representatives the \_\_\_\_ day of \_\_\_\_\_,  
14 2011.

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16 \_\_\_\_\_  
17 Presiding Officer of the House  
18 of Representatives