

ENROLLED SENATE
BILL NO. 593

By: Brinkley of the Senate

and

Quinn of the House

An Act relating to port authorities; amending 82 O.S. 2001, Section 1106, which relates to powers and authority; modifying authority to establish foreign trade zones; clarifying statutory language; amending 82 O.S. 2001, Section 1114, which relates to port authority funds; modifying certain financial accounting procedures; and requiring adoption of certain rules.

SUBJECT: Port authorities

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

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

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

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

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

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

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

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

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

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

8. Exercise the right of eminent domain to appropriate any land, rights, rights-of-way, franchises, easements, or other property, necessary or proper for the construction or the efficient operation of any facility of the port authority and included in its official plan, pursuant to the procedure provided by law for railroad companies, if funds equal to the appraised value of the property to be acquired as the result of such proceedings shall be on hand and available for such purposes, except that nothing contained in Sections 1101 to 1114, inclusive, of this title shall authorize a port authority to take or disturb property or facilities belonging to any public corporation, public utility, or common

carrier, which property or facilities are necessary and convenient in the operation of the public corporation, public utility, or common carrier, unless provision is made for the restoration, relocating, or duplication of such property or facilities, or upon the election of such public corporation, public utility, or common carrier for the payment of compensation, if any, at the sole cost of the port authority; provided that:

- a. if any restoration or duplication proposed to be made hereunder shall involve a relocation of property or facilities, the new facilities and location shall be of at least comparable utilitarian value and effectiveness and relocation shall not impair the ability of the public utility or common carrier to compete in its original area of operation,
- b. if any restoration or duplication made hereunder shall involve a relocation of such property or facilities, the port authority shall acquire no interest or right in or to the appropriated property or facilities, except as provided in paragraph 3 of this section, until the relocated property or facilities are available for use and until marketable title thereto has been transferred to the public utility or common carrier, and
- c. provisions for restoration or duplication shall be described in detail in the resolution for appropriation passed by the port authority;

9. Maintain such funds as it deems necessary;

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

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

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

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

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

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

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

Passed the Senate the 11th day of May, 2011.

Presiding Officer of the Senate

Passed the House of Representatives the 19th day of April, 2011.

Presiding Officer of the House
of Representatives