

STATE OF OKLAHOMA

1st Session of the 46th Legislature (1997)

CONFERENCE COMMITTEE SUBSTITUTE
FOR ENGROSSED
HOUSE BILL NO. 2049

By: Rice, Adair, Hutchison and
Eddins of the House

and

Easley, Littlefield and
Taylor of the Senate

CONFERENCE COMMITTEE SUBSTITUTE

An Act relating to Grand River Dam Authority;

amending 82 O.S. 1991, Sections 863 and 864, as amended by Section 1, Chapter 299, O.S.L. 1993 (82 O.S. Supp. 1996, Section 864), which relate to the Grand River Dam Authority; modifying name of the Grand River Dam Authority Board of Directors Nominating Committee; adding certain qualifications to Board membership; providing for appointments; clarifying and updating language; authorizing Grand River Dam Authority to implement certain compensation adjustments; creating the Grand River Dam Authority Lakes Advisory Commission; providing purpose; providing for qualifications, membership, and appointments; prohibiting appointment of certain persons; providing for terms and vacancies; providing for appointment of officers; providing for meetings and staff support; specifying duties; authorizing reports; providing for submission of certain nominations; terminating the Grand River Dam Authority Lakes Advisory Commission established

by Section 4230 of Title 63 of the Oklahoma Statutes; authorizing reappointments; prohibiting municipalities from exercising eminent domain to annex certain property under the control of the Grand River Dam Authority; establishing limitations to preserve quality of lakes; providing exceptions; repealing Section 6, Chapter 337, O.S.L. 1996 (63 O.S. Supp. 1996, Section 4230), which relates to the Grand River Dam Authority Lakes Advisory Commission; providing for noncodification; providing for codification; and declaring an emergency.

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

SECTION 1. AMENDATORY 82 O.S. 1991, Section 863, is amended to read as follows:

Section 863. A. There is hereby created the Grand River Dam Authority Board of Directors Nominating Committee, hereinafter referred to as the "Nominating Committee", which shall consist of representatives from:

1. Each municipal customer of the Grand River Dam Authority. A single representative shall be selected by the governing body of each municipality to serve at the pleasure of that governing body;
2. Each rural electric cooperative customer of the Grand River Dam Authority, including any rural electric cooperative receiving its electricity from any wholesale cooperative. Each representative shall be selected by the governing body of the rural electric cooperative to serve at the pleasure of that governing body; and

3. The industrial customers of the Grand River Dam Authority. The industrial customers shall meet and select from among themselves five ~~(5)~~ representatives to serve on the Nominating Committee and to serve at their pleasure. The five ~~(5)~~ representatives shall be selected at a meeting of at least two-thirds (2/3) of the industrial customers of the Grand River Dam Authority.

~~On~~ B. Except as otherwise provided in this subsection, on and after the effective date of this act, as vacancies occur on the Board of Directors of the district, the Nominating Committee shall meet and nominate three ~~(3)~~ candidates to fill such vacancy by majority vote. The list of the three nominees shall be forwarded to the Governor within thirty (30) days of the meeting of the Nominating Committee. In making such nominations, the Nominating Committee shall consider the following regarding the composition of the Board of Directors:

1. Each ~~Board member~~ director shall be a resident of the district;

2. One director shall be selected from the industrial customers of the district;

3. One director shall be an official of a municipality served by the Grand River Dam Authority;

4. One director shall be an official of a rural electric cooperative served by the Grand River Dam Authority;

5. ~~Remaining~~ One director shall be selected by the Governor from a list of three nominees submitted by the Grand River Dam Authority Lakes Advisory Commission. The first at large vacancy occurring on the Board after the effective date of this act shall be filled in the manner provided for in this paragraph. Thereafter, nominations for such board position shall be submitted as provided for in this paragraph;

6. The remaining directors shall be selected at large; and

~~6.~~ 7. Each director shall have a demonstrated capability in business, finance or professional fields.

C. No member of the Nominating Committee shall serve on the Board nor receive any compensation or reimbursement for service on the Nominating Committee.

~~B.~~ D. The powers, rights, privileges and functions of the district shall be exercised by a board of seven (7) directors, herein called the Board, to be appointed by the Governor with the advice and consent of the Senate from nominees supplied by the Nominating Committee ~~by the Governor with the advice and consent of the Senate.~~

E. No more than ~~one of such~~ two directors shall be residents of the same county; ~~provided, that no.~~ No person shall be eligible for ~~such~~ appointment if ~~he has,~~ at any time during the three (3) years before ~~his~~ the appointment, the person has been employed by any investor-owned utility company of any kind or character whatsoever, or ~~holding~~ has held a federal, state or county office, elective or appointive; ~~and, further, provided, that such.~~ Each director shall have lived in said district five (5) years prior to ~~his~~ the appointment of that director.

F. 1. The terms of office of the directors first taking office after the approval of this act in 1965 shall expire as designated by the Governor at the time of nomination; one on the second Tuesday of January, 1966; one on the second Tuesday of January, 1967; one on the second Tuesday of January, 1968; one on the second Tuesday of January, 1969; one on the second Tuesday of January, 1970; one on the second Tuesday of January, 1971; and one on the second Tuesday of January, 1972.

2. A successor to a director of the Board shall be appointed in the same manner as the original directors and shall have a term of office expiring seven (7) years from the date of the expiration of the term for which ~~his~~ the predecessor was appointed.

3. Any director appointed to fill a vacancy in the Board occurring prior to the expiration of the term for which ~~his~~ the predecessor was appointed shall be appointed for the remainder of such term.

G. Each director shall qualify by taking the official oath of office prescribed by general statute. Any director may be removed from office for just cause by majority vote of the Nominating Committee.

H. Each director shall be allowed ~~his~~ actual and necessary expenses incurred by the director in attending the meetings of the Board and in attending to the authorized business of the district pursuant to the State Travel Reimbursement Act. No director shall, at the same time ~~he~~ such director is serving on the Board ~~of~~ ~~Directors as a director~~, hold any other position with the Grand River Dam Authority.

I. The time and place of the regular meetings and the manner in which special meetings may be called shall be set forth in the bylaws of the said Authority. Four directors shall constitute a quorum at any meeting, and, except as otherwise provided in this act or in the bylaws, all action may be taken by the affirmative vote of the majority of the ~~directors~~ Board present at any such meeting, except that no contracts which involve an amount greater than Five Thousand Dollars (\$5,000.00), or which are to run for a longer period than one (1) year, and no bonds, notes or other evidence of indebtedness, and no amendment of the bylaws, shall be valid unless authorized or ratified by the affirmative vote of at least four directors.

SECTION 2. AMENDATORY 82 O.S. 1991, Section 864, as amended by Section 1, Chapter 299, O.S.L. 1993 (82 O.S. Supp. 1996, Section 864), is amended to read as follows:

Section 864. A. 1. The Board of Directors of the Grand River Dam Authority shall select a secretary who shall keep true and

complete records of all proceedings of the Board. Until the appointment of a secretary, or in the event of ~~his~~ absence or inability to act, a secretary pro tempore shall be selected by the Board.

2. The Board shall also select a general manager, who shall be the chief executive officer of the district, and a treasurer, who may also hold the office of secretary.

3. All such officers shall have ~~such~~ the powers and duties, and shall hold office for such term and be subject to removal in such manner as may be provided in the compensation of such officers.

B. The Board may appoint such officers, agents, and employees, fix their compensation pursuant to the provisions of this section, and term of office and the method by which they may be removed, and delegate to them such of its power and duties as it may deem proper.

C. The compensation of employees of the Grand River Dam Authority shall be computed as follows:

1. Beginning July 1, 1993, and biannually thereafter, the Office of Personnel Management shall conduct a comprehensive classification and compensation study of all positions in the Grand River Dam Authority. The study shall include, but not be limited to, an analysis of prevailing rates of pay for all positions in electrical generating utilities for jobs comparable to those performed by employees of the Grand River Dam Authority. A report shall be provided to the Governor, the President Pro Tempore of the Senate, the Speaker of the House of Representatives and the Board of Directors of the Grand River Dam Authority by January 1, 1994. The report shall include an analysis of all positions and classifications and recommend an average comparable pay scale developed through the study. The Grand River Dam Authority shall bear the cost of the study; ~~and~~

2. Beginning July 1, 1994, the Board of Directors of the Grand River Dam Authority shall implement the classification and

compensation recommendations as appropriate if fiscal constraints and commitments to ratepayers permit. Such implementation shall be within existing guidelines of the Merit System as determined by the Office of Personnel Management; and

3. Beginning July 1, 1997, the Board of Directors of the Grand River Dam Authority may implement adjustments in compensation to correct internal inequities as determined by the Board of Directors. The total of these adjustments and those described in paragraph 2 of this subsection shall not increase the base payroll in excess of the recommendation in the Office of Personnel Management study.

SECTION 3. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 4230.1 of Title 63, unless there is created a duplication in numbering, reads as follows:

A. There is hereby created the Grand River Dam Authority Lakes Advisory Commission. The purpose of the Commission is to provide a forum for interested persons to address issues related to the environmental concerns, recreational use, and economic development of the lakes under the administration of the Grand River Dam Authority on behalf of all lake enthusiasts, property owners and business persons who use, live or work on or around the lakes.

B. 1. The Commission shall consist of nineteen (19) members as follows:

- a. the General Manager of the Grand River Dam Authority,
- b. the Executive Director of the Oklahoma Department of Tourism and Recreation, or designee,
- c. the Director of the Oklahoma Department of Commerce, or designee,
- d. the Executive Director of the Department of Environmental Quality, or designee,
- e. two members appointed by the Grove Chamber of Commerce,
- f. two members appointed by the Jay Chamber of Commerce,

- g. two members appointed by the South Grand Lake Chamber of Commerce,
- h. two members appointed by the Miami Chamber of Commerce,
- i. two members appointed by the Lake Hudson Association,
- j. two members appointed by the Grand Lake Association, and
- k. three members appointed by the Grand Gateway Economic Development Association, one each to represent law enforcement agencies, municipal government and county government.

2. No member of the Commission shall be a member of the Oklahoma State Legislature.

C. Members of the Commission shall serve for a term of four (4) years. Any vacancy in the appointive membership of the Commission shall be filled for the unexpired term in the same manner as the original appointment.

D. At the first meeting of the Commission a chair and vice-chair shall be elected from among the membership to serve a term of one (1) year. The Chair shall be authorized to appoint other officers and committees as the Chair deems necessary.

E. The first meeting of the Commission shall be called by the General Manager of the Grand River Dam Authority. Members of the Commission shall be appointed by their respective appointing authorities no later than thirty (30) days following the enactment of this act. Future meetings and their locations shall be set by majority vote of the Commission. Staff support for the Commission shall be provided by the Grand River Dam Authority.

F. The Grand River Dam Authority Lakes Advisory Commission may make recommendations regarding changes in Oklahoma statutes and agency rules as they deem necessary by a majority vote of the Commission's membership. The Commission may file reports with the

Governor, the President Pro Tempore of the Senate, the Speaker of the House of Representatives, the Grand River Dam Authority and the Department of Public Safety Lake Patrol Division as deemed necessary by the Commission.

G. The Commission shall submit a list of three persons who shall have a demonstrated capability in business, finance or professional fields, to the Governor for selection to the Board of Directors of the Grand River Dam Authority pursuant to Section 863 of Title 82 of the Oklahoma Statutes.

SECTION 4. Upon the effective date of this act, the Grand River Dam Authority Lakes Advisory Commission established pursuant to the provisions of Section 4230 of Title 63 of the Oklahoma Statutes shall be terminated. Members currently serving on the Commission may be eligible for reappointment to the Grand River Dam Authority Lakes Advisory Commission created pursuant to Section 3 of this act.

SECTION 5. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 895 of Title 82, unless there is created a duplication in numbering, reads as follows:

Municipalities are prohibited from exercising the power of eminent domain to annex property which is covered by any body of water subject to the control of the Grand River Dam Authority. Provided, however, municipalities may annex property by crossing a body of water if the property has been improved with a bridge or similar permanent structure.

SECTION 6. REPEALER Section 6, Chapter 337, O.S.L. 1996 (63 O.S. Supp. 1996, Section 4230), is hereby repealed.

SECTION 7. Section 4 of this act shall not be codified in the Oklahoma Statutes.

SECTION 8. 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.

46-1-7698

KSM