

1 STATE OF OKLAHOMA

2 1st Session of the 51st Legislature (2007)

3 COMMITTEE SUBSTITUTE

4 FOR

5 HOUSE BILL NO. 1034

6 By: Cox

7 COMMITTEE SUBSTITUTE

8 An Act relating to Grand River Dam Authority;
9 amending 82 O.S. 2001, Section 874, as amended by
10 Section 5, Chapter 234, O.S.L. 2005 (82 O.S. Supp.
11 2006, Section 874), which relates to the mortgage,
12 sale, lease, or other disposition of property; making
13 an exception to restrictions on encumbrance of Grand
14 River Dam Authority property; directing the Authority
15 to grant certain easements to certain adjacent
16 landowners; making easements subject to certain
17 flowage easements and covenants; providing for
18 codification; 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 874, as
21 amended by Section 5, Chapter 234, O.S.L. 2005 (82 O.S. Supp. 2006,
22 Section 874), is amended to read as follows:

23 Section 874. Nothing Except as otherwise provided for in
24 Section 2 of this act, nothing in Sections 861 through 890 of this
title shall be construed as authorizing the district and it shall
not be authorized to mortgage or otherwise encumber any of its

1 property of any kind, real, personal or mixed, or any interest
2 therein, or to acquire any such property or interest subject to a
3 mortgage or conditional sale, provided that this section shall not
4 be construed as preventing the pledging of the revenues of the
5 district as herein authorized. Nothing in Sections 861 through 890
6 of this title shall be construed as authorizing the sale, lease or
7 other disposition of any such property or interest of the district
8 by the district or any receiver of any of its properties or through
9 any court proceeding or otherwise. The district may sell for cash,
10 and subject to competitive bidding as provided by the Board, any
11 such property or interest in an aggregate value not exceeding the
12 sum of Five Hundred Thousand Dollars (\$500,000.00) in any one (1)
13 year, except that the district may sell any or all surplus property
14 that the district may have acquired without regard to the
15 limitations herein, if the Board, by the affirmative vote of five of
16 the members thereof, shall have determined that the same is not
17 necessary to the business of the district and shall have approved
18 the terms of any such sale. The district may lease any of its lands
19 if the Board, by the affirmative vote of five of the members
20 thereof, shall have determined that the same can be leased without
21 injury to or without interference with the operations of the
22 project, and shall have approved the terms of any such lease. No
23 shorelands (lands lying between the low and high water marks) shall
24 be leased for a term longer than two (2) years and not more than

1 one-fourth (1/4) mile of the lake front shall be leased to any one
2 person, firm or corporation. The district may lease shorelands to
3 political subdivisions, agencies of the State of Oklahoma, or
4 tax-exempt public trusts, for any public purpose, on such terms as
5 are mutually satisfactory to the parties, notwithstanding the
6 limitations expressed above. No lease shall deprive the owner of
7 any land adjacent to the shorelands or lake front, or abutting
8 thereon, of ingress or egress to and from the water of the lakes and
9 shall not deprive said owner of any wharf, dock or boat anchorage
10 privileges that would belong to said owner if said shorelands or
11 lake front were not leased, it being the intention of Sections 861
12 through 890 of this title that, except by sale, lease or agreement
13 as in Sections 861 through 890 of this title expressly authorized or
14 by grant of easement as provided for in Section 2 of this act, no
15 such property or interest shall ever come into the ownership or
16 control, directly or indirectly, of any person, firm or corporation
17 other than a public authority created under the laws of the State of
18 Oklahoma. Nothing in this section shall be construed as preventing
19 the district from contracting with the United States or any agency
20 thereof for the temporary possession, control and use of such
21 properties by the United States or any agency thereof for the safety
22 and defense of the United States in time of a national emergency or
23 in anticipation thereof. All property of the district shall be at
24 all times exempted from forced sale, and nothing in Sections 861

1 through 890 of this title contained shall authorize the sale of any
2 of the property of the district under any judgment rendered in any
3 suit, and such sales are hereby prohibited and forbidden. The
4 provisions of this section shall not apply to any sale agreement,
5 lease agreement or other agreement entered into by the district
6 pursuant to paragraphs (f) or (g) of Section 862 of this title,
7 provided that such agreement is in compliance with any applicable
8 provision restricting the sale or leasing of property by the
9 district contained in any resolution of the district providing for
10 the issuance of revenue bonds.

11 SECTION 2. NEW LAW A new section of law to be codified
12 in the Oklahoma Statutes as Section 874.3 of Title 82, unless there
13 is created a duplication in numbering, reads as follows:

14 The Grand River Dam Authority is hereby directed to grant to all
15 owners of any lands adjacent to the shoreland or lake front of Grand
16 Lake O'The Cherokees, or abutting thereon, a general all-purpose
17 easement covering any property on and along the shoreline of Grand
18 Lake O'The Cherokees owned by the Authority, which lies above seven
19 hundred fifty (750) feet Sea Level Datum Elevation. The easement
20 granted by the Authority shall be subject to the flowage easements
21 and covenants therein held by the United States for flood purposes.

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

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