STATE OF OKLAHOMA

2nd Session of the 53rd Legislature (2012)

COMMITTEE SUBSTITUTE
FOR
SENATE BILL NO. 1500 By: Fields

COMMITTEE SUBSTITUTE

An Act relating to the Grand River Dam Authority; amending 82 O.S. 2011, Section 863.2, which relates to the Board of Directors; deleting obsolete language; requiring certain board meeting attendance; authorizing removal for non-attendance; and declaring an emergency.

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

SECTION 1. AMENDATORY 82 O.S. 2011, Section 863.2, is amended to read as follows:

Section 863.2. A. The powers, rights and privileges and functions of the Grand River Dam Authority, hereinafter referred to as the "district", shall be exercised by a seven-member Board of Directors, to be appointed according to the provisions of this section.

B. The Board shall have rulemaking authority pursuant to the provisions of ~~Section 861 et seq. of this title~~ the Grand River Dam Authority Act. By majority vote, the Board shall have the authority to grant exemptions from any rules not promulgated pursuant to the

Administrative Procedures Act which deal with the waters of the Grand River and its tributaries. The Board shall be responsible for approving business expenses of the district necessary to carry out the business of the district. It shall be the duty of the Board of Directors to oversee the functions of the district and ensure the operations of the district are in compliance with all applicable state laws and that expenses of the district comply with state and federal guidelines for business expense deductibility.

C. Members appointed to the Board or who serve as designees shall be domiciled in the State of Oklahoma and shall have paid state income taxes for a minimum of one (1) year prior to the date of appointment.

D. No person shall be eligible to serve on the Board of Directors if the person, during the three (3) years prior to the appointment, has been employed by an investor-owned utility company, or has held a federal, state or county office, elective or appointive.

E. A member of the Board may be eligible to serve on the Oklahoma Ordnance Works Authority Board of Trustees, if appointed to that position by the Governor.

F. ~~On July 1, 2003, or on the effective date of this act, whichever occurs later, all positions of the current Board of Directors shall be deemed vacant, and the new members~~ Members of the Board of Directors shall be appointed as follows:

1. The Governor shall appoint a director to represent the industrial and commercial customers of the district;

2. The Governor shall appoint a director to represent economic development interests, lake enthusiasts and property owners;

3. The Governor shall appoint an at-large director;

4. The President Pro-Tempore of the Oklahoma State Senate shall appoint an at-large director;

5. The Speaker of the House of Representatives shall appoint an at-large director;

6. The General Manager of the Oklahoma Association of Electric Cooperatives, or designee, shall be a voting ex-officio director; and

7. The Executive Director of the Municipal Electric Systems of Oklahoma, or designee, shall be a voting ex-officio director.

G. The initial term of office for the five directors appointed pursuant to subsection F of this section shall be as follows:

1. The at-large director appointed by the President Pro Tempore of the Senate shall serve for a term of seven (7) years;

2. The at-large director appointed by the Speaker of the House of Representatives shall serve for a term of six (6) years;

3. The director appointed by the Governor representing economic development interests, lake enthusiasts and property owners shall serve for a term of five (5) years;

4. The director appointed by the Governor to represent industrial and commercial customers shall serve for a term of four (4) years; and

5. The at-large director appointed by the Governor shall serve for a term of three (3) years.

H. A successor to a director of the Board shall be appointed in the same manner as the original director and shall serve a term of seven (7) years.

I. Any director appointed to fill a vacancy on the Board occurring prior to the expiration of the term for which the predecessor was appointed shall be appointed for the remainder of such term.

J. No director shall be appointed to more than one seven-year term; provided, however, a director may be appointed to fill the unexpired portion of a term and shall be eligible for reappointment to serve a full seven-year term.

K. Each director shall qualify by taking the official oath of office prescribed by general statute.

L. ~~Any person serving on the Board of Directors on July 1, 2003, may serve on the Board as provided in this section if they are so appointed or designated and such person is eligible to serve under the provisions of this section.~~

~~M.~~ Any director or designee may be removed for just cause by the Governor. Additionally, the Governor may remove any member who

fails to attend a total of three (3) regularly scheduled board meetings in one (1) calendar year.

~~N.~~ M. Each director shall be allowed actual and necessary expenses incurred by such director for attending meetings of the Board and authorized business of the district pursuant to the provisions of the State Travel Reimbursement Act. No director shall hold any other position of employment within the Grand River Dam Authority at the same time such director is serving on the Board.

~~O.~~ N. 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 district. Four directors shall constitute a quorum at any meeting, and, except as otherwise provided in ~~this act~~ the Grand River Dam Authority Act or in the bylaws, all action may be taken by the affirmative vote of the majority of the Board present at any such meeting, except that no contracts which involve an amount greater than Fifty Thousand Dollars ($50,000.00), 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.

~~P.~~ O. At the first meeting of the Board following July 1, 2003, the members appointed pursuant to this section shall, by majority vote, elect a chair and chair-elect who shall serve as the vice-chair. The chair and the chair-elect shall serve a term of one (1)

year. Thereafter, the membership of the Board shall elect a chair-elect, at the first meeting of each year and the previous chair-elect shall assume the position of chair for the ensuing year. A member may serve more than one term as chair or chair-elect during their tenure on the Board, provided, however, they may only serve one term in any three-year period.

~~Q.~~ P. The Asset Committee shall be chaired by the director appointed to represent economic development interests, lake enthusiasts and property owners. Other members of the Committee may be selected by the Board.

~~R.~~ Q. The Board may appoint temporary or permanent subcommittees which may include employees of the district or other persons for any purpose it deems necessary or appropriate.

~~S.~~ R. The Board is authorized to adopt or amend the bylaws of the district as necessary to comply with the provisions of ~~this act~~ the Grand River Dam Authority Act.

~~T.~~ S. For the purposes of Section 4254 of Title 74 of the Oklahoma Statutes, the directors of this board, appointed pursuant to this section, shall not be considered state officers or state employees.

SECTION 2. 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.

53-2-3097 MJM 2/22/2012 5:02:32 PM