

1 STATE OF OKLAHOMA

2 2nd Session of the 53rd Legislature (2012)

3 CONFERENCE COMMITTEE SUBSTITUTE
4 FOR ENGROSSED

5 SENATE BILL 1040

6 By: (Wyrick) and Fields of the
7 Senate

8 and

9 Armes, Cannaday and
10 Cockroft of the House

11 CONFERENCE COMMITTEE SUBSTITUTE

12 An Act relating to waters and water rights; amending
13 82 O.S. 2011, Section 863.2, as last amended by
14 Section 1 of Enrolled House Bill No. 2502 of the 2nd
15 Session of the 53rd Oklahoma Legislature, which
16 relates to the powers, rights and privileges of the
17 Grand River Dam Authority; authorizing certain
18 directors to serve at the pleasure of their
19 appointing authorities; and declaring an emergency.

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

21 SECTION 1. AMENDATORY 82 O.S. 2011, Section 863.2, as
22 last amended by Section 1 of Enrolled House Bill No. 2502 of the 2nd
23 Session of the 53rd Oklahoma Legislature, is amended to read as
24 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.

1 B. The Board shall have rulemaking authority pursuant to the
2 provisions of the Grand River Dam Authority Act. By majority vote,
3 the Board shall have the authority to grant exemptions from any
4 rules not promulgated pursuant to the Administrative Procedures Act
5 which deal with the waters of the Grand River and its tributaries.
6 The Board shall be responsible for approving business expenses of
7 the district necessary to carry out the business of the district.
8 It shall be the duty of the Board of Directors to oversee the
9 functions of the district and ensure the operations of the district
10 are in compliance with all applicable state laws and that expenses
11 of the district comply with state and federal guidelines for
12 business expense deductibility.

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

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

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

1 F. Members of the Board of Directors shall be appointed as
2 follows:

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

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

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

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

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

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

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

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

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

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

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

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

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

9 H. A successor to a director of the Board shall be appointed in
10 the same manner as the original director and shall serve a term of
11 five (5) years. Directors may be eligible to serve more than one
12 term if so reappointed by the original appointing authority or a
13 different or successor appointing authority.

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

18 J. Each director shall qualify by taking the official oath of
19 office prescribed by general statute.

20 K. ~~Any director or designee may be removed for just cause by~~
21 ~~the Governor~~ All appointed directors shall serve at the pleasure of
22 their appointing authorities. Additionally, any member who fails to
23 attend a total of three (3) regularly scheduled board meetings in
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1 one (1) calendar year may be removed by the member's appointing
2 authority.

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

9 M. The time and place of the regular meetings and the manner in
10 which special meetings may be called shall be set forth in the
11 bylaws of the district. Four directors shall constitute a quorum at
12 any meeting, and, except as otherwise provided in the Grand River
13 Dam Authority Act or in the bylaws, all action may be taken by the
14 affirmative vote of the majority of the Board present at any such
15 meeting, except that no contracts which involve an amount greater
16 than Fifty Thousand Dollars (\$50,000.00), or which are to run for a
17 longer period than one (1) year, and no bonds, notes or other
18 evidence of indebtedness, and no amendment of the bylaws, shall be
19 valid unless authorized or ratified by the affirmative vote of at
20 least four directors.

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

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

7 O. The Asset Committee shall be chaired by the director
8 appointed to represent economic development interests, lake
9 enthusiasts and property owners. Other members of the Committee may
10 be selected by the Board.

11 P. The Board may appoint temporary or permanent subcommittees
12 which may include employees of the district or other persons for any
13 purpose it deems necessary or appropriate.

14 Q. The Board is authorized to adopt or amend the bylaws of the
15 district as necessary to comply with the provisions of the Grand
16 River Dam Authority Act.

17 R. For the purposes of Section 4254 of Title 74 of the Oklahoma
18 Statutes, the directors of this board, appointed pursuant to this
19 section, shall not be considered state officers or state employees.

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

24 53-2-3545 MJM 5/24/2012 10:25:13 AM