

1 **HOUSE OF REPRESENTATIVES - FLOOR VERSION**

2 STATE OF OKLAHOMA

3 2nd Session of the 53rd Legislature (2012)

4 COMMITTEE SUBSTITUTE
5 FOR
6 HOUSE BILL NO. 2502

By: Watson of the House

and

David of the Senate

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10 COMMITTEE SUBSTITUTE

11 An Act relating to the Grand River Dam Authority;
12 amending 82 O.S. 2011, Section 863.2, which relates
13 to the Board of Directors; modifying terms of Board
14 members; deleting obsolete language; authorizing
 directors to serve multiple terms; and declaring an
 emergency.

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

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

21 Section 863.2 A. The powers, rights and privileges and
22 functions of the Grand River Dam Authority, hereinafter referred to
23 as the "district", shall be exercised by a seven-member Board of

UNDERLINED language denotes Amendments to present Statutes.
BOLD FACE CAPITALIZED language denotes Committee Amendments.
~~Strike thru~~ language denotes deletion from present Statutes.

1 Directors, to be appointed according to the provisions of this
2 section.

3 B. The Board shall have rulemaking authority pursuant to the
4 provisions of Section 861 et seq. of this title. By majority vote,
5 the Board shall have the authority to grant exemptions from any
6 rules not promulgated pursuant to the Administrative Procedures Act
7 which deal with the waters of the Grand River and its tributaries.
8 The Board shall be responsible for approving business expenses of
9 the district necessary to carry out the business of the district.
10 It shall be the duty of the Board of Directors to oversee the
11 functions of the district and ensure the operations of the district
12 are in compliance with all applicable state laws and that expenses
13 of the district comply with state and federal guidelines for
14 business expense deductibility.

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

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

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

4 ~~F. On July 1, 2003, or on the effective date of this act,~~
5 ~~whichever occurs later, all positions of the current Board of~~
6 ~~Directors shall be deemed vacant, and the new members~~

7 E. Members of the Board of Directors shall be appointed as
8 follows:

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

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

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

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

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

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

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

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

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

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

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

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

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

16 ~~H.~~ G. A successor to a director of the Board shall be appointed
17 in the same manner as the original director and shall serve a term
18 of ~~seven (7)~~ five (5) years. Directors may be eligible to serve
19 more than one term if so reappointed by the original appointing
20 authority or a different or successor appointing authority.

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

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

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

9 ~~L. Any person serving on the Board of Directors on July 1,~~
10 ~~2003, may serve on the Board as provided in this section if they are~~
11 ~~so appointed or designated and such person is eligible to serve~~
12 ~~under the provisions of this section.~~

13 ~~M. J.~~ Any director or designee may be removed for just cause by
14 the Governor.

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

21 ~~O. L.~~ The time and place of the regular meetings and the manner
22 in which special meetings may be called shall be set forth in the
23 bylaws of the district. Four directors shall constitute a quorum at

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1 any meeting, and, except as otherwise provided in this act or in the
2 bylaws, all action may be taken by the affirmative vote of the
3 majority of the Board present at any such meeting, except that no
4 contracts which involve an amount greater than Fifty Thousand
5 Dollars (\$50,000.00), or which are to run for a longer period than
6 one (1) year, and no bonds, notes or other evidence of indebtedness,
7 and no amendment of the bylaws, shall be valid unless authorized or
8 ratified by the affirmative vote of at least four directors.

9 ~~P.~~ M. At the first meeting of the Board following July 1, 2003,
10 the members appointed pursuant to this section shall, by majority
11 vote, elect a chair and chair-elect who shall serve as the vice-
12 chair. The chair and the chair-elect shall serve a term of one (1)
13 year. Thereafter, the membership of the Board shall elect a chair-
14 elect, at the first meeting of each year and the previous chair-
15 elect shall assume the position of chair for the ensuing year. A
16 member may serve more than one term as chair or chair-elect during
17 their tenure on the Board~~;~~ provided, however, they may only serve
18 one term in any three-year period.

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

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

4 ~~S.~~ P. The Board is authorized to adopt or amend the bylaws of
5 the district as necessary to comply with the provisions of ~~this act~~
6 Section 861 et seq. of this title.

7 ~~F.~~ Q. For the purposes of Section 4254 of Title 74 of the
8 Oklahoma Statutes, the directors of this board, appointed pursuant
9 to this section, shall not be considered state officers or state
10 employees.

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

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16 COMMITTEE REPORT BY: COMMITTEE ON ENERGY AND UTILITY REGULATION,
17 dated 02/16/2012 - DO PASS, As Amended and Coauthored.

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