STATE OF OKLAHOMA

1st Session of the 54th Legislature (2013)

COMMITTEE SUBSTITUTE
FOR ENGROSSED
HOUSE BILL 1350

By: Cox, Hoskin and Sherrer of the House

and

Fields of the Senate

COMMITTEE SUBSTITUTE

An Act relating to the Grand River Dam Authority; amending 82 O.S. 2011, Section 864, as amended by Section 1061, Chapter 304, O.S.L. 2012 (82 O.S. Supp. 2012, Section 864), which relates to the Board of Directors; removing prohibitions on Board relating to interactions with General Manager and employees; amending 82 O.S. 2011, Section 874, which relates to the mortgage, sale, lease or other disposition of property; allowing the Grand River Dam Authority to sell electrical system equipment to customers; requiring approval of the Board of Directors; making sales exempt from certain provision and the Oklahoma Surplus Property Act; and declaring an emergency.

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

SECTION 1. AMENDATORY 82 O.S. 2011, Section 864, as amended by Section 1061, Chapter 304, O.S.L. 2012 (82 O.S. Supp. 2012, 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 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 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. The Board may appoint such officers, fix their compensation and term of office and the method by which they may be removed and delegate to them such other powers and duties as it may deem appropriate.

~~4. Except for the purpose of inquiry, the Board and its members shall deal with the operations of the district solely through the general manager. The Board and its members shall not:~~

~~a. direct or request the general manager or other authority to appoint or remove officers or employees except as herein provided,~~

~~b. participate in any manner in the appointment or removal of officers and employees of the district, except as provided by law, or~~

~~c. give orders or ordinary administrative matters to any subordinate of the general manager either publicly or privately.~~

B. The general manager may appoint such other 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 the general manager may deem proper.

C. Except as provided in subsection A of this section, the compensation of the classified employees of the Grand River Dam Authority shall be computed as follows:

1. Beginning July 1, 1993, and biannually thereafter, the Office of Management and Enterprise Services shall conduct a comprehensive classification and compensation study of all classified positions in the Grand River Dam Authority. The study shall 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. Such study shall compare all classified positions within the Grand River Dam Authority, including support and maintenance staff employees, with comparable positions within other similarly sized electrical generating utilities only. Each biannual 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. The report shall include an analysis of all classified 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;

2. Upon the issuance of any such report, 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; and

3. The Board of Directors of the Grand River Dam Authority may implement adjustments in compensation to correct inequities as determined by the Board of Directors. The total of these adjustments and those described in paragraph 2 of this subsection may increase the base payroll in excess of the recommendation in the Office of Management and Enterprise Services study.

SECTION 2. AMENDATORY 82 O.S. 2011, Section 874, is amended to read as follows:

Section 874. A. 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 property of any kind, real, personal or mixed, or any interest therein, or to acquire any property or interest subject to a mortgage or conditional sale, provided that this section shall not be construed as preventing the pledging of the revenues of the district as herein authorized.

B. Nothing in Sections 861 through 890 of this title shall be construed as authorizing the sale, lease or other disposition of any

property or interest of the district by the district or any receiver of any of its properties or through any court proceeding or otherwise.

C. 1. The district may sell for cash, subject to competitive bidding as provided by the Board of Directors of the Grand River Dam Authority, any property or interest in an aggregate value not exceeding the sum of Five Hundred Thousand Dollars ($500,000.00) in any one (1) year, except that the district may sell any or all surplus property that the district may have acquired without regard to the limitations herein, if the Board, by the affirmative vote of five or more of the members, shall have determined that the same is not necessary to the business of the district and shall have approved the terms of any sale.

2. Notwithstanding any other provision of law, the district may sell real and personal property used for an electrical substation, transformer station, switch station, or similar purpose to a rural electric cooperative corporation which has an ownership interest in an electricity generating station in which the district also has an ownership interest. Sales pursuant to this paragraph shall be exempt from the requirements and limitations of paragraph 1 of this subsection and from the requirements of Section 129.4 of Title 74 of the Oklahoma Statutes.

<u>3. Notwithstanding any other provision of law, the district may sell any electrical system equipment that the district may have</u>

acquired to a customer of the district if the Board determines by the affirmative vote of five (5) or more of the members that the property is not necessary to the business of the district, that the property will remain in service for the use of its customer and approves the terms of the sale. Sales pursuant to this paragraph shall be exempt from the requirements and limitations of paragraph 1 of this subsection and exempt from the requirements of the Oklahoma Surplus Property Act.

D. The district may lease any of its lands if the Board, by the affirmative vote of five or more of the members, shall have determined that the same can be leased without injury to or without interference with the operations of the project, and shall have approved the terms of any lease. Except as otherwise provided, no shorelands (lands lying between the low and high water marks) shall be leased for a term longer than two (2) years and not more than one-fourth (1/4) mile of the lake front shall be leased to any one person, firm or corporation. The district may lease shorelands for a term longer than two (2) years and more than one-fourth (1/4) mile of lake front may be leased to any one person, firm, or corporation without regard to the limitations herein, if the Board, by the affirmative vote of a majority of the members, determines that the lease is necessary or beneficial to the business of the district. The district may lease shorelands to political subdivisions, agencies of the State of Oklahoma, or tax-exempt public trusts, for

any public purpose, on such terms as are mutually satisfactory to the parties, notwithstanding the limitations herein. No lease shall deprive the owner of any land adjacent to the shorelands or lake front, or abutting thereon, of ingress or egress to and from the water of the lakes and shall not deprive the owner of any wharf, dock or boat anchorage privileges that would belong to the owner if the shorelands or lake front were not leased.

E. It is the intention of Sections 861 through 890 of this title that, except by sale, lease or agreement as expressly authorized in Sections 861 through 890 of this title, no property or interest of the district shall ever come into the ownership or control, directly or indirectly, of any person, firm or corporation other than a public authority created under the laws of the State of Oklahoma.

F. Nothing in this section shall be construed as preventing the district from contracting with the United States or any agency thereof for the temporary possession, control and use of properties by the United States or any agency thereof for the safety and defense of the United States in time of a national emergency or in anticipation thereof.

G. All property of the district shall be at all times exempted from forced sale, and nothing contained in Sections 861 through 890 of this title shall authorize the sale of any of the property of the district under any judgment rendered in any suit, and such sales are

hereby prohibited and forbidden. The provisions of this subsection shall not apply to any property constructed on a lease or the interest in a lease of shoreland that has been entered into by the district pursuant to subsection B of this section for a term of longer than two (2) years, provided the provisions of the lease authorizing the mortgage and forced sale of the property or lease interest has been approved by an affirmative vote of a majority of the members of the Board.

H. The provisions of this section shall not apply to any sale agreement, lease agreement or other agreement entered into by the district pursuant to paragraphs (f) or (g) of Section 862 of this title, provided that the agreement is in compliance with any applicable provision restricting the sale or leasing of property by the district contained in any resolution of the district providing for the issuance of revenue bonds.

SECTION 3. 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.

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