

STATE OF OKLAHOMA

2nd Session of the 57th Legislature (2020)

HOUSE BILL 4127

By: Roberts (Sean)

AS INTRODUCED

An Act relating to waters and water rights; amending 82 O.S. 2011, Section 861A, as amended by Section 1, Chapter 507, O.S.L. 2019 (82 O.S. Supp. 2019, Section 861A), which relates to the Grand River Dam Authority; directing the Authority to study the sale of certain waters to Missouri; and providing an effective date.

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

SECTION 1. AMENDATORY 82 O.S. 2011, Section 861A, as amended by Section 1, Chapter 507, O.S.L. 2019 (82 O.S. Supp. 2019, Section 861A), is amended to read as follows:

Section 861A. A. The Grand River Dam Authority, created pursuant to the provisions of the Grand River Dam Authority Act, Section 861 et seq. of this title, is a nonappropriated agency of the State of Oklahoma. The Grand River Dam Authority herein referred to as the "district" is subject to the laws of the state as they apply to state agencies except as specifically exempted by statute. All funds generated, received and expended by the district

1 are public funds and subject to state laws and regulations governing
2 the receipt and expenditure of public funds in the same manner as
3 all other state agencies except as otherwise provided by statute.
4 The employees of the district are both classified and unclassified
5 state employees subject to the same benefits and restrictions
6 applicable to all state agencies except as otherwise provided by
7 statute.

8 B. Recognizing that the district is a unique agency of this
9 state, whose mission requires the ability of the district to
10 function in competition with private industry within the competitive
11 power market, the Legislature hereby requires the Grand River Dam
12 Authority Board of Directors as the rulemaking authority for the
13 district to:

14 1. Promulgate appropriate rules governing operations of the
15 district pursuant to the provisions of Article I of the
16 Administrative Procedures Act, with the exception of rules dealing
17 with the waters of the Grand River and its tributaries; ~~and~~

18 2. Set fees for services performed by the district; provided
19 that such fees shall not exceed the cost to the district of
20 providing such services;

21 3. Develop written policies and procedures governing the
22 district's activities including purchasing, procurement and bidding,
23 purchase and disposition of real and personal property, fleet
24 management marketing, consumer education, community relations and

1 customer service functions performed by the district to the extent
2 it deems necessary; and

3 4. Develop written hiring and compensation policies of
4 employees of the district, subject to the provisions of Section 864
5 of this title.

6 C. The district is required to document business expenses
7 necessary to carry out the business of the district. Expenses shall
8 meet current State of Oklahoma and Internal Revenue Service
9 guidelines for business expense deductibility.

10 D. If necessary to comply with the provisions of this act, the
11 Board may, by majority vote, employ an independent audit firm to
12 assist it in its duties. Funds required for this purpose shall be
13 borne by the district with approval by the Board.

14 E. The Board of Directors or the management of the district may
15 seek advice from the State Treasurer or the State Bond Advisor as it
16 deems necessary.

17 F. After the effective date of this act, the district shall not
18 provide retail electric power or retail electric service to electric
19 consuming facilities except to:

20 1. An existing electric consuming facility if such electric
21 power was being provided by the district on the effective date of
22 August 29, 2003; and
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1 2. Any entity located within the boundary of the Oklahoma
2 Ordnance Works Authority/Mid-America Industrial Park or within a
3 two-mile radius of the boundary.

4 Retail distribution of electric power shall be defined as any
5 sale not for resale.

6 G. The Authority shall conduct a study on the sale of the
7 waters under its control to the State of Missouri.

8 SECTION 2. This act shall become effective November 1, 2020.

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