

1 ENGROSSED HOUSE  
2 BILL NO. 4460

By: Wallace and Martinez of the  
House

3 and

4 Thompson and Hall of the  
5 Senate

6  
7 An Act relating to the Grand River Dam Authority;  
8 amending 82 O.S. 2021, Section 870, which relates to  
9 bonding authority; increasing allowed level of  
bonding authority to certain amount under certain  
condition.

10

11

12

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

13

SECTION 1. AMENDATORY 82 O.S. 2021, Section 870, is

14

amended to read as follows:

15

Section 870. The district shall have power and is hereby

16

authorized to issue from time to time, as the need therefor arises,

17

revenue bonds for its corporate purposes in such amount or amounts

18

not to exceed One Billion Four Hundred Ten Million Dollars

19

(\$1,410,000,000.00), or in the event that the Oklahoma Department of

20

Commerce has approved an application under the provisions of

21

division (1) of subparagraph a of paragraph 1 of subsection E of

22

Section 4 of the Large-scale Economic Activity and Development Act

23

of 2022 not to exceed Two Billion Dollars (\$2,000,000,000.00),

24

outstanding at any time as are necessary, incidental or convenient

1 to the exercise of the powers, rights, privileges and functions  
2 conferred upon it by this act, or any other act or law, and without  
3 limitations of the generality of the powers, rights and privileges  
4 heretofore granted, for acquiring a steam generating plant or plants  
5 and related facilities, and to extend, improve and reconstruct the  
6 same; and for constructing, installing and acquiring dams,  
7 reservoirs, hydroelectric power plants, or any electrical generating  
8 plant or plants or any other electrical power or generating  
9 facilities; or any plant or plants for the production of steam for  
10 heating and processing purposes; and all and any facilities of every  
11 kind necessary, incidental or convenient for the production and  
12 generation of electric power and energy; and for acquiring,  
13 constructing and installing transmission lines, substations and all  
14 facilities necessary, incidental or convenient to the sale, resale,  
15 interchange and distribution of electric power and energy; and for  
16 carrying on the business and functions of the district, as is now or  
17 hereafter may be authorized by law; and for acquiring additions and  
18 improvements to and extensions of facilities, at any time existing,  
19 of the district; and for the acquisition of lands and rights-of-way  
20 for such use as is now, or may be, authorized by law for the  
21 construction, replacement and repair of any dams, plants or other  
22 facilities of the district; and to enable it to finance, in  
23 cooperation with any "public agency", as defined under the  
24 Interlocal Cooperation Act, Sections 1001 through 1008 of Title 74

1 of the Oklahoma Statutes, any other agency of government, rural  
2 electric co-op corporation, or any private or public corporation,  
3 the development and utilization of electrical energy or the water  
4 resources and rights in waters vested in said district for such  
5 purposes as are, or may be, authorized by the laws of Oklahoma, and  
6 for financing and refinancing present outstanding obligations of the  
7 district, including the payment of any claims, charges or interest  
8 on bonds required to be paid. The bonds herein authorized may  
9 either be (1) sold for cash, at public or private sale, at such  
10 price or prices as the Board shall determine with the advice and  
11 assistance of the State Bond Advisor, or (2) may be issued on such  
12 terms as the Board shall determine in exchange for property of any  
13 kind, real, personal or mixed, or any interest therein which the  
14 Board shall deem necessary, incidental or convenient for any such  
15 corporate purposes, or (3) may be issued in exchange for like  
16 principal amounts of other obligations of the district, matured or  
17 unmatured, or (4) may be issued in such principal amounts that when  
18 the proceeds thereof are invested in legal and qualified  
19 investments, the proceeds together with the resulting proceeds of  
20 such investments will be sufficient to retire the outstanding  
21 indebtedness or any portion thereof at maturity or at prior  
22 redemption or upon purchase or tender for purchase. The proceeds of  
23 sale of such bonds shall be deposited in such bank or banks or trust  
24 company or trust companies, and shall be paid out pursuant to such

1 terms and conditions as may be agreed upon between the district and  
2 the purchasers of such bonds. All such bonds shall be authorized by  
3 resolutions of the Board concurred in by at least four of the  
4 members thereof, and shall bear such date or dates, mature at such  
5 time or times, bear interest at such rate or rates, at such time or  
6 times, be in such denominations, be in such form, either coupon or  
7 registered, carry such registration privileges as to principal only  
8 or as to both principal and interest, and as to exchange of coupon  
9 bonds for registered bonds or vice versa, and exchange of bonds of  
10 one denomination for bonds of other denominations, be executed in  
11 such manner and be payable at such place or places within or without  
12 the State of Oklahoma as such resolution or resolutions may provide.  
13 Any resolution or resolutions, including any related trust indenture  
14 or indentures, authorizing any bonds may contain provisions which  
15 shall be part of the contract between the district and the holders  
16 thereof from time to time (a) reserving the right to redeem such  
17 bonds at such time or times, in such amounts and at such prices as  
18 may be provided, (b) providing for the setting aside of sinking  
19 funds or reserve funds and the regulation and disposition thereof,  
20 (c) pledging to secure the payment of the principal of and interest  
21 on such bonds and of the sinking fund or reserve fund payments  
22 agreed to be made in respect of such bonds all or any part of the  
23 gross or net revenues thereafter received by the district in respect  
24 of the property, real, personal or mixed, to be acquired or

1 constructed with such bonds or the proceeds thereof, or all or any  
2 part of the gross or net revenues thereafter received by the  
3 district from whatever source derived and monies and securities held  
4 under such resolutions or indentures or contract rights with respect  
5 to any of the foregoing, (d) prescribing the purposes to which such  
6 bonds or any bonds thereafter to be issued, or the proceeds thereof,  
7 may be applied, (e) agreeing to fix and collect rates and charges  
8 sufficient to produce revenues adequate to pay the items specified  
9 in subparagraphs (a), (b), (c), (d) and (e) of Section 868 of this  
10 title and prescribing the use and disposition of all revenues, and  
11 the investment of such revenues and other monies pending their  
12 expenditures in investments authorized or permitted by law, (f)  
13 prescribing limitations upon the issuance of additional bonds and  
14 upon the agreements which may be made with the purchasers and  
15 successive holders thereof, (g) with regard to the construction,  
16 extension, improvement, reconstruction, operation, maintenance and  
17 repair of the properties of the district, carrying of insurance upon  
18 all or any part of said properties covering loss or damage or loss  
19 of use and occupancy resulting from specified risk, (h) fixing the  
20 procedure, if any, by which, if the district shall so desire, the  
21 terms of any contract with the holders of such bonds may be amended  
22 or abrogated, the amount of bonds the holders of which must consent  
23 thereto, and the manner in which such consent may be given, (i) for  
24 the execution and delivery by the district to a bank or trust

1 company authorized by law to accept trusts, or to the United States  
2 of America or any office or agency thereof, of indentures and  
3 agreements for the benefit of the holders of such bonds setting  
4 forth any or all of the agreements herein authorized to be made with  
5 or from the benefit of the holders of such bonds and such other  
6 provisions as may be customary in such indentures or agreements, and  
7 (j) such other provisions, not inconsistent with the provisions of  
8 the act, as the Board may approve.

9 Any such resolution and any indenture or agreement entered into  
10 pursuant thereto may provide that in the event that (a) default  
11 shall be made in the payment of the interest on any or all bonds  
12 when and as the same shall become due and payable, or (b) default  
13 shall be made in the payment of the principal of any or all bonds  
14 when and as the same shall become due and payable, whether at the  
15 maturity thereof, by call for redemption or otherwise, or (c)  
16 default shall be made in the performance for any agreement made with  
17 the purchasers or successive holders of any bonds, and such default  
18 shall have continued such period, if any, as may be prescribed by  
19 said resolution in respect thereof, the trustee under the indenture  
20 or indentures entered into in respect of the bonds authorized  
21 thereby, or if there shall be no such indenture, a trustee appointed  
22 in the manner provided in such resolution or resolutions by the  
23 holders of twenty-five percent (25%) in aggregate principal amount  
24 of the bonds authorized thereby and at the time outstanding may,

1 and, upon the written request of the holders of twenty-five percent  
2 (25%) in aggregate principal amount of the bonds authorized by such  
3 resolution or resolutions at the time outstanding, shall, in his or  
4 its own name, but for the equal and proportionate benefit of the  
5 holders of all of such bonds, and with or without possession  
6 thereof,

7 (1) By mandamus or other suit, action or proceeding at law or  
8 in equity, enforce all rights of the holders of such bonds,

9 (2) Bring suit upon such bonds and/or the appurtenant coupons,

10 (3) By action or suit in equity, require the district to  
11 account as if it were the trustee of an express trust for the  
12 bondholders,

13 (4) By action or suit in equity, enjoin any acts or things  
14 which may be unlawful or in violation of the rights of the holders  
15 of such bonds, and/or

16 (5) After such notice to the district as such resolution may  
17 provide, declare the principal of all of such bonds due and payable,  
18 and if all defaults shall have been made good, then with the written  
19 consent of the holder or holders of twenty-five percent (25%) in  
20 aggregate principal amount of such bonds at the time outstanding  
21 annul such declaration and its consequence; provided, however, that  
22 the holders of more than a majority in principal amount of the bonds  
23 authorized thereby and at the time outstanding by instrument or  
24 instruments in writing delivered to such trustee have the right to

1 direct and control any and all action taken or to be taken by such  
2 trustee under this paragraph. Any such resolution, indenture or  
3 agreement may provide that in any such suit, action or proceeding,  
4 any such trustee, whether or not all of such bonds shall have been  
5 declared due and payable, and with or without possession of any  
6 thereof, shall be entitled as of right to the appointment of a  
7 receiver who may enter and take possession of all or any part of the  
8 properties of the district and operate and maintain the same, and  
9 fix, collect and receive rates and charges sufficient to provide  
10 revenues adequate to pay the items set forth in subparagraphs (a),  
11 (b), (c), (d) and (e) of Section 868 of this title and the costs and  
12 disbursements of such suit, action or proceeding, and to apply such  
13 revenues in conformity with the provisions of Section 861 et seq. of  
14 this title and the resolution or resolutions authorizing such bonds.  
15 In any suit, action or proceeding by any such trustee, the  
16 reasonable fees, counsel fees and expense of such trustee and of the  
17 receiver or receivers, if any, shall constitute taxable  
18 disbursements and all costs and disbursements, and all costs and  
19 disbursements allowed by the court shall be a first charge upon any  
20 revenues pledged to secure the payment of such bonds. Subject to  
21 the provisions of the Constitution of the State of Oklahoma, the  
22 courts of the County of Craig, or other county wherein the domicile  
23 may be situated, shall have jurisdiction of any such suit, action or  
24 proceeding by any such trustee on behalf of the bondholders and of



1 all property involved therein. In addition to the powers  
2 hereinabove specifically provided for, each such trustee shall have  
3 and possess all powers necessary or appropriate for the exercise of  
4 any thereof, or incident to the general representation of the  
5 bondholders in the enforcement of their right.

6 Before any bonds shall be sold by the district, a certified copy  
7 of the proceedings for the issuance thereof, including the form of  
8 such bonds, together with any other information which the Attorney  
9 General of the State of Oklahoma may require, shall be submitted to  
10 the Attorney General and if he shall find that such bonds have been  
11 issued in accordance with law he shall approve such bonds and  
12 execute a certificate to that effect which shall be filed in the  
13 Office of the State Auditor and Inspector of the State of Oklahoma  
14 and be recorded in a record kept for that purpose. No bonds shall  
15 be issued until the same shall have been registered by the State  
16 Auditor and Inspector, who shall so register the same if the  
17 Attorney General shall have filed with the State Auditor and  
18 Inspector his certificate approving the bonds and the proceedings  
19 for the issuance thereof as hereinabove provided. All bonds  
20 approved by the Attorney General as aforesaid, and registered by the  
21 State Auditor and Inspector as aforesaid, and issued in accordance  
22 with the proceedings so approved shall be valid and binding  
23 obligations of the district and shall be incontestable for any cause  
24 from and after the time of such registration.

