

STATE OF OKLAHOMA

1st Session of the 47th Legislature (1999)

COMMITTEE SUBSTITUTE
FOR
SENATE BILL 418

By: Easley

COMMITTEE SUBSTITUTE

[Corporation Commission - unbundling of natural gas services upstream of a citygate - requiring Corporation Commissioners and certain administrative law judges and hearing officers to be subject to the Code of Judicial Conduct - codification -

emergency]

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

SECTION 1. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 193.1 of Title 17, unless there is created a duplication in numbering, reads as follows:

The Corporation Commission is hereby directed and authorized to promulgate rules implementing unbundling of natural gas services, including gas supply, transmission and storage, upstream of a citygate. The Commission shall promulgate rules requiring utilities to request third parties to submit competitive bids to supply such services to the utility at a citygate, in addition to any other rules necessary to establish fair and reasonable processes wherein the gas utility industry can be restructured in such a manner that will be in the best public interest of natural gas consumers and the State of Oklahoma and where the utility can acquire reliable service at a reasonable cost.

SECTION 2. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 701 of Title 17, unless there is created a duplication in numbering, reads as follows:

In the performance of their adjudicative functions, the Corporation Commissioners and all persons appointed or acting in the capacity of administrative law judge or administrative hearing officer shall be subject to the Code of Judicial Conduct.

SECTION 3. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 702 of Title 17, unless there is created a duplication in numbering, reads as follows:

A. While exercising their adjudicative authority the Corporation Commissioners shall not, directly or indirectly, engage in any communication, either written or oral, with any party or their representatives to any case pending before the Corporation Commission other than those occurring in the course of the proceedings. Any Commissioner engaging in such communication shall recuse himself or herself from participating in any hearing or deliberations, or otherwise, regarding such matter and if a Commissioner fails to recuse himself or herself he or she shall be ordered recused by the remaining Commissioners.

B. In the event a Corporation Commissioner has engaged in any communication, whether direct or indirect and whether written or oral, with any party or their representatives regarding any matter which subsequently becomes a case before the Corporation Commission in which the Commission is asked to exercise its adjudicative authority, the Commissioner engaging in such a communication shall recuse himself or herself from participating in any hearing or deliberations, or otherwise, regarding such matter and if a Commissioner fails to recuse himself or herself he or she shall be ordered recused by the remaining Commissioners.

C. The provisions of subsections A and B of this section shall apply in all cases where the Corporation Commission or its divisions or staff are parties to the action, either as the applicant, a respondent or as an interested party. The Corporation Commissioners shall not communicate, directly or indirectly, orally or in writing,

with any employee of the Commission who is involved in a case regarding the subject matter of the case and if a Commissioner has engaged in any communication regarding the subject matter of a case before it became a case the provisions of subsection B shall apply.

D. In every case where a Corporation Commissioner has been recused the Chief Justice of the Supreme Court shall appoint a judge of the district court, a Judge from the Court of Appeals or a Justice of the Supreme Court to serve in the recused Corporation Commissioner's place for the purpose of hearing the case in which the recusal occurred.

SECTION 4. AMENDATORY Section 3, Chapter 282, O.S.L. 1993, as last amended by Section 3, Chapter 315, O.S.L. 1998 (25 O.S. Supp. 1998, Section 307.1), is amended to read as follows:

Section 307.1 A. No public body shall hold meetings by teleconference except:

1. Oklahoma Futures;
2. The Oklahoma State Regents for Higher Education;
3. The Oklahoma Board of Medical Licensure and Supervision;
4. The State Board of Osteopathic Examiners;
5. The Board of Dentistry;
6. The Variance and Appeals Boards created in Sections 1021.1, 1697 and 1850.16 of Title 59 of the Oklahoma Statutes; ~~and~~
7. The Corporation Commission; and
8. A public trust whose beneficiary is a municipality; however, no more than twenty percent (20%) of a quorum of the trustees may participate by teleconference and during any such meetings all votes shall be roll call votes.

B. No public body authorized to hold meetings by teleconference shall conduct an executive session by teleconference.

SECTION 5. 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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