

1 ENGROSSED HOUSE AMENDMENT
TO
2 ENGROSSED SENATE BILL NO. 1631

By: Mazzei and Newberry of
the Senate

3
4 and

Jordan of the House

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8 (public trusts - authorized activities of
9 municipalities and counties -

10 emergency)

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13 AMENDMENT NO. 1. Strike the stricken title, enacting clause and
14 entire bill and insert

15 "An Act relating to public trusts; amending 60 O.S.
16 2001, Section 178.4, as amended by Section 4,
17 Chapter 386, O.S.L. 2003 (60 O.S. Supp. 2009,
18 Section 178.4); which relates to certain public
19 trust purposes; modifying purposes; amending 62 O.S.
20 2001, Section 652, which relates to authorized
activities of municipalities and counties; modifying
authority; and declaring an emergency.

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

22 SECTION 1. AMENDATORY 60 O.S. 2001, Section 178.4, as
23 amended by Section 4, Chapter 386, O.S.L. 2003 (60 O.S. Supp. 2009,
24 Section 178.4), is amended to read as follows:

1 Section 178.4 A. Trusts created under the provisions of
2 Sections 176 through 180.55 of this title or any amendments or
3 extensions thereof shall not include any trust purpose, function nor
4 activity: ~~in any wholesale outlet, unless said wholesale outlet is~~
5 ~~a direct part of the industry. Provided, however, that in the~~
6 distribution centers for intoxicating beverages and low-point beer
7 as defined in Title 37 of the Oklahoma Statutes ~~shall not qualify~~
8 ~~under the provisions of this title; nor shall it include a retail~~
9 ~~outlet unless said retail outlet is operated in conjunction with and~~
10 ~~on the same premises as the industrial, manufacturing, cultural,~~
11 ~~recreational, parking, transportation or airport facility or~~
12 ~~international trade processing center; nor shall it include a~~
13 residential enterprise or function except as provided in Section
14 178.6 of this title.

15 B. Nothing in this section shall preclude the financing,
16 construction, ownership or leasing of a warehouse as a permissible
17 trust purpose, function or activity, so long as such warehouse is
18 not used directly or indirectly for housing, storage or distribution
19 of intoxicating beverages or low-point beer.

20 SECTION 2. AMENDATORY 62 O.S. 2001, Section 652, is
21 amended to read as follows:

22 Section 652. Any municipality and any county is hereby
23 authorized to own, acquire, construct, reconstruct, extend, equip,
24 improve, maintain, sell, lease, contract concerning, or otherwise

1 deal in or dispose of any lands, buildings, or facilities of any and
2 every nature whatever that can be used in securing or developing
3 industry within or near the municipality or county. Industry as
4 referred to herein shall not include any trust purpose, function nor
5 activity: ~~in any wholesale outlet, unless said wholesale outlet is~~
6 ~~located on the same premises with and is a direct part of the~~
7 ~~industry; nor shall it include a retail outlet unless said retail~~
8 ~~outlet is operated in conjunction with and on the same premises as~~
9 ~~the industrial, manufacturing, cultural, recreational, parking,~~
10 ~~transportation or airport facility; nor shall it include a in any~~
11 residential enterprise or function except as provided in ~~Section 13~~
12 ~~hereof~~ Section 178.6 of Title 60 of the Oklahoma Statutes.

13 SECTION 3. It being immediately necessary for the preservation
14 of the public peace, health and safety, an emergency is hereby
15 declared to exist, by reason whereof this act shall take effect and
16 be in full force from and after its passage and approval."

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1 Passed the House of Representatives the 14th day of April, 2010.

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4 Presiding Officer of the House of
Representatives
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6 Passed the Senate the ____ day of _____, 2010.

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9 Presiding Officer of the Senate
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