

1 ENGROSSED HOUSE AMENDMENT
TO
2 ENGROSSED SENATE BILL NO. 1668 By: Myers of the Senate
3 and
4 Duncan of the House
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8 (cities and towns - Oklahoma Municipal Power
9 Authority - deleting prohibition - nuclear powered
10 generation facilities - repealer -
11 effective date)
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14 AUTHORS: Add the following House Coauthors: Reynolds and Martin
15 (Scott)

16 AMENDMENT NO. 1. Strike the stricken title, enacting clause and
17 entire bill and insert

18 "An Act relating to cities and towns; amending 11
19 O.S. 2001, Sections 24-105 and 24-117, which relate
20 to the Oklahoma Municipal Power Authority Act;
21 modifying definition; removing prohibition from
22 investing in certain generation projects after
23 certain time period; deleting prohibition from
24 investing in nuclear powered generation facilities;
modifying construction of act relating to
investments in nuclear powered generation
facilities; repealing 11 O.S. 2001, Section 24-
105.1, which relates to authorization to own
interests in certain electric generation projects;
and providing an effective date.

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

2 SECTION 1. AMENDATORY 11 O.S. 2001, Section 24-105, is
3 amended to read as follows:

4 Section 24-105. As used in ~~this act the following words shall~~
5 ~~have the following meanings unless the context clearly indicates~~
6 ~~otherwise~~ the Oklahoma Municipal Power Authority Act:

7 (a) "Authority" ~~shall mean~~ means the Oklahoma Municipal Power
8 Authority hereby created and any successor or successors thereto.
9 Any change in name or composition of the Authority shall in no way
10 affect the vested rights of any person under the provisions of this
11 act or impair the obligations of any contracts existing under this
12 act.

13 (b) "Board of Directors" ~~shall mean~~ means the Board of
14 Directors elected by the election committee as set forth in Section
15 4 24-104 of this ~~act~~ title which shall exercise all the powers and
16 manage and control all the affairs and property of the Authority
17 unless otherwise specifically provided herein or in the bylaws of
18 the Authority as in effect from time to time.

19 (c) "Bonds" ~~shall mean~~ means any revenue bonds, notes or other
20 evidences of obligations of the Authority issued by the Authority
21 under the provisions of this act, including, without limitation,
22 bond anticipation notes and refunding bonds.

23 (d) "Eligible public agency" ~~shall mean~~ means any municipality,
24 authority or other public body which owns, maintains or operates an

1 electrical energy generation, transmission or distribution system
2 within the State of Oklahoma on the date on which this act becomes
3 law.

4 (e) "Person" ~~shall mean~~ means (i) any natural person; (ii) any
5 eligible public agency as defined herein; (iii) any public trust as
6 defined herein; (iv) the United States, any state, any municipality,
7 political subdivision, municipal corporation, unit of local
8 government, governmental unit or public corporation created by or
9 pursuant to the laws of the United States or any state, or any
10 board, corporation or other entity or body declared by the laws of
11 the United States or any state to be a department, agency or
12 instrumentality thereof; (v) any corporation, not for profit
13 corporation, firm, partnership, cooperative association, electric
14 cooperative or business trust of any nature whatsoever organized and
15 existing under the laws of the United States or any state; or (vi)
16 any foreign country, any political subdivision or governmental unit
17 of any foreign country or any corporation, not for profit
18 corporation, firm, partnership, cooperative association, electric
19 cooperative or business trust of any nature whatsoever organized and
20 existing under the laws of any foreign country or of any political
21 subdivision or governmental entity thereof.

22 (f) "Project" ~~shall mean~~ means any plant, works, system,
23 facilities and real and personal property of any nature whatsoever,
24 together with all parts thereof and appurtenances thereto, located

1 within or without the State of Oklahoma, used or useful in the
2 generation, production, transmission, purchase, sale, exchange or
3 interchange of electrical energy and in the acquisition, extraction,
4 processing, transportation or storage or of fuel of any kind for any
5 such purposes or any interest in, or right to the use, services,
6 output or capacity, of any such plant, works, system or facilities,
7 ~~provided, however, a project shall not include (i) any interest in~~
8 ~~any plant for the generation of electrical energy which is to be~~
9 ~~owned jointly with any investor owned utility if such plant is not~~
10 ~~existing on May 10, 1981, or (ii) any interest in any nuclear~~
11 ~~powered generating plant. For purposes of this definition, a plant~~
12 ~~shall be considered to be existing if construction shall have been~~
13 ~~commenced at the plant site, if orders have been placed for major~~
14 ~~components of equipment or if the plant is to consist of an~~
15 ~~additional unit at the site of an already existing unit which will~~
16 ~~use in common any of the existing facilities at such site.~~

17 (g) "Public trust" ~~shall mean~~ means any public trust created
18 and existing under the provisions of the Trusts for Furtherance of
19 Public Functions Law, as provided by Sections 176 et seq. of Title
20 60 of the Oklahoma Statutes, and the Oklahoma Trust Act, as provided
21 by Sections 175 et seq. of Title 60 of the Oklahoma Statutes, which
22 has as its beneficiary a municipality and which owns, maintains or
23 operates an electrical energy generation, transmission or
24 distribution system serving the residents and consumers of such

1 municipality and existing on the date on which this act becomes law
2 or created hereafter with an eligible public agency as the
3 beneficiary.

4 SECTION 2. AMENDATORY 11 O.S. 2001, Section 24-117, is
5 amended to read as follows:

6 Section 24-117. This act and all the terms and provisions
7 hereof shall be liberally construed to effectuate the purposes set
8 forth herein; ~~provided however, nothing in this act shall be~~
9 ~~construed to authorize the Authority to loan its credit to any~~
10 ~~investor owned utility nor to acquire or subsidize any nuclear~~
11 ~~powered generating plant.~~

12 SECTION 3. REPEALER 11 O.S. 2001, Section 24-105.1, is
13 hereby repealed.

14 SECTION 4. This act shall become effective November 1, 2010."

15 Passed the House of Representatives the 13th day of April, 2010.

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Presiding Officer of the House of
19 Representatives

20 Passed the Senate the ____ day of _____, 2010.

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Presiding Officer of the Senate

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