

ENROLLED SENATE
BILL NO. 1631

By: Mazzei and Newberry of the
Senate

and

Jordan of the House

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

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

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

Section 178.4 A. Trusts created under the provisions of Sections 176 through 180.55 of this title or any amendments or extensions thereof shall not include any trust purpose, function nor activity: ~~in any wholesale outlet, unless said wholesale outlet is a direct part of the industry. Provided, however, that in the~~ distribution centers for intoxicating beverages and low-point beer as defined in Title 37 of the Oklahoma Statutes ~~shall not qualify under the provisions of this title, nor shall it include a retail outlet unless said retail outlet is operated in conjunction with and on the same premises as the industrial, manufacturing, cultural, recreational, parking, transportation or airport facility or~~

~~international trade processing center~~; nor shall it include a residential enterprise or function except as provided in Section 178.6 of this title.

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

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

Section 652. Any municipality and any county is hereby authorized to own, acquire, construct, reconstruct, extend, equip, improve, maintain, sell, lease, contract concerning, or otherwise deal in or dispose of any lands, buildings, or facilities of any and every nature whatever that can be used in securing or developing industry within or near the municipality or county. Industry as referred to herein shall not include any trust purpose, function nor activity: ~~in any wholesale outlet, unless said wholesale outlet is located on the same premises with and is a direct part of the industry; nor shall it include a retail outlet unless said retail outlet is operated in conjunction with and on the same premises as the industrial, manufacturing, cultural, recreational, parking, transportation or airport facility; nor shall it include a~~ in any residential enterprise or function except as provided in Section 13 hereof Section 178.6 of Title 60 of the Oklahoma Statutes.

SECTION 3. 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.

Passed the Senate the 28th day of April, 2010.

Presiding Officer of the Senate

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

Presiding Officer of the House
of Representatives