

FLOOR AMENDMENT  
HOUSE OF REPRESENTATIVES  
State of Oklahoma

SPEAKER:

CHAIR:

I move to amend SB831 \_\_\_\_\_  
Of the printed Bill  
Page \_\_\_\_\_ Section \_\_\_\_\_ Lines \_\_\_\_\_  
Of the Engrossed Bill

By striking the Title, the Enacting Clause, the entire bill, and by inserting in lieu thereof the following language:

AMEND TITLE TO CONFORM TO AMENDMENTS

Adopted: \_\_\_\_\_

Amendment submitted by: Scott Martin

\_\_\_\_\_

\_\_\_\_\_  
Reading Clerk

1 STATE OF OKLAHOMA

2 2nd Session of the 52nd Legislature (2010)

3 FLOOR SUBSTITUTE  
4 FOR ENGROSSED

5 SENATE BILL NO. 831

By: Bingman and Mazzei of the  
Senate

6 and

7 Martin (Scott) of the House

8  
9 FLOOR SUBSTITUTE

10 [ nuclear energy - construct nuclear power plant -  
11 codification -repealer -

12 effective date ]

13  
14  
15  
16 ~~BE IT ENACTED BY THE PEOPLE OF THE STATE OF OKLAHOMA:~~

17 SECTION 1. NEW LAW A new section of law to be codified  
18 in the Oklahoma Statutes as Section 180.21 of Title 17, unless there  
19 is created a duplication in numbering, reads as follows:

20 This act shall be known and may be cited as the "Next Generation  
21 Energy Security and Reliability Act".

22 SECTION 2. NEW LAW A new section of law to be codified  
23 in the Oklahoma Statutes as Section 180.22 of Title 17, unless there  
24 is created a duplication in numbering, reads as follows:

1 As used in the Next Generation Energy Security and Reliability  
2 Act:

3 1. "Public utility" or "utility" means any corporation  
4 organized or doing business in this state that now owns or hereafter  
5 may own, operate, or manage any plant or equipment for the  
6 manufacture, production, transmission, delivery, or of furnishing  
7 electric current for light, heat, or power to the public;

8 2. "Nuclear power plant", "power plant" or "plant" means any  
9 physical facility, plant, or equipment for the generation or  
10 production of electricity or electric power using nuclear materials  
11 as a source of fuel, power, or energy; and

12 3. "Commission" shall mean the Corporation Commission of the  
13 State of Oklahoma.

14 SECTION 3. NEW LAW A new section of law to be codified  
15 in the Oklahoma Statutes as Section 180.23 of Title 17, unless there  
16 is created a duplication in numbering, reads as follows:

17 A. An electric utility subject to rate regulation by the  
18 Corporation Commission, or other lawfully organized electric service  
19 provider, may elect to file an application seeking a determination  
20 of need to construct a nuclear power plant. The Commission shall  
21 enter an order on an application filed pursuant to this subsection  
22 within one hundred eighty days (180) of the filing of the  
23 application, following notice and hearing.

24

1 B. The Commission shall be the sole forum for the determination  
2 of this matter and the issues addressed in the application, which  
3 accordingly shall not be reviewed in any other forum, or in the  
4 review of proceedings in such other forum.

5 C. In determining whether there is a need for the nuclear power  
6 plant, the Commission shall consider, at a minimum, the cost of  
7 power and energy from the nuclear power plant compared to  
8 alternatives, the benefits of fuel diversity, and other operational  
9 and cost considerations the Commission deems relevant and necessary.

10 D. The application shall include:

11 1. The reasons why the utility is proposing to build the  
12 nuclear power plant, including the utility's power needs for power  
13 and the cost of nuclear power compared to alternatives over the life  
14 of the facility;

15 2. A description of how the proposed nuclear power plant will  
16 enhance the reliability of electric power production within the  
17 state and improve the balance of power plant fuel diversity;

18 3. A nonbinding estimate of the cost of the nuclear power  
19 plant, including any costs associated with new, enlarged, or  
20 relocated electrical transmission lines or facilities that are  
21 necessary for the nuclear power plant to deliver power and energy;

22 4. The annualized base revenue requirement for the first twelve  
23 (12) months of operation of the nuclear power plant; and  
24

1           5. A report of any discussions with other electric utilities  
2 regarding the potential of joint ownership of the nuclear power  
3 plant.

4           E. In making its determination, the Commission shall take into  
5 account any matters within its jurisdiction, which it deems  
6 relevant, including whether the nuclear power plant will:

7           1. Provide needed capacity and energy;

8           2. Enhance the reliability of electric power production within  
9 the state and the Southwest Power Pool by improving the balance of  
10 fuel diversity for electric generation facilities; and

11          3. Provide a cost-effective source of energy, taking into  
12 account the need to reduce air emission compliance costs, and  
13 enhance the long-term stability and reliability of the electric  
14 grid.

15          F. Any rule of the Commission regarding competitive  
16 procurement, including provisions for cost recovery, shall be  
17 modified for the scope of a facility such as a nuclear power plant  
18 authorized by this act. A utility shall not be required to secure  
19 competitive proposals for power supply prior to making application  
20 under this act or receiving a determination of need from the  
21 Commission.

22          G. The final order of the Commission determining the need for  
23 construction of a nuclear power plant, including any order on  
24 reconsideration, shall be reviewable on appeal to the State Supreme

1 Court. Since delay in the determination of need will delay siting  
2 of a nuclear power plant or diminish the opportunity for savings to  
3 customers under the federal Energy Policy Act of 2005, the Supreme  
4 Court shall proceed to hear and determine the action as  
5 expeditiously as practicable and give the action precedence over  
6 matters not accorded similar precedence by law.

7 H. Following the final order by the Commission approving the  
8 determination of need for the nuclear power plant and until the  
9 commencement of commercial operation of the nuclear power plant, the  
10 utility shall annually report to the Commission the budgeted and  
11 actual costs of the nuclear power plant as compared to the estimated  
12 in-service costs of the nuclear power plant provided by the utility  
13 as required by this act.

14 SECTION 4. AMENDATORY 11 O.S. 2001, Section 24-105, is  
15 amended to read as follows:

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

19 (a) 1. "Authority" ~~shall mean~~ means the Oklahoma Municipal  
20 Power Authority hereby created and any successor or successors  
21 thereto. Any change in name or composition of the Authority shall in  
22 no way affect the vested rights of any person under the provisions  
23 of this act or impair the obligations of any contracts existing  
24 under this act.

1        ~~(b)~~ 2. "Board of Directors" ~~shall mean~~ means the Board of  
2 Directors elected by the election committee as set forth in Section  
3 4 24-104 of this ~~act~~ title which shall exercise all the powers and  
4 manage and control all the affairs and property of the Authority  
5 unless otherwise specifically provided herein or in the bylaws of  
6 the Authority as in effect from time to time.

7        ~~(c)~~ 3. "Bonds" ~~shall mean~~ means any revenue bonds, notes or  
8 other evidences of obligations of the Authority issued by the  
9 Authority under the provisions of this act, including, without  
10 limitation, bond anticipation notes and refunding bonds.

11        ~~(d)~~ 4. "Eligible public agency" ~~shall mean~~ means any  
12 municipality, authority or other public body which owns, maintains  
13 or operates an electrical energy generation, transmission or  
14 distribution system within the State of Oklahoma on the date on  
15 which this act becomes law.

16        ~~(e)~~ 5. "Person" ~~shall mean~~ ~~(i)~~ means:

- 17        a. any natural person; ~~(ii)~~,
- 18        b. any eligible public agency as defined herein; ~~(iii)~~,
- 19        c. any public trust as defined herein; ~~(iv)~~,
- 20        d. the United States, any state, any municipality,  
21 political subdivision, municipal corporation, unit of  
22 local government, governmental unit or public  
23 corporation created by or pursuant to the laws of the  
24 United States or any state, or any board, corporation

1 or other entity or body declared by the laws of the  
2 United States or any state to be a department, agency  
3 or instrumentality thereof; ~~(v)~~ l

4 e. any corporation, not for profit corporation, firm,  
5 partnership, cooperative association, electric  
6 cooperative or business trust of any nature whatsoever  
7 organized and existing under the laws of the United  
8 States or any state; l or ~~(vi)~~

9 f. any foreign country, any political subdivision or  
10 governmental unit of any foreign country or any  
11 corporation, not for profit corporation, firm,  
12 partnership, cooperative association, electric  
13 cooperative or business trust of any nature whatsoever  
14 organized and existing under the laws of any foreign  
15 country or of any political subdivision or  
16 governmental entity thereof.

17 ~~(f)~~ 6. "Project" ~~shall mean~~ means any plant, works, system,  
18 facilities and real and personal property of any nature whatsoever,  
19 together with all parts thereof and appurtenances thereto, located  
20 within or without the State of Oklahoma, used or useful in the  
21 generation, production, transmission, purchase, sale, exchange or  
22 interchange of electrical energy and in the acquisition, extraction,  
23 processing, transportation or storage ~~of~~ of fuel of any kind for any  
24 such purposes or any interest in, or right to the use, services,

1 output or capacity, of any such plant, works, system or facilities,  
2 ~~provided, however, a project shall not include (i) any interest in~~  
3 ~~any plant for the generation of electrical energy which is to be~~  
4 ~~owned jointly with any investor owned utility if such plant is not~~  
5 ~~existing on May 10, 1981, or (ii) any interest in any nuclear~~  
6 ~~powered generating plant. For purposes of this definition, a plant~~  
7 ~~shall be considered to be existing if construction shall have been~~  
8 ~~commenced at the plant site, if orders have been placed for major~~  
9 ~~components of equipment or if the plant is to consist of an~~  
10 ~~additional unit at the site of an already existing unit which will~~  
11 ~~use in common any of the existing facilities at such site.~~

12 ~~(g)~~ 7. "Public trust" ~~shall mean~~ means any public trust created  
13 and existing under the provisions of the Trusts for Furtherance of  
14 Public Functions Law, as provided by ~~Sections~~ Section 176 et seq. of  
15 Title 60 of the Oklahoma Statutes, and the Oklahoma Trust Act, as  
16 provided by ~~Sections 175~~ Section 175.1 et seq. of Title 60 of the  
17 Oklahoma Statutes, which has as its beneficiary a municipality and  
18 which owns, maintains or operates an electrical energy generation,  
19 transmission or distribution system serving the residents and  
20 consumers of such municipality and existing on the date on which  
21 this act becomes law or created hereafter with an eligible public  
22 agency as the beneficiary.

23 SECTION 5. REPEALER 11 O.S. 2001, Sections 24-105.1 and  
24 24-117, are hereby repealed.

1 SECTION 6. This act shall become effective November 1, 2010.

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3 52-2-10717 KB 04/20/10  
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