

THE HOUSE OF REPRESENTATIVES
Thursday, April 1, 2010

Committee Substitute for
ENGROSSED
Senate Bill No. 1668

COMMITTEE SUBSTITUTE FOR ENGROSSED SENATE BILL NO. 1668 - By: MYERS
of the Senate and DUNCAN of the House.

An Act relating to cities and towns; amending 11 O.S. 2001, Sections 24-105
and 24-117, which relate to the Oklahoma Municipal Power Authority Act;
modifying definition; removing prohibition from investing in certain
generation projects after certain time period; deleting prohibition from
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.

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

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

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

6 (a) "Authority" ~~shall mean~~ means the Oklahoma Municipal Power Authority hereby
7 created and any successor or successors thereto. Any change in name or composition of

1 the Authority shall in no way affect the vested rights of any person under the provisions
2 of this act or impair the obligations of any contracts existing under this act.

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

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

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

15 (e) "Person" ~~shall mean~~ means (i) any natural person; (ii) any eligible public agency
16 as defined herein; (iii) any public trust as defined herein; (iv) the United States, any
17 state, any municipality, political subdivision, municipal corporation, unit of local
18 government, governmental unit or public corporation created by or pursuant to the laws
19 of the United States or any state, or any board, corporation or other entity or body
20 declared by the laws of the United States or any state to be a department, agency or
21 instrumentality thereof; (v) any corporation, not for profit corporation, firm, partnership,
22 cooperative association, electric cooperative or business trust of any nature whatsoever

1 organized and existing under the laws of the United States or any state; or (vi) any
2 foreign country, any political subdivision or governmental unit of any foreign country or
3 any corporation, not for profit corporation, firm, partnership, cooperative association,
4 electric cooperative or business trust of any nature whatsoever organized and existing
5 under the laws of any foreign country or of any political subdivision or governmental
6 entity thereof.

7 (f) "Project" ~~shall mean~~ means any plant, works, system, facilities and real and
8 personal property of any nature whatsoever, together with all parts thereof and
9 appurtenances thereto, located within or without the State of Oklahoma, used or useful
10 in the generation, production, transmission, purchase, sale, exchange or interchange of
11 electrical energy and in the acquisition, extraction, processing, transportation or storage
12 or of fuel of any kind for any such purposes or any interest in, or right to the use,
13 services, output or capacity, of any such plant, works, system or facilities; ~~provided,~~
14 ~~however, a project shall not include (i) any interest in any plant for the generation of~~
15 ~~electrical energy which is to be owned jointly with any investor-owned utility if such~~
16 ~~plant is not existing on May 10, 1981, or (ii) any interest in any nuclear powered~~
17 ~~generating plant. For purposes of this definition, a plant shall be considered to be~~
18 ~~existing if construction shall have been commenced at the plant site, if orders have been~~
19 ~~placed for major components of equipment or if the plant is to consist of an additional~~
20 ~~unit at the site of an already existing unit which will use in common any of the existing~~
21 ~~facilities at such site.~~

1 (g) "Public trust" ~~shall mean~~ means any public trust created and existing under the
2 provisions of the Trusts for Furtherance of Public Functions Law, as provided by Sections
3 176 et seq. of Title 60 of the Oklahoma Statutes, and the Oklahoma Trust Act, as
4 provided by Sections 175 et seq. of Title 60 of the Oklahoma Statutes, which has as its
5 beneficiary a municipality and which owns, maintains or operates an electrical energy
6 generation, transmission or distribution system serving the residents and consumers of
7 such municipality and existing on the date on which this act becomes law or created
8 hereafter with an eligible public agency as the beneficiary.

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

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

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

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

17 COMMITTEE REPORT BY: COMMITTEE ON ENERGY AND UTILITY
18 REGULATION, dated 03-31-10 - DO PASS, As Amended.