

THE HOUSE OF REPRESENTATIVES
Wednesday, April 1, 2009

ENGROSSED

Senate Bill No. 303

ENGROSSED SENATE BILL NO. 303 - By: BINGMAN of the Senate and WATSON AND THOMPSON of the House.

An Act relating to retail electric service; amending Section 4, Chapter 263, O.S.L. 2008 (17 O.S. Supp. 2008, Section 158.44), which relates to the Retail Electric Consumer Cost Reduction, Safety and Service Efficiency Act; stating construction upon expiration of certain franchise; and declaring an emergency.

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

1 SECTION 1. AMENDATORY Section 4, Chapter 263, O.S.L. 2008 (17 O.S.
2 Supp. 2008, Section 158.44), is amended to read as follows:
3 Section 158.44 Subject to the provisions of the Retail Electric Consumer Cost
4 Reduction, Safety and Service Efficiency Act, any retail electric supplier shall be entitled
5 to continue and extend the furnishing of electricity, including the right to construct,
6 maintain and operate electric transmission and distribution lines and related facilities
7 along, upon, under and across all existing and future public thoroughfares in an area
8 that has been or shall be included, as a result of incorporation or annexation, within the
9 boundaries of a municipality if the retail electric supplier was furnishing electricity or
10 was constructing or operating electric facilities in the area prior to its incorporation or
11 annexation without obtaining the consent, franchise, license, permit or other authority of

1 the municipality, subject, however, to compliance with the lawful safety requirements of
2 the municipality as to the matter of constructing and maintaining facilities along, upon,
3 under and across thoroughfares. Provided that, if any such retail electric supplier is or
4 has been operating under a franchise granted by the voters of the municipality, upon
5 expiration of such franchise, this section shall not be construed as a grant of a right to
6 continue and extend the furnishing of electricity within the boundaries of the
7 municipality other than as granted with regard to the annexed area referred to in this
8 section.

9 SECTION 2. It being immediately necessary for the preservation of the public
10 peace, health and safety, an emergency is hereby declared to exist, by reason whereof
11 this act shall take effect and be in full force from and after its passage and approval.

12 COMMITTEE REPORT BY: COMMITTEE ON ENERGY AND UTILITY
13 REGULATION, dated 03-31-09 - DO PASS, As Coauthored.