

1 **SENATE FLOOR VERSION**

2 February 17, 2022

3 COMMITTEE SUBSTITUTE
4 FOR

5 SENATE BILL NO. 1444

By: Jech of the Senate

and

Newton of the House

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9 An Act relating to the Rural Electric Cooperative
10 Act; amending 18 O.S. 2021, Section 437.7, which
11 relates to members; authorizing certain registrations
12 to count towards quorum; requiring vote taken in
13 certain circumstances be limited to certain proposed
14 actions within notice; defining term; and declaring
15 an emergency.

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

17 SECTION 1. AMENDATORY 18 O.S. 2021, Section 437.7, is
18 amended to read as follows:

19 Section 437.7. ~~(a)~~ A. No person who is not an incorporator
20 shall become a member of a cooperative unless such person shall
21 agree to use electric energy furnished by the cooperative when such
22 electric energy shall be available through its facilities. The
23 bylaws of a cooperative may provide that any person, including a
24 corporation, shall cease to be a member thereof if he or she shall
fail or refuse to use electric energy made available by the

1 cooperative or if electric energy shall not be made available to
2 such person by the cooperative within a specified time after such
3 person shall have become a member thereof. Membership in the
4 cooperative shall not be transferable, except as provided in the
5 bylaws. The bylaws may prescribe additional qualifications and
6 limitations in respect to membership.

7 ~~(b)~~ B. An annual meeting of the members shall be held at such
8 time as shall be provided in the bylaws.

9 ~~(c)~~ C. Special meetings of the members may be called by the
10 board of trustees, by any three trustees, by not less than ten
11 percent (10%) of the members, or by the president.

12 ~~(d)~~ D. Meetings of members shall be held at such place as may
13 be provided in the bylaws. In the absence of any such provision,
14 all meetings shall be held in the city or town in which the
15 principal office of the cooperative is located.

16 ~~(e)~~ E. Except as hereinafter otherwise provided, written or
17 printed notice stating the time and place of each meeting of members
18 and, in the case of a special meeting, the purpose or purposes for
19 which the meeting is called, shall be given to each member, either
20 personally or by mail, not less than ten (10) nor more than twenty-
21 five (25) days before the date of the meeting.

22 ~~(f)~~ F. Five percent (5%) of all members, present in person,
23 shall constitute a quorum for the transaction of business at all
24 meetings of the members, unless the bylaws prescribe the presence of

1 a greater percentage of the members for a quorum. If less than a
2 quorum is present at any meeting, a majority of those present in
3 person may adjourn the meeting from time to time without further
4 notice. If allowed by the bylaws of a cooperative, mail-in ballots
5 may be counted toward the required five percent (5%) of members
6 necessary to constitute a quorum. If specified in the meeting
7 notice, in-person registrations shall be counted toward the required
8 five percent (5%) of members necessary to constitute a quorum. Any
9 vote taken at a time when less than five percent (5%) of all members
10 are physically present shall be taken only on proposed actions which
11 were specifically identified and provided to the members in advance
12 through the meeting notice.

13 ~~(g)~~ G. Each member shall be entitled to one vote on each matter
14 submitted to a vote at a meeting. Voting shall be in person, but,
15 if the bylaws so provide, may also be by proxy or by mail, or both.
16 If the bylaws provide for voting by proxy or by mail, they shall
17 also prescribe the conditions under which proxy or mail voting shall
18 be exercised. In any event, no person shall vote a proxy for more
19 than three members at any meeting of the members.

20 H. For purposes of this section, "in-person registration" means
21 a member registering for a meeting at any location designated in the
22 meeting notice.

23 SECTION 2. It being immediately necessary for the preservation
24 of the public peace, health or safety, an emergency is hereby

1 declared to exist, by reason whereof this act shall take effect and
2 be in full force from and after its passage and approval.

3 COMMITTEE REPORT BY: COMMITTEE ON ENERGY
4 February 17, 2022 - DO PASS AS AMENDED
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