

1 **SENATE FLOOR VERSION**

2 March 3, 2021

3 COMMITTEE SUBSTITUTE  
4 FOR

5 SENATE BILL NO. 573

By: Montgomery

6  
7 An Act relating to cities and towns; creating the  
8 Oklahoma Electrical Access and Resiliency Task Force;  
9 providing for membership of task force; providing  
10 purpose; requiring task force to make recommendations  
11 for energy use; requiring submission of report to  
12 certain persons by certain date; providing for cease  
13 of operations of task force; providing for  
14 codification; providing an effective date; and  
15 declaring an emergency.

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 21-223 of Title 11, unless there  
19 is created a duplication in numbering, reads as follows:

20 A. There is hereby created the Oklahoma Electrical Access and  
21 Resiliency (OEAR) Task Force.

22 B. The task force shall consist of thirteen (13) members as  
23 follows:

24 1. The Secretary of Energy, or designee, who shall serve as the  
task force chair;

2. Three members appointed by the Governor:

- a. a representative of an organization representing municipalities,
- b. a representative of a non-profit public power utility located in this state, and
- c. a representative of a manager of an electrical grid or power pool;

3. A corporation commissioner, or designee;

4. Four members appointed by the President Pro Tempore of the Senate:

- a. a representative of an organization representing electrical cooperatives,
- b. a professional with academic expertise or a minimum of a master's degree in electrical engineering, grid management or a related field, and
- c. two members of the Oklahoma Senate who are from different political parties and shall serve as ex officio members; and

5. Four members appointed by the Speaker of the House of Representatives:

- a. a representative of a publicly traded electric utility company,
- b. a member of the public who is not affiliated with the electrical industry, and

1           c.   two members of the Oklahoma House of Representatives  
2                   who are from different political parties and shall  
3                   serve as ex officio members.

4           C.   The task force shall study nationally recognized best  
5 practices to provide additional revenues and local control for  
6 communities by having a choice in electric energy suppliers and make  
7 recommendations regarding:

8           1.   The removal of the moratorium on the use of municipal  
9 condemnation to acquire electric facilities of an incumbent  
10 investor-owned utility as defined in Section 21-222 of Title 11 of  
11 the Oklahoma Statutes;

12          2.   The authority to give municipal utilities the ability to use  
13 the power of eminent domain to allow for community choice of  
14 electric energy suppliers;

15          3.   The imposition of new growth taxation of two percent (2%)  
16 tax on gross sales beginning tax year 2022 on any provider of  
17 wholesale sale of electric power to municipal corporations if the  
18 providers were not in operation prior to the effective date of this  
19 act;

20          4.   Strategies to enable community choice of electric energy  
21 suppliers, whether legislatively or otherwise; and

22          5.   Whether a need exists to provide for ongoing evaluation of  
23 the implementation of these rights and, if such a need does exist,  
24 the task force shall:

- 1           a.    identify the scope and nature of the need, and  
2           b.    make recommendations on how best to fill that need,  
3                whether legislatively or otherwise.

4           D.   The task force shall submit a final report of its findings  
5 and any recommendations to the Governor, the President Pro Tempore  
6 of the Senate and the Speaker of the Oklahoma House of  
7 Representatives not later than a year after the effective date of  
8 this act.

9           E.   The provisions of this section shall cease to have the force  
10 and effect of law and the task force shall terminate following the  
11 submission of the final report.

12           SECTION 2. This act shall become effective July 1, 2021.

13           SECTION 3. It being immediately necessary for the preservation  
14 of the public peace, health or safety, an emergency is hereby  
15 declared to exist, by reason whereof this act shall take effect and  
16 be in full force from and after its passage and approval.

17 COMMITTEE REPORT BY: COMMITTEE ON APPROPRIATIONS  
18 March 3, 2021 - DO PASS AS AMENDED  
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