

COMMITTEE ON NATURAL RESOURCES, ENERGY & WATER  
HOUSE OF REPRESENTATIVES AMENDMENTS TO H.B. 2218  
(Reference to printed bill)

1 Strike everything after the enacting clause and insert:

2 "Section 1. Section 30-101, Arizona Revised Statutes, is amended to  
3 read:

4 30-101. Definitions

5 In this chapter, unless the context otherwise requires:

6 1. "Authority" means the Arizona power authority.

7 2. "Commission" means Arizona power authority commission.

8 3. "Commodity" or "commodities" means electric power or energy.

9 4. "District" or "power or water agency" means power organizations  
10 comprehended in this title or water organizations comprehended in title 45,  
11 or both.

12 5. "Operating units" means districts, state agencies, federal Indian  
13 agencies, cities and towns.

14 6. "Person" means and includes natural persons engaged in the  
15 distribution of electric power, mutual and cooperative concerns or  
16 organizations by whatever name called, corporations, firms, business trusts  
17 and partnerships.

18 7. "Power" means electric power or electric energy, or both.

19 8. "Project" or "work" or "works" means each and every facility  
20 necessary or convenient for producing, STORING, generating, firming or  
21 transmitting power, and all ~~rights of way~~ RIGHTS-OF-WAY, lands or interests  
22 in land, the use or occupancy of which are necessary or appropriate in the  
23 maintenance and operation of all such facilities.

1           9. "Qualified distributors" means persons and operating units.

2           10. "Qualified purchasers" means persons and operating units  
3 privileged under this chapter to purchase power developed on the main  
4 stream of the Colorado river.

5           11. "Retail" means sales to others than persons or operating units.

6           12. "State" means ~~the~~ THIS state ~~of Arizona~~.

7           13. "Transmission lines or systems" means each and every facility  
8 necessary or convenient for receiving electric energy from production or  
9 transmission systems and transmitting it to wholesale customers.

10           14. "Wholesale" means sales to qualified distributors of power.

11           15. "Zone" means an area within a fixed radius or distance from  
12 Hoover dam or other point of receipt or production.

13           Sec. 2. Section 30-108, Arizona Revised Statutes, is amended to  
14 read:

15           30-108. Powers and duties of commission; annual report

16           A. The members of the commission shall devote to their duties as  
17 members such time and attention as is necessary to effectuate the purposes  
18 of this chapter and to carry out their duties and exercise their powers.  
19 The commission shall designate a person or persons who shall execute all  
20 documents and instruments on behalf of the authority.

21           B. The commission shall acquire suitable offices, furnishings and  
22 articles of equipment and necessary supplies.

23           C. Subject to title 41, chapter 4, article 4, the commission may  
24 employ a person in the capacity of director, manager or chief engineer. ~~who~~  
25 **THE CHIEF ENGINEER** shall be a duly licensed engineer, but ~~who~~ need not be a  
26 resident or licensed in this state. The person shall be actively engaged  
27 in the practice of the person's profession and trained and experienced in  
28 the performance of the person's duties. The person shall not hold any  
29 other public office or have any interest in a business that may be  
30 adversely affected by the operation of the authority in the exercise of the  
31 authority's powers and discharge of the authority's duties.



1 obligate or bind itself to take or purchase power from any source until it  
2 has previously or simultaneously procured purchasers therefor.

3 D. All rights of persons and operating units under contracts  
4 existing on March 27, 1944, or any renewals thereof or supplements thereto,  
5 with the United States or any agency thereof, to power generated, or ~~which~~  
6 ~~THAT~~ may be developed or generated, at Parker dam or at any other point  
7 below Hoover Dam on the main stream of the Colorado river are preserved,  
8 and such rights shall not be impaired or modified by any provisions or  
9 powers granted by this chapter.

10 E. In addition to the power provided for under subsections A, B, C  
11 and D of this section, the authority may purchase, transmit or deliver for  
12 ~~the~~ THIS state, or any person or operating unit, power generated or  
13 produced from projects or works owned or operated by the United States or  
14 any agency thereof, or any state, person or operating unit, and for the  
15 purpose of delivering such power to available marketing areas the authority  
16 shall have the powers provided for by subsections A, B, C and D of this  
17 section. ~~No~~ A person or operating unit in ~~the~~ THIS state shall NOT become  
18 a purchaser of electrical power under this subsection unless a power  
19 purchase certificate is obtained as provided in article 3 of this chapter.

20 Sec. 4. Section 30-123, Arizona Revised Statutes, is amended to  
21 read:

22 30-123. Development programs for utilization of power; use of  
23 state property; right of eminent domain

24 A. The authority shall formulate plans and development programs for  
25 the practical, equable and economical utilization of electric power placed  
26 under its supervision and control. The authority ~~shall~~, subject to the  
27 provisions of this chapter, SHALL proceed to accomplish progressively and  
28 place the plans and programs in operation and effect. For such purpose the  
29 authority may exercise all or any of the powers and privileges granted by  
30 this chapter, singly or conjointly, severally independent or jointly with  
31 the United States or any department thereof, or with any person or  
32 operating unit, and may make application for, obtain, hold and use permits

1 and licenses from the United States or any of its agencies for power sites,  
2 rights-of-way, rights and uses and other privileges. For such purpose the  
3 authority may make application, appropriations and filings under and in  
4 accordance with this chapter and ~~chapter 1 of~~ title 45, CHAPTER 1 for power  
5 in the same manner as any other qualified person or operating unit, but  
6 without payment of fees or charges for filing any maps, plans or other data  
7 in connection therewith.

8 B. The authority may use real property owned by ~~the~~ THIS state, not  
9 dedicated to public use, ~~which~~ THAT may be necessary as sites for any  
10 project, or facility or rights-of-way of the authority. When any lands or  
11 rights-of-way of ~~the~~ THIS state dedicated to public use are necessary for  
12 the construction, operation or maintenance of the projects or transmission  
13 systems, such lands or rights-of-way may be used therefor but in accordance  
14 with the terms and conditions of an agreement to be first entered into  
15 between the authority and the political subdivision or agency having  
16 jurisdiction over or control and management of the land or rights-of-way.

17 C. The authority may acquire by lease, purchase or any other means,  
18 real property owned by the state or federal government and may dispose of  
19 such property by sale, lease or other means to persons engaged in projects  
20 deemed by the authority to be feasible for the production OR STORAGE of  
21 electric power or energy from solar, nuclear or geothermal energy,  
22 including projects for research and development in such fields.

23 D. The authority may exercise the privilege and right of eminent  
24 domain and may condemn private property for public use in the same manner  
25 and to the same extent as persons or operating units. Any property  
26 condemned, taken or appropriated under the provisions of this chapter is  
27 declared to be taken, condemned or appropriated for a public use.

1           E. ~~No~~ A project, transmission system, work or facility shall NOT be  
2           constructed or otherwise acquired, unless and until after due consideration  
3           and investigation, it is determined by the authority to be feasible and  
4           economically sound, and that the project or facility will be self-financing  
5           and will be liquidated within a reasonable period of useful life as  
6           determined by the authority and until definite contracts or agreements are  
7           executed as provided by section 30-121."

8 Amend title to conform

And, as so amended, it do pass

GAIL GRIFFIN  
CHAIRMAN

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