

PROPOSED

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 30-121, Arizona Revised Statutes, is amended to
14 read:

15 30-121. Acquisition and encouragement of development of
16 electric power

17 A. The authority shall bargain for, take and receive, in its own
18 name on behalf of ~~the~~ THIS state, electric power developed from the waters
19 of the main stream of the Colorado river by the state or the United States
20 or any agencies thereof which by provisions of state or United States law,
21 agreement or regulation may be made available, allotted or allocated to ~~the~~
22 THIS state in its sovereign capacity.

23 B. The authority shall encourage activities deemed by it to be
24 feasible for the production OR STORAGE of electric power or energy from
25 solar energy, nuclear energy or geothermal energy, and may bargain for,
26 take and receive such energy or the electrical power generated therefrom in
27 its own name on behalf of ~~the~~ THIS state.

28 C. For the purpose of making such power available to marketing areas
29 of ~~the~~ THIS state, the authority may acquire or construct and operate
30 electric transmission systems, standby or auxiliary plants and facilities
31 and generate, STORE, produce, sell at wholesale, transmit and deliver such
32 electric power to qualified purchasers, and if conducive to efficiency and

1 convenience, may enter into agreements for interconnection or pooling with
2 projects, plants, systems or facilities of other distributors of electric
3 power. The authority shall not by definitive contract or agreement
4 obligate or bind itself to take or purchase power from any source until it
5 has previously or simultaneously procured purchasers therefor.

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

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

23 Sec. 3. Section 30-123, Arizona Revised Statutes, is amended to
24 read:

25 30-123. Development programs for utilization of power; use of
26 state property; right of eminent domain

27 A. The authority shall formulate plans and development programs for
28 the practical, equable and economical utilization of electric power placed
29 under its supervision and control. The authority ~~shall~~, subject to the
30 provisions of this chapter, ~~SHALL~~ proceed to accomplish progressively and
31 place the plans and programs in operation and effect. For such purpose the
32 authority may exercise all or any of the powers and privileges granted by

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

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

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

26 D. The authority may exercise the privilege and right of eminent
27 domain and may condemn private property for public use in the same manner
28 and to the same extent as persons or operating units. Any property
29 condemned, taken or appropriated under the provisions of this chapter is
30 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

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