

ENGROSSED SENATE AMENDMENTS
TO
ENGROSSED HOUSE BILL NO. 1536

BY: FERGUSON of the HOUSE

and

HARRISON of the SENATE

AN ACT RELATING TO CITIES AND TOWNS; AMENDING 11 O.S.

1981, SECTION 33-202, WHICH RELATES TO THE RIGHT OF

MUNICIPALITIES TO LEASE CERTAIN WATERWAYS;

AUTHORIZING LEASES FOR CERTAIN COMMERCIAL PURPOSES

UNDER CERTAIN CONDITIONS; AND PROVIDING AN

EFFECTIVE DATE.

AMENDMENT NO. 1. Page 1, lines 26 1/2, add a new Section 2 to read

"SECTION 2. AMENDATORY 11 O.S. 1981, Section 37-119, as last amended by Section 1, Chapter 74, O.S.L. 1989 (11 O.S. Supp. 1990, Section 37-119), is amended to read as follows:

Section 37-119. A. All contracts for the sale or furnishing of water by a municipality shall be made in the name of the municipality as provided for by statute or by charter.

B. All water sold and furnished to persons or public or private entities outside the corporate limits of the municipality shall be sold and furnished upon written contracts expressly stating ~~that the contract may be abrogated by the municipality at any time the governing body thereof, or the board, commission, or public trust operating and controlling the waterworks, shall declare by resolution that the water being furnished pursuant to the contract~~

~~is required by the municipality for its own use and the use of its inhabitants.~~ in the event that the governing body of the municipality having responsibility for water sales determines that an emergency condition exists which requires water rationing the public or private entities receiving water outside the corporate limits the governing body may require those entities outside the corporate limits to ration water on a basis similar to the rationing plan adopted within the corporate limits provided, however, that the public or private entities shall adopt appropriate rules and regulations to enforce rationing on their system. If the public or private entities fail to enforce the rationing plan, then after hearing before the appropriate governing board of the municipality, water sales can be curtailed during the period of the municipal emergency condition.

~~The provisions of this section pertaining to abrogation of contracts may be waived upon express written agreement of the contracting parties."~~

and renumber subsequent section

AMENDMENT NO. 2. Page 1, lines 7 through 9 1/2, strike the title to read

"[CITIES AND TOWNS - AMENDING 11 O.S., SECTIONS
33-202 AND 37-119 - RIGHT OF MUNICIPALITIES TO
LEASE WATERWAYS -
EFFECTIVE DATE]"

Passed the Senate the 16th day of April, 1991.

President of the Senate

Passed the House of Representatives the ____ day of _____, 1991.

Speaker

of the House of
Representatives