

STATE OF OKLAHOMA

1st Session of the 43rd Legislature (1991)

HOUSE BILL NO. 1371

BY: HAGER

AS INTRODUCED

AN ACT RELATING TO WATERS AND WATER RIGHTS; CREATING
THE RURAL WATER DISTRICT OVERSIGHT ACT; CREATING
THE OKLAHOMA RURAL WATER DISTRICT OVERSIGHT
COUNCIL; SPECIFYING PUBLIC POLICY AND PURPOSES;
DEFINING TERMS; PROVIDING POWERS AND DUTIES FOR THE
COUNCIL; PROVIDING POWERS AND DUTIES FOR THE
OKLAHOMA WATER RESOURCES BOARD; MAKING CERTAIN ACTS
UNLAWFUL; SPECIFYING PENALTY; PROVIDING FOR
CODIFICATION; AND DECLARING AN EMERGENCY.

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

SECTION 1. NEW LAW A new section of law to be codified
in the Oklahoma Statutes as Section 1325 of Title 82, unless there
is created a duplication in numbering, reads as follows:

This act shall be known and may be cited as the "Rural Water
District Oversight Act".

SECTION 2. NEW LAW A new section of law to be codified
in the Oklahoma Statutes as Section 1326 of Title 82, unless there
is created a duplication in numbering, reads as follows:

It is hereby declared to be the public policy of this state to
avoid the inconvenience, diminished efficiency and unreasonable
conditions which may result from unresponsiveness to grievances and
disputes involving rural water districts and consumers. The purpose

of the Rural Water District Oversight Act shall be to provide for the oversight of rural water districts and the resolution of such grievances and disputes.

SECTION 3. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 1327 of Title 82, unless there is created a duplication in numbering, reads as follows:

As used in the Rural Water District Oversight Act:

1. "Rural water district" shall have the same meaning as the term "district" in the Rural Water, Sewer, Gas and Solid Water Management Districts Act, Sections 1324.1 through 1324.35 of Title 82 of the Oklahoma Statutes;

2. "Board" shall mean the Oklahoma Water Resources Board; and

3. "Council" shall mean the Rural Water District Oversight Council.

SECTION 4. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 1328 of Title 82, unless there is created a duplication in numbering, reads as follows:

There is hereby created the Rural Water District Oversight Council, which shall consist of seven (7) members to be appointed by the Governor with the advice and consent of the Senate. Three members of the Council shall be well versed in the management of rural water districts, and may be members of a board of directors of a rural water district. Two members shall be representatives of consumers of rural water district services. Two members shall be appointed at large. The members shall serve at the pleasure of the Governor. The Council shall meet at least three (3) times each calendar year and additional meetings may be called by the Executive Director of the Board.

SECTION 5. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 1329 of Title 82, unless there is created a duplication in numbering, reads as follows:

The Council shall have the power and duty to:

1. hold hearings on allegations, grievances, complaints and disputes raised by rural residents, consumers, or other interested persons regarding the conduct of business, service or lack thereof by any rural water district. The Council shall make such determination as it shall deem appropriate under the circumstances, and may request the Board to issue a final order in accordance with the Council's findings or take such action as indicated. Appeals from any order or determination of the Council shall be subject to review by the Board and thereafter subject to judicial review according to the Administrative Procedures Act;

2. recommend to the Board rules and regulations for adoption and enforcement by the Board regarding appropriate oversight of the business, service and activities of rural water districts;

3. advise the Board regarding legislation which should be recommended by the Board to the Legislature to give further effect to the purpose and policy of the Rural Water District Oversight Act; and

4. utilize the administrative staff of the Board for assistance in conducting hearings and carrying out the powers and duties prescribed by law for the Council.

SECTION 6. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 1330 of Title 82, unless there is created a duplication in numbering, reads as follows:

In addition to other powers and duties prescribed by law, the Board shall also have authority, power and duty to:

1. hear appeals from orders of the Council on a trial de novo basis, and to issue an order of the Board affirming, reversing or modifying the Council's order as the Board may deem appropriate under the circumstances. The Board shall be authorized to issue orders:

a. adjusting or modifying the terms and conditions of service provided by a rural water district,

- b. requiring the provision of service or the adoption of other measures to meet a demonstrated need for service where found to be feasible,
- c. resolving disputes between two or more rural water districts over their respective service areas, and between any rural water district and consumers regarding terms and conditions of service,
- d. removing a director from a rural water district board of directors upon a showing of good cause,
- e. enforcing the Board's rules adopted hereunder, and
- f. prescribing other relief as the Board may deem appropriate under the circumstances;

2. make such rules as it may deem necessary or convenient to the exercise of the authority conferred upon the Council and the Board by this act, including rules of practice and procedure for hearings before the Council and appeals therefrom to the Board;

3. advise the Legislature regarding recommendations for legislation to give further effect to the purpose and policy of the Rural Water District Oversight Act;

4. enforce the orders of the Council and the rules and orders of the Board by bringing an action for an injunction against any person violating said rules or orders. In any such action, any findings of the Council or Board after hearing or due process shall be prima facie evidence of the facts found therein, and any person enjoined in such action shall be liable to the Board for costs and attorneys fees;

5. generally do all things as in the Board's judgment may be necessary, proper or expedient in the accomplishment of its duties or authority.

SECTION 7. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 1331 of Title 82, unless there is created a duplication in numbering, reads as follows:

A. It shall be unlawful to violate any rule or order of the Council of Board, or in any manner to hinder, obstruct, delay, resist, prevent or in any way interfere with or attempt to interfere with the Council or Board and its personnel in the performance of any duty or exercise of any authority hereunder.

B. Any person who violates any rule or order of the Council or the Board promulgated or issued pursuant to the Rural Water District Oversight Act shall upon conviction be guilty of a misdemeanor and in addition thereto may be enjoined from continuing such violation pursuant to paragraph 4 of Section 6 of this act. Upon conviction, such violator shall be subject to imprisonment in the county jail for not more than one (1) year, or a fine of not more than Five Hundred Dollars (\$500.00) or by both such fine and imprisonment. Each day or part of a day during which such violation occurs shall constitute a separate offense.

SECTION 8. It being immediately necessary for the preservation of the public peace, health and safety, an emergency is hereby declared to exist, by reason whereof this act shall take effect and be in full force from and after its passage and approval.

43-1-5686

KSM