

ENROLLED HOUSE
BILL NO. 1957

By: Calvey and Tyler of the
House

and

Brown of the Senate

An Act relating to cities and towns; subjecting certain public water trusts to regulation by certain municipalities; enumerating powers and duties relating to waterworks within municipal limits; making certain activities unlawful; specifying penalties; providing for certain actions; defining terms; making act not apply in certain cases; providing for construction of section; providing for codification; and providing an effective date.

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 37-128 of Title 11, unless there is created a duplication in numbering, reads as follows:

A. Any public water trust formed pursuant to Sections 176 through 180.4 of Title 60 of the Oklahoma Statutes whose beneficiary is the state, any county or municipality or any combination thereof, supplying water directly to residents of a municipality, shall be subject to general supervision by such municipality with regards to any waterworks within the city limits of the municipality.

B. 1. The municipality shall have power to promulgate regulations and enact ordinances affecting the services, operation, management, rates and manner of conduct of the business of any public water trust having waterworks within the city limits of the municipality.

2. The municipality shall have full visitorial and inquisitorial power to examine the records of such public water trust and keep informed as to the general condition, rates, plants, equipment, apparatus, conduct, operation, practices and services, and compliance with regulations and ordinances and laws of this state with respect to the waterworks within the city limits of the municipality and with respect to any other management or conduct of the public water trust which affects any of the waterworks within the city limits of the municipality.

C. It shall be unlawful for any public water trust to operate any waterworks within the city limits of a municipality in violation of the regulations promulgated or ordinances enacted by the municipality pursuant to this section.

D. 1. Any person who violates any of the provisions of any regulation promulgated or ordinance enacted issued pursuant to this section, upon conviction thereof, shall be guilty of a misdemeanor. Each day upon which such violation occurs shall constitute a separate violation.

2. In addition to any criminal penalty imposed pursuant to this subsection, a public water trust which has been determined by the municipality to have violated any regulation or ordinance issued pursuant to this section may be liable for a civil penalty of not more than Five Hundred Dollars (\$500.00) for each day that such violation continues. The amount of such penalty shall be assessed by the municipality, after notice and hearing.

E. 1. The district attorney of the appropriate district court of Oklahoma may bring an action in a court of competent jurisdiction for the prosecution of such violation of any regulation or order issued pursuant to this section.

2. The court has jurisdiction to determine such action and to grant the necessary or appropriate relief, including, but not limited to, mandatory or prohibitive injunctive relief, interim equitable relief, and punitive damages.

F. The provisions of this section shall not apply to:

1. Any public trusts formed as rural water districts and established pursuant to the Rural Water, Sewer, Gas and Solid Waste Management District Act;

2. Any municipality in a county having a population less than Two Hundred Fifty Thousand (250,000) persons; or

3. Waterworks or water systems owned or operated by a municipality or by any public trust of which a municipality is the sole beneficiary.

G. For purposes of this section, "waterworks" means facilities used in the procurement, supply, treatment, storage, pumping or distribution of water for human consumption or fire protection, and includes the necessary facilities from the initial source to the place for consumer utilization.

SECTION 2. This act shall become effective September 30, 2000.

Passed the House of Representatives the 19th day of May, 2000.

Speaker of the House of
Representatives

Passed the Senate the 22nd day of May, 2000.

President of the Senate