

STATE OF OKLAHOMA

1st Session of the 47th Legislature (1999)

COMMITTEE SUBSTITUTE
FOR
HOUSE BILL NO. 1081

By: Claunch

COMMITTEE SUBSTITUTE

An Act relating to the Corporation Commission; amending 17 O.S. 1991, Section 151, which relates to definition of public utility; modifying definition; making certain private water trusts subject to jurisdiction of the Corporation Commission; providing an exception; and providing an effective date.

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

SECTION 1. AMENDATORY 17 O.S. 1991, Section 151, is amended to read as follows:

Section 151. ~~The term "public utility" as~~ A. As used in Sections 151 through 155 of this title, ~~shall be taken to mean and include:~~

1. "Public utility" means and includes every corporation, association, company, individuals, their trustees, lessees, or receivers, successors or assigns, except as hereinafter otherwise provided in this section, and except cities, towns, or other bodies politic, that now or hereafter may own, operate, or manage any plant or equipment, or any part thereof, directly or indirectly, for public use, or may supply any commodity to be furnished to the public for:

~~(a)~~ a. ~~For~~ the conveyance of gas by pipeline, and

~~(b)~~ b. ~~For~~ the production, transmission, delivery or furnishing of heat or light with gas, and

~~(c)~~ c. ~~For~~ the production, transmission, delivery or furnishing of electric current for light, heat or power, and

1 ~~(d)~~ d. ~~For~~ the transportation, delivery or furnishing of
2 water for domestic purposes or for power. ~~Provided~~
3 ~~further that a~~ Any corporation organized and existing
4 not for profit pursuant to ~~Title 18 of the Oklahoma~~
5 ~~Statutes,~~ Sections ~~851-863~~ through 868 of Title 18 of
6 the Oklahoma Statutes, but for the purpose of
7 developing and providing rural water supply and sewage
8 disposal facilities to serve rural residents shall ~~not~~
9 be ~~declared~~ construed as a public utility under this
10 act, and shall be ~~exempt in any and all respects from~~
11 subject to the jurisdiction and control of the
12 Corporation Commission ~~of this state.~~ The provisions
13 of this subparagraph shall not apply to any
14 corporation organized pursuant to Sections 863 through
15 868 of Title 18 of the Oklahoma Statutes which is a
16 rural water district and is subject to the provisions
17 of the Rural Water, Sewer, Gas and Solid Waste
18 Management Districts Act; and

19 ~~The term~~ 2. "Commission" ~~shall be taken to mean~~ means the
20 Corporation Commission of Oklahoma.

21 ~~Provided, that, in Washington County, where~~ B. ~~If~~ any
22 corporation, association, company, individuals, their trustees,
23 lessees, or receivers, successors or assigns, ~~is~~ in Washington
24 County, Oklahoma, are engaged in the private business of
25 manufacturing any products other than those ~~hereinbefore defined~~
26 specified by subsection A of this section, and in the manufacture of
27 such products operate and maintain private electric or water plants
28 for ~~its~~ their own power and electrical energy or water used in ~~its~~
29 their manufacturing plant, without the right of eminent domain and
30 without the use of streets, highways or public property, ~~it~~ such
31 entity may contract upon terms and prices approved by Corporation
32 Commission the sale of a bona fide surplus of electrical energy or

1 water developed in such private plants to any public utility engaged
2 in manufacturing and distributing electrical energy in ~~Washington~~
3 ~~County, Oklahoma~~ such county, without becoming a public utility.

4 ~~Provided further any~~

5 C. Any city or town within a county having a population of over
6 five hundred thousand (500,000) or any county having a population of
7 over five hundred thousand (500,000), according to the 1970 Federal
8 Census, which is a beneficiary of a public trust that has multiple
9 beneficiaries and that includes within any or all of its boundaries
10 a water supply and/or distribution system, or any portion thereof,
11 shall have the authority to condemn all or any portion of any water
12 supply and/or distribution system owned and/or operated and/or
13 leased by a public trust within the limits of the condemning city or
14 town or within the unincorporated areas of the condemning county;
15 provided the power granted hereunder shall not be exercised until
16 the condemning city, town or county shall have made provision to pay
17 off all outstanding bonded indebtedness incurred by the public
18 trust, including interest on the bonds to maturity of the bonds, or
19 first call date, and premium, if any, to which the property to be
20 condemned or the revenues therefrom has been pledged for security.

21 SECTION 2. This act shall become effective November 1, 1999.

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