

SB 91

Senate Bill No. 91
As Amended

SENATE BILL NO. 91 - By: MUEGGE of the Senate and FIELDS of the House.

[rural water districts - modifying procedures - emergency]

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

SECTION 1. AMENDATORY 82 O.S. 1991, Section 1324.10, as amended by Section 1, Chapter 172, O.S.L. 1997 (82 O.S. Supp. 2000, Section 1324.10), is amended to read as follows:

Section 1324.10 A. Every district incorporated hereunder shall have perpetual existence, subject to dissolution as provided by the Rural Water, Sewer, Gas and Solid Waste Management Districts Act, and shall have power to:

- 1. Sue and be sued, complain and defend, in its corporate name;
- 2. Adopt a seal which may be altered at pleasure, and to use it, or a facsimile thereof, as required by law;
- 3. Acquire by purchase, lease, gift, or in any other manner, and to maintain, use, and operate any and all property of any kind, real, personal, or mixed, or any interest therein; and to acquire and own water rights or rights to natural gas under the laws of this state, and to construct, erect, purchase, lease as lessee and in any manner acquire, own, hold, maintain, operate, sell, dispose of,

(Bold face denotes Committee Amendments)

1 lease as lessor, exchange and mortgage plants, buildings, works,
2 machinery, supplies, equipment, apparatus, facilities, property
3 rights and transportation and distribution lines, facilities,
4 equipment or systems necessary to transport, distribute, sell,
5 furnish and dispose of water or gas, and either subsequent to, or in
6 connection with, the installation of water distribution, sewage
7 facilities, gas distribution facilities or solid waste management
8 system, to construct, operate and maintain sewage disposal
9 facilities or solid waste management system to serve the users of
10 the district. Provided, all projects of the district shall be
11 self-liquidating, and the costs of construction shall be payable
12 solely from the income, revenues, and properties of the district,
13 and all property, assets and revenues of the district shall
14 constitute a special fund for the accomplishment of the purposes and
15 objectives of the Rural Water, Sewer, Gas and Solid Waste Management
16 Districts Act;

17 4. Borrow money and otherwise contract indebtedness for the
18 purposes set forth in this act, and, without limitation of the
19 generality of the foregoing, to borrow money and accept grants from
20 the United States of America, or from any corporation or agency
21 created or designated by the United States of America, and, in
22 connection with such loan or grant, to enter into such agreements as
23 the United States of America or such corporation or agency may

1 require; and to issue its notes or obligations therefor, and to
2 secure the payment thereof by mortgage, pledge or deed of trust on
3 all or any property, assets, franchises, rights, privileges,
4 licenses, rights-of-way, easements, revenues, or income of the said
5 district;

6 5. Make bylaws for the management and regulation of its
7 affairs;

8 6. Appoint officers, agents and employees, to prescribe their
9 duties and to fix their compensation; and to employ such common and
10 skilled labor and professional and other services as may be
11 necessary to the proper performance of such work or improvement as
12 is proposed to be done within any such district, and the maintenance
13 thereof;

14 7. Sell or otherwise dispose of any property of any kind, real,
15 personal, or mixed, or any interest therein, which shall not be
16 necessary to the carrying on of the business of the district;

17 8. In connection with the acquisition, construction,
18 improvement, operation or maintenance of its transportation, and
19 distribution lines, system, equipment, facilities or apparatus, use
20 any street, road, alley or highway which is owned or held by the
21 state, or any political subdivision. ~~The location of sewer, gas or~~
22 ~~water lines or other facilities connected with the water, sewer, gas~~
23 ~~or solid waste management district in such streets, roads, alleys or~~

1 ~~highways, must be concurred in by the governing or appropriate~~
2 ~~bodies of the cities, counties or state, which have jurisdiction~~
3 ~~over said property, subject to compliance with Department of~~
4 Environmental Quality rules as to the manner of constructing,
5 improving, operating or maintaining its lines, system, equipment,
6 facilities or apparatus in such street, road, alley or highway. The
7 governing body of any such city, county or state agency may require,
8 ~~as a condition of the governing body's concurrence in the attachment~~
9 ~~of~~ that if a district attaches a gas line to any bridge, underpass
10 or overpass, that such district furnish liability insurance in an
11 amount to be determined by the governing body, covering damage which
12 may be occasioned to such bridge, underpass or overpass, as a result
13 of fire or explosion originating from said gas line. Provided that
14 the relocation or rearrangement of any public utility's or common
15 carrier's facilities of service required to be made to ~~permit or~~
16 accommodate installation or maintenance of a district's facilities
17 on, across or under any such publicly owned or held real property or
18 interest therein shall be performed at the sole cost of the
19 district;

20 9. Make any and all contracts necessary or convenient for the
21 exercise of the powers of the district;

22 10. Fix, regulate and collect rates, fees, rents or other
23 charges for water, gas and any other facilities, supplies, equipment

1 or services furnished by the district. Said rates shall be just,
2 reasonable and nondiscriminatory;

3 11. Do and perform all acts and things, and to have and
4 exercise any and all powers as may be necessary, convenient or
5 appropriate to effectuate the purposes for which the district is
6 created;

7 12. Buy from or sell water or gas to any municipality, or to
8 another district created under this act, or to any other legal
9 entity engaged in the distribution and storage of water or gas,
10 provided quantities of water sold do not exceed any vested right of
11 appropriation granted by the Oklahoma Water Resources Board;

12 13. Enter into contracts with the United States of America, or
13 any agency thereof, or the state, or any political subdivision or
14 agency thereof, for the construction, operation and maintenance of
15 structures needed to provide water storage to meet present and
16 future anticipated needs and demands of the district;

17 14. Enter into contracts jointly with any other district,
18 municipality, city or town, the state, the United States of America,
19 or any governmental agency, for the purpose of purchasing water,
20 constructing, acquiring, operating water facilities or purchasing or
21 leasing reservoir space;

22 15. Enter into contracts for fire protection and to construct,
23 enlarge, extend or otherwise improve community facilities providing

1 essential services to rural residents, including, but not limited
2 to, fire protection, ambulance service, community centers and
3 outdoor recreational facilities; and

4 16. Have and exercise the right of eminent domain in the same
5 manner and according to the procedures provided for in Sections 51
6 through 65 of Title 66 of the Oklahoma Statutes, provided, that the
7 use of said eminent domain provisions, shall be restricted to the
8 purpose of developing and providing rural gas distribution, water
9 works and sewage disposal facilities. Provided, however, no
10 personal or real property, easement or right-of-way of any utility
11 may be acquired by eminent domain.

12 B. No district organized hereunder shall sell or export water
13 or gas pursuant to the Rural Water, Sewer, Gas and Solid Waste
14 Management Districts Act outside of the state without consent of the
15 Legislature.

16 C. Appropriative rights to water held by the district shall not
17 be alienated or encumbered apart from the alienation or encumbrance
18 of the facilities of the district.

19 D. The board of directors shall, on or before July 1 of each
20 year, file with the county clerk of each county in which any part of
21 said district is located, an annual report for the preceding
22 calendar year. Such report shall list all monies collected and all
23 monies disbursed during said calendar year. Said report shall also

1 specify any and all indebtedness outstanding at the end of the
2 calendar year.

3 SECTION 2. It being immediately necessary for the preservation
4 of the public peace, health and safety, an emergency is hereby
5 declared to exist, by reason whereof this act shall take effect and
6 be in full force from and after its passage and approval.

7 COMMITTEE REPORT BY: COMMITTEE ON ENERGY, ENVIRONMENTAL RESOURCES &
8 REGULATORY AFFAIRS, dated 2-22-01 - DO PASS, As Amended and
9 Coauthored.