

STATE OF OKLAHOMA

1st Session of the 48th Legislature (2001)

SENATE BILL 617

By: Littlefield

AS INTRODUCED

An Act relating to water boards; amending 82 O.S. 1991, Section 1085.2, as last amended by Section 5, Chapter 329, O.S.L. 1996 and 1324.16, as amended by Section 6, Chapter 404, O.S.L. 1997 (82 O.S. Supp. 2000, Section 1085.2 and 1324.16) which relate to rural water districts and the Oklahoma Water Resources Board; requiring trustees of certain municipal trusts to pledge to attend certain workshop training; requiring all trustees by certain date to obtain certain continuing education within certain time period; requiring Oklahoma Water Resources Board to organize workshop training sessions; stating purpose; requiring municipal trusts to reimburse trustees for attending training; declaring trustees failing to attend training to be ineligible to serve; providing for interim appointment to fill vacancy; requiring Oklahoma Water Resources Board to provide workshop training for certain board members and municipal trustees; stating purpose of training; removing exemption from training for certain board members; requiring new and existing board members to obtain certain continuing education; 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 178A of Title 60, unless there is created a duplication in numbering, reads as follows:

A. Any person serving as a trustee of a municipal trust providing water or waste water services whose beneficiary has a population of ten thousand (10,000) or less according to the latest federal census, shall be required to sign a pledge affirming that upon appointment such trustee shall attend a minimum of six (6) hours of workshop training within twelve (12) months of the appointment as a trustee. Beginning July 1, 2001, all new and existing trustees shall be required to obtain continuing education

by attending a minimum of six (6) hours of workshop training every three years.

B. Workshop training sessions shall be organized by the Oklahoma Water Resources Board and offered periodically throughout the year on a regional basis. Such training shall be in the areas of financing, law and the ethics, duties and responsibilities of trustees. To the extent possible, the Oklahoma Water Resources Board shall attempt to schedule training workshops in three-hour segments to be held in the evenings in any public facility.

C. The municipal trust shall reimburse trustees for all reasonable expenses incurred in attending workshop training.

D. Any trustee who fails to attend the workshop training required by this section, shall be deemed ineligible to serve as a trustee commencing at the next regularly scheduled meeting of the trustees following the twelve-month period after their initial appointment. An interim trustee shall be selected as provided by law to fill the vacancy and that trustee shall be required to sign a pledge to obtain the required training. An interim trustee shall serve only until the next regularly scheduled appointment of trustees to fill the unexpired term of the vacated position.

SECTION 2. AMENDATORY 82 O.S. 1991, Section 1085.2, as last amended by Section 5, Chapter 329, O.S.L. 1996 (82 O.S. Supp. 2000, Section 1085.2), is amended to read as follows:

Section 1085.2 In addition to any and all other authority conferred upon it by law, the Oklahoma Water Resources Board shall also have authority:

1. Generally to do all such things as in its judgment may be necessary, proper or expedient in the accomplishment of its duties;

2. To make such contracts and execute such instruments as in the judgment of the Board are necessary or convenient to the exercise of any of the powers conferred upon it by law. Provided, however, no contract shall be made conveying the title or use of any

waters of the State of Oklahoma to any person, firm, corporation or other state or subdivision of government, for sale or use in any other state, unless such contract be specifically authorized by an act of the Oklahoma Legislature and thereafter as approved by it;

3. To negotiate contracts and other agreements with the federal government to arrange for the development of water resources and for the storage and distribution of water for beneficial purposes; provided, however, that the Board shall act in such capacity only as an intermediary in assisting others, and under no circumstances shall the Board have any power or authority to build, construct or finance any waterways, dams or other such projects for itself, except as may be otherwise specifically provided by the laws of this state;

4. To develop statewide and local plans to assure the best and most effective use and control of water to meet both the current and long-range needs of the people of Oklahoma; to cooperate in such planning with any public or private agency, entity or person interested in water, and is directed to prepare such plans for consideration and approval by the Legislature; and to aid, at all times, counties, incorporated cities and towns and special purpose districts in the state in promoting and developing flood control and water conservation in the state;

5. To employ and fix the compensation of such officers, agents, attorneys, technical personnel and employees of the Board as it shall deem necessary to the proper performance of its duties;

6. To adopt and use an official seal;

7. To make such rules, regulations and orders as it may deem necessary or convenient to the exercise of any of the powers or the performance of any of the duties conferred or imposed upon it by this or any other law;

8. To institute and maintain, or to intervene in, any actions or proceedings in or before any court, board, commission or officer

of this or any other state or of the United States to stop or prevent any use, misuse, appropriation or taking of any of the waters of this state which is in whole or in part in violation of any law, or of any rules, regulations, orders, judgments or decrees of any court, board, commission or officer of this or any state or of the United States; and to institute and maintain or intervene in any other action or proceeding where the Board deems it necessary to the proper execution and discharge of any of the powers or duties conferred or imposed upon it by law;

9. To determine, charge and receive fees to be collected in advance for the filing and examination of applications for permits to construct water use works; appropriate groundwater; appropriate stream water; establish vested rights; inspect water use works; file other papers; make copies of documents; make prints of maps and drawings; certify copies of documents, maps and drawings; file transfers of water rights; gauge wells and ditches, changes in point of diversion and changes in place of use of water; test wells; hold hearings, make records and provide transcripts of hearings; provided that such fees shall not be collected from any state agency or state institution;

10. To negotiate contracts or water compacts with the federal government or any department or bureau thereof, or with any state in this Union for the purpose of obtaining assistance and cooperation in the accomplishment of the purpose of flood control and water conservation and use in the state. To that end, the Board may match funds with the federal government and with other states upon such terms as shall be agreed upon and approved by the Governor of the state, with the limitation that contracts or water compacts with other states for the division and apportionment of the cost and use of the water controlled by interstate projects shall be submitted to and approved by the Legislature of the state and the Governor of the

state, and Congress and the President of the United States conformable to the State and Federal Constitutions;

11. To accept gifts and grants of money and property or any interest therein;

12. To provide funding from federal and state monies for water and wastewater project purposes to eligible entities for preliminary engineering reports and planning and feasibility studies;

13. To sell or dispose of real or personal property held by the Board when no longer needed in such manner as provided by law;

14. To make appropriations of water to all special purpose districts;

15. To execute and deliver, without actual consideration therefor, a written release of any easement or easement deed heretofore given to the Conservation Commission of the State of Oklahoma, the Planning and Resources Board or the Oklahoma Water Resources Board on lands situated in this state, whenever it shall appear to said Oklahoma Water Resources Board that the need for such easement or easement deed no longer exists; provided, the owner of the lands affected shall file a written application for such release with the Oklahoma Water Resources Board;

16. To adopt, modify or repeal and promulgate standards of quality of the waters of the state and to classify such waters according to their best uses in the interest of the public under such conditions as the Board may prescribe for the prevention, control, and abatement of pollution. The standard of quality of waters of the state adopted by the Board pursuant to the provisions of Section 1085.30 of this title shall be utilized by all appropriate state environmental agencies in implementing their respective duties to abate and prevent pollution to the waters of the state;

17. To review disputes involving service areas or territories, rates for raw or treated water, and abrogation clauses in contracts

among municipalities and rural water districts or not-for-profit rural water corporations; to recommend mediation and refer parties in appropriate disputes to mediators and provide technical information to such mediators; and to recommend other means of resolving disputes; provided, that no party to such dispute may initiate action in any district court regarding the dispute until written notice of the dispute has been filed with the Board; provided further that the provisions of this paragraph shall not be construed to diminish any right of access to the court granted to a party by law; ~~and~~

18. To provide workshop training for board members of rural water districts and not-for-profit rural water corporations and trustees of municipal trusts which provide water or waste water services and whose beneficiary has a population of ten thousand (10,000) or less according to the latest federal census, for the purpose of study and instruction in the areas of financing, law and the ethics, duties and responsibilities of such board members or trustees. Such training shall be provided by the Board as required by law; and

19. To establish an agency special account through the Office of State Finance and the State Treasurer's Office as necessary for the collection and distribution of funds, including funds of sponsors and registration fees related to conferences, meetings and training sessions.

SECTION 3. AMENDATORY 82 O.S. 1991, Section 1324.16, as last amended by Section 6, Chapter 404, O.S.L. 1997 (82 O.S. Supp. 2000, Section 1324.16), is amended to read as follows:

Section 1324.16 A. Except as otherwise provided by law:

1. The term of office of every member elected to an original board shall be until the date of the annual meeting of the participating members of either the first, second or third year following the year of the incorporation of the district and until

their successors are elected and have qualified, and as nearly as possible the terms of an equal number of directors on any such board shall expire on each of said dates;

2. At the annual meeting of each year after the year of the election of the original board members, elections shall be held to elect directors to fill any position on the board, the term of office of which has expired, and any director so elected shall hold office for a term of three (3) years and until his or her successor is elected and has qualified; and

3. For the purpose of election of board members and for such other purposes as the bylaws may prescribe, annual meetings of participating members shall be held by each district each year following the year of incorporation of such district. The board of directors shall cause notice of the time and place of each annual meeting and the purpose thereof to be given to each of its participating members. Each participating member shall be entitled to a single vote, regardless of the number of benefit units to which the member has subscribed.

B. 1. A requirement for qualification to serve as a board member for a rural water district or a nonprofit rural water corporation shall be a written pledge that upon election such board member shall attend a minimum of six (6) hours of workshop training to be offered periodically on a regional basis within twelve (12) months following election of such board member, and to be organized by the Oklahoma Water Resources Board in cooperation with the Oklahoma Rural Water Association with the purpose of study and instruction in areas of district financing, law, and the ethics, duties and responsibilities of district board members. ~~Such requirement shall not apply to any board member who has had at least one (1) year of experience prior to the date of the board election as a member of the district board or nonprofit rural water corporation to which membership is sought~~ Beginning July 1, 2001,

all new and existing board members shall be required to obtain continuing education by attending a minimum of six (6) hours of workshop training every three years.

2. The district or corporation shall reimburse all reasonable expenses incurred by any board member for attending such training workshop.

3. To avoid members having to interfere with their jobs or employment, such training sessions may be divided into three-hour segments, and insofar as possible be scheduled for evening sessions. Vocational-technical facilities, college facilities or other public facilities may be utilized in all parts of the state for convenience of the members. Such workshops must be offered within seventy-five (75) miles of the members' residences.

C. Should any pledging board member fail to attend the workshop training as required in subsection B of this section, he or she shall be deemed ineligible to serve as a board member commencing at the next regularly scheduled meeting of the board following the twelve-month period. The remaining board members shall select from the membership, as provided by the district or corporation bylaws, another qualified member to fill the vacancy and that person shall pledge to attend the workshop training provided for in this section. The appointed member shall only serve until the next regularly scheduled election of board members and an election shall be held to fill the unexpired term of the vacated position.

D. Upon the election of a board member, the provisions of Sections 481 through 487 of Title 21 of the Oklahoma Statutes relating to nepotism shall not prohibit any employee already in the service of the district from continuing in such service or from promotion therein. Provided, however, the board member related to the employee shall excuse himself from the board meeting during any discussion of or action taken on any matter that could affect the employment or compensation for employment of such employee.

SECTION 4. 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.

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