

1 STATE OF OKLAHOMA

2 1st Session of the 54th Legislature (2014)

3 SENATE BILL 1456

By: Griffin

6 AS INTRODUCED

7 An Act relating to public utilities; amending 17 O.S.
8 2011, Section 151, which relates to definition of
9 public utilities; clarifying statutory language; and
10 declaring an emergency.

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

12 SECTION 1. AMENDATORY 17 O.S. 2011, Section 151, is
13 amended to read as follows:

14 Section 151. The term "public utility" as used in ~~Sections 151~~
15 ~~through 155 of this title act~~, shall be taken to mean and include
16 every corporation, association, company, individuals, their
17 trustees, lessees, or receivers, successors or assigns, except as
18 hereinafter provided, and except cities, towns, or other bodies
19 politic, that now or hereafter may own, operate, or manage any plant
20 or equipment, or any part thereof, directly or indirectly, for
21 public use, or may supply any commodity to be furnished to the
22 public of the State of Oklahoma.

23 (a) For the conveyance of gas by pipeline.
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1 (b) For the production, transmission, delivery or furnishing of
2 heat or light with gas.

3 (c) For the production, transmission, delivery or furnishing
4 electric current for light, heat or power.

5 (d) For the transportation, delivery or furnishing of water for
6 domestic purposes or for power. Provided further, that a
7 corporation organized and existing not-for-profit pursuant to
8 Section 863 of Title 18 of the Oklahoma Statutes, ~~Sections 851-863,~~
9 but for the purpose of developing and providing rural water supply
10 and sewage disposal facilities to serve rural residents shall not be
11 declared a public utility under this act, and shall be exempt in any
12 and all respects from the jurisdiction and control of the
13 Corporation Commission of this state.

14 The term "Commission" shall be taken to mean the Corporation
15 Commission of Oklahoma.

16 Provided, that, in Washington County, where any corporation,
17 association, company, individuals, their trustees, lessees, or
18 receivers, successors or assigns, is engaged in the private business
19 of manufacturing any products other than those hereinbefore defined,
20 and in the manufacture of such products operate and maintain private
21 electric or water plants for its own power and electrical energy or
22 water used in its manufacturing plant, without the right of eminent
23 domain and without the use of streets, highways or public property,
24 it may contract upon terms and prices approved by the Corporation

1 Commission the sale of a bona fide surplus of electrical energy or
2 water developed in such private plants to any public utility engaged
3 in manufacturing and distributing electrical energy in Washington
4 County, Oklahoma, without becoming a public utility. Provided
5 further, any city or town within a county having a population of
6 over five hundred thousand (500,000) or any county having a
7 population of over five hundred thousand (500,000), according to the
8 1970 Federal Census, which is a beneficiary of a public trust that
9 has multiple beneficiaries and that includes within any or all of
10 its boundaries a water supply and/or distribution system, or any
11 portion thereof, shall have the authority to condemn all or any
12 portion of any water supply and/or distribution system owned and/or
13 operated and/or leased by a public trust within the limits of the
14 condemning city or town or within the unincorporated areas of the
15 condemning county; provided the power granted hereunder shall not be
16 exercised until the condemning city, town or county shall have made
17 provision to pay off all outstanding bonded indebtedness incurred by
18 the public trust, including interest on the bonds to maturity of the
19 bonds, or first call date, and premium, if any, to which the
20 property to be condemned or the revenues therefrom ~~has~~ have been
21 pledged for security.

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

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