

1 STATE OF OKLAHOMA

2 1st Session of the 55th Legislature (2015)

3 SENATE BILL 513

By: Fry

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6 AS INTRODUCED

7 An Act relating to waters and water rights; amending  
8 82 O.S. 2011, Section 1085.56, which relates to water  
9 projects; requiring the Oklahoma Water Resources  
10 Board to promulgate rules to encourage fair and open  
11 competitive bidding for certain water project  
materials funded by certain state funds; requiring  
governmental agencies to promote certain competitive  
bidding and use of certain materials; and providing  
an effective date.

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

15 SECTION 1. AMENDATORY 82 O.S. 2011, Section 1085.56, is  
16 amended to read as follows:

17 Section 1085.56. A. The Oklahoma Water Resources Board shall  
18 promulgate such rules as may be necessary for determining the  
19 eligibility and priority of entities for water quality projects in  
20 order to receive loans made pursuant to the federal Water Quality  
21 Act of 1987 and from the Clean Water State Revolving Fund Loan  
22 Account. At a minimum, such rules shall:

23 1. Ensure the fair and equitable prioritization of entities  
24 eligible for loans made pursuant to the provisions of this act;

1       2. Be in conformance with applicable provisions of Oklahoma's  
2 Water Quality Standards, the Oklahoma Environmental Quality Code,  
3 and the federal Water Quality Act of 1987;

4       3. Require that to be approved, an applicant needs or will need  
5 the water quality project loan to comply with rules promulgated by  
6 the Environmental Quality Board pursuant to the Oklahoma  
7 Environmental Quality Code, or the Conservation Commission,  
8 whichever has jurisdiction; and

9       4. Require the water quality project to:

- 10       a. be designed to halt or prevent the pollution of the  
11           waters of this state and comply with Oklahoma's Water  
12           Quality Standards,
- 13       b. meet the Board's established environmental review  
14           criteria as provided for by the federal Water Quality  
15           Act of 1987,
- 16       c. comply with minimum standards of the Federal Water  
17           Pollution Control Act, Chapter 26, Title 33, United  
18           States Code, or any similar or successor statute, and  
19       d. meet any other consideration deemed necessary by the  
20           Board.

21       B. In addition to the provisions of subsection A of this  
22 section, the Board shall endeavor to promote fair and open  
23 competition for piping materials used in water and wastewater  
24 projects and all procurement transactions related thereto,

1 specifically those funded by the Clean Water State Revolving Fund  
2 Program and the Statewide Water Development Revolving Fund by  
3 requiring governmental agencies to:

4 1. Purchase piping material that meets current and recognized  
5 standards as issued by the American Society for Testing and  
6 Materials (ASTM) and the American Water Works Association (AWWA), or  
7 their successor organizations; and

8 2. Engage in open competitive bidding to study, plan, design  
9 construct, develop, finance, maintain, rebuild, improve, repair or  
10 operate water and wastewater utilities. Such procurement procedures  
11 shall not restrict or eliminate competition.

12 C. Government agencies accepting state funding for any public  
13 water or wastewater project shall consider acceptable piping  
14 material to be suitable for the project only if the use of that  
15 material is commensurate with sound engineering practices and the  
16 project requirements and shall endeavor to comply with fair open  
17 competitive bidding procedures as provided in this section.

18 SECTION 2. This act shall become effective November 1, 2015.

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