

1 STATE OF OKLAHOMA

2 1st Session of the 47th Legislature (1999)

3 COMMITTEE SUBSTITUTE
4 FOR HOUSE JOINT
5 RESOLUTION NO. 1022

By: Gray of the House

and

Rozell of the Senate

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9 COMMITTEE SUBSTITUTE

10 A Joint Resolution relating to proposed rules of the
11 Oklahoma Water Resources Board; disapproving proposed
12 amendments to permanent rules OAC 785:20-3-9, OAC
13 785:20-5-5, OAC 785:45-1-2, OAC 785:45-3-2, OAC
14 785:46-1-2, OAC 785:46-5-5, OAC 785:46-11-7, and OAC
15 785:46-13-3, proposed permanent rules OAC 785:30-3-
16 5.1(d)(2), OAC 785:46-15-1, OAC 785:46-15-2, OAC
17 785:46-15-3, OAC 785:46-15-4, OAC 785:46-15-5, OAC
18 785:46-15-6, OAC 785:46-15-7, OAC 785:46-15-8, OAC
19 785:46-15-9, OAC 785:46-15-10, OAC 785:46-15-11, OAC
20 785:46, Appendix C, OAC 785:46, Appendix D, and OAC
21 785:46, Appendix E, regarding appropriation and use
22 of stream water, taking and use of groundwater,
23 Oklahoma's water quality standards and implementation
24 of Oklahoma's water quality standards; directing
25 distribution; and declaring an emergency.

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WHEREAS, pursuant to Sections 250.2 and 308 of Title 75 of the
Oklahoma Statutes, the Legislature reserves the right to designate
the method for rule promulgation, establish policy, determine that a
rule is not consistent with legislative intent and disapprove any
rule or any portion thereof at any time; and

WHEREAS, on March 9, 1999, the Oklahoma Water Resources Board
adopted proposed amendments to permanent rules OAC 785:20-3-9, OAC
785:20-5-5, OAC 785:45-1-2, OAC 785:45-3-2, OAC 785:46-1-2, OAC
785:46-5-5, OAC 785:46-11-7, and OAC 785:46-13-3, proposed permanent
rules OAC 785:30-3-5.1(d)(2), OAC 785:46-15-1, OAC 785:46-15-2, OAC
785:46-15-3, OAC 785:46-15-4, OAC 785:46-15-5, OAC 785:46-15-6, OAC
785:46-15-7, OAC 785:46-15-8, OAC 785:46-15-9, OAC 785:46-15-10, OAC
785:46-15-11, OAC 785:46, Appendix C, OAC 785:46, Appendix D, and

1 OAC 785:46, Appendix E, regarding appropriation and use of stream
2 water, taking and use of groundwater, Oklahoma's water quality
3 standards and implementation of Oklahoma's water quality standards,
4 relating to application requirements and processing, notice,
5 hearings and board action, permit application requirements,
6 antidegradation requirements, implementation of numerical criteria
7 to protect fish and wildlife from toxicity due to conservative
8 substances, implementation of temperature criteria to protect fish
9 and wildlife propagation, implementation of antidegradation policy,
10 use support assessment protocols, framework for evaluating use
11 support, nutrient threatened watersheds and low turbidity
12 reservoirs, and on March 15, 1999, the agency submitted the rule to
13 the Legislature for its review; and

14 WHEREAS, the Legislature recognizes that proposed amendments to
15 permanent rules are not consistent with legislative intent.

16 NOW, THEREFORE, BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES
17 AND THE SENATE OF THE 1ST SESSION OF THE 47TH OKLAHOMA LEGISLATURE:

18 SECTION 1. The Legislature hereby disapproves proposed
19 amendments to permanent rules OAC 785:20-3-9, OAC 785:20-5-5, OAC
20 785:45-1-2, OAC 785:45-3-2, OAC 785:46-1-2, OAC 785:46-5-5, OAC
21 785:46-11-7, and OAC 785:46-13-3, proposed permanent rules OAC
22 785:30-3-5.1(d)(2), OAC 785:46-15-1, OAC 785:46-15-2, OAC 785:46-15-
23 3, OAC 785:46-15-4, OAC 785:46-15-5, OAC 785:46-15-6, OAC 785:46-15-
24 7, OAC 785:46-15-8, OAC 785:46-15-9, OAC 785:46-15-10, OAC 785:46-
25 15-11, OAC 785:46, Appendix C, OAC 785:46, Appendix D, and OAC
26 785:46, Appendix E, regarding appropriation and use of stream water,
27 taking and use of groundwater, Oklahoma's water quality standards
28 and implementation of Oklahoma's water quality standards.

29 SECTION 2. The Secretary of State is hereby directed to
30 distribute copies of this resolution to the Governor, the Executive
31 Director of the Oklahoma Water Resources Board and the Editor of
32 "The Oklahoma Register".

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

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