

ENGROSSED HOUSE
JOINT
RESOLUTION NO. 1022

By: Gray of the House

and

Rozell of the Senate

A Joint Resolution relating to proposed rules of the Oklahoma Water Resources Board; disapproving proposed amendments to permanent rule OAC 785:20-5-5(b)(3)(iv) regarding appropriation and use of stream water; directing and authorizing the Oklahoma Water Resources Board to adopt and promulgate certain emergency rules; expressing legislative intent; directing distribution; and declaring an emergency.

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 permanent rule OAC 785:20-5-5(b)(3)(iv) regarding appropriation and use of stream water, relating to notice, hearings and Board action, and on March 15, 1999, the agency submitted the rule to the Legislature for its review; and

WHEREAS, the Legislature recognizes that proposed permanent rule OAC 785:20-5-5(b)(3)(iv) is not consistent with legislative intent.

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

SECTION 1. The Legislature hereby disapproves proposed permanent rule OAC 785:20-5-5(b)(3)(iv) regarding appropriation and use of stream water.

SECTION 2. The Legislature hereby directs and authorizes, in accordance with subsection C of Section 308 of Title 75 of the Oklahoma Statutes, the Oklahoma Water Resources Board to adopt and promulgate an emergency rule to be effective no later than July 1, 1999, which is consistent with legislative intent.

SECTION 3. The Legislature hereby finds that desirable language to be included as OAC 785:20-5-5(b)(3)(iv) would read as follows:

(iv) No water shall be released or withdrawn from water supply storage in Sardis Reservoir unless a lake level management plan for the applicant's use has been approved by the Oklahoma Department of Wildlife Conservation and is approved by the Board. The specific lake level management plan of the Oklahoma Department of Wildlife Conservation is as follows:

(I) March 1 - March 31: slowly increase water level to normal pool or slightly above.

(II) April 1 - August 31: maintain stable or slightly increasing water levels throughout this period.

(III) September 1 - February 28: small reductions in lake levels (less than four (4) feet to allow natural or supplemental revegetation of littoral habitat).

Restriction of water withdrawals during critical spawning and nursery periods (April 1 - August 31) to no more than two (2) feet below normal pool elevation.

SECTION 4. The Secretary of State is hereby directed to distribute copies of this resolution to the Governor, the Executive Director of the Oklahoma Water Resources Board and the Editor of "The Oklahoma Register".

SECTION 5. 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 resolution shall take effect and be in full force from and after its passage and approval.

Passed the House of Representatives the 12th day of April, 1999.

Speaker of the House of
Representatives

Passed the Senate the ____ day of _____, 1999.

President of the Senate