

STATE OF OKLAHOMA

2nd Session of the 48th Legislature (2002)

COMMITTEE SUBSTITUTE
FOR ENGROSSED
HOUSE BILL 2895

By: Blackburn, Pope (Clay),
Braddock, Langmacher,
Nations and Turner of the
House

and

Easley of the Senate

COMMITTEE SUBSTITUTE

[waters and water rights - two-year moratorium on
public or private sale or exportation of surface
water or groundwater outside this state -
codification - noncodification -

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 1B of Title 82, unless there is
created a duplication in numbering, reads as follows:

A. In order to fulfill its duty as public trustee to provide
for the conservation, preservation, protection and optimum
development and utilization of surface water and groundwater within
this state, the Legislature hereby establishes a moratorium on the
public or private sale or exportation of surface water and
groundwater outside this state pursuant to the provisions of this
section for a two-year period beginning on the effective date of
this act, unless earlier repealed or revoked by the Legislature.

B. Subject to the moratorium set by subsection A of this
section, no state agency, authority, board, commission, committee,
department or other instrumentality of this state or political
subdivision thereof, nor elected or appointed officer, member of any

governing body or other person designated to act for an agency or on behalf of the state, or a political subdivision thereof shall contract for the sale or exportation of surface water or groundwater outside this state, or sell or export surface water or groundwater outside this state without the consent of the Oklahoma Legislature expressed through passage of a joint resolution specifically authorizing such sale or export of water.

C. Nothing in this section shall be construed as affecting or intending to affect:

1. Any contract for the sale or exportation of surface water or groundwater outside this state executed prior to the effective date of this act which has received legislative approval or was executed pursuant to law, provided such sale or exportation of surface water or groundwater does not exceed eight million (8,000,000) gallons of water per month; or

2. Water contained in agricultural crops, animal and dairy products, beverages, or processed or manufactured products or to products transported in cans, bottles, packages, kegs or barrels.

SECTION 2. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 1221.A of Title 74, unless there is created a duplication in numbering, reads as follows:

In order to fulfill its duty as public trustee to provide for the conservation, preservation, protection and optimum development and utilization of surface water and groundwater within this state, the Legislature hereby establishes a moratorium on any state or tribal compact or any intergovernmental cooperative agreement, authorized pursuant to law, which is drafted in whole or in part to authorize or otherwise implement any sale or exportation of surface water or groundwater outside this state, except as authorized by the provisions of this act. Such moratorium shall begin on the effective date of this act and remain in effect for a two-year period unless earlier repealed or revoked by the Legislature.

SECTION 3. NEW LAW A new section of law not to be codified in the Oklahoma Statutes reads as follows:

A. There is hereby created a legislative interim study committee named the Joint Committee on Interstate and Intrastate Water Sales.

B. The purpose of the Committee shall be to study, investigate, examine and analyze issues relating to sales or exportation of water inside and outside this state and make recommendations to the Legislature.

C. The Committee shall be made up of fifteen (15) members as follows: seven members of the Oklahoma Senate shall be appointed by the President Pro Tempore of the Senate; seven members of the Oklahoma House of Representatives shall be appointed by the Speaker of the House of Representatives; and the Governor, or a designee.

D. Members shall be appointed within thirty (30) days of the effective date of this act. The President Pro Tempore of the Senate and the Speaker of the House of Representatives shall each designate a member to serve as co-chair of the Committee. The co-chairs of the Committee shall convene a meeting of the Committee within sixty (60) days of the effective date of this act. The membership of the Committee shall determine a meeting schedule by majority approval of the Committee. A majority of the members present at a meeting shall constitute a quorum. All meetings of the Committee shall be open to the public and shall be held in accordance with the Oklahoma Open Meeting Act.

E. The Committee shall be staffed by the staff of the Oklahoma Senate and the Oklahoma House of Representatives and by any other state agency staff as necessary.

F. Members of the Committee shall receive no salary, but shall be authorized to receive actual and necessary travel expenses pursuant to Section 456 of Title 74 of the Oklahoma Statutes. Staff

members shall be eligible to receive expenses from their respective employing agency pursuant to the State Travel Reimbursement Act.

G. The work of the Committee shall be finalized no later than January 15, 2003, and any recommendations of the Committee shall be made available to the public and delivered to each member of the Oklahoma Legislature by February 1, 2003.

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.

48-2-3201

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