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THE STATE SENATE  
Monday, April 8, 2002

Committee Substitute for  
ENGROSSED  
House Bill No. 2895

COMMITTEE SUBSTITUTE FOR ENGROSSED HOUSE BILL NO. 2895 - By:  
BLACKBURN, POPE (Clay), BRADDOCK, LANGMACHER, NATIONS and TURNER of  
the House and EASLEY, MADDOX and PRICE of the Senate.

[ 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this act, unless earlier repealed or revoked by the Legislature.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,

1 department or other instrumentality of this state or political  
2 subdivision thereof, nor elected or appointed officer, member of any  
3 governing body or other person designated to act for an agency or on  
4 behalf of the state, or a political subdivision thereof shall  
5 contract for the sale or exportation of surface water or groundwater  
6 outside this state, or sell or export surface water or groundwater  
7 outside this state without the consent of the Oklahoma Legislature  
8 expressed through passage of a joint resolution specifically  
9 authorizing such sale or export of water.

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

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

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

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

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

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

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

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

21 C. The Committee shall be made up of fifteen (15) members as  
22 follows: seven members of the Oklahoma Senate shall be appointed by  
23 the President Pro Tempore of the Senate; seven members of the

1 Oklahoma House of Representatives shall be appointed by the Speaker  
2 of the House of Representatives; and the Governor, or a designee.

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

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

17 F. Members of the Committee shall receive no salary, but shall  
18 be authorized to receive actual and necessary travel expenses  
19 pursuant to Section 456 of Title 74 of the Oklahoma Statutes. Staff  
20 members shall be eligible to receive expenses from their respective  
21 employing agency pursuant to the State Travel Reimbursement Act.

22 G. The work of the Committee shall be finalized no later than  
23 January 15, 2003, and any recommendations of the Committee shall be

1 made available to the public and delivered to each member of the  
2 Oklahoma Legislature by February 1, 2003.

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

7 COMMITTEE REPORT BY: COMMITTEE ON APPROPRIATIONS, dated 4-3-02 - DO  
8 PASS, As Amended and Coauthored.