

ENROLLED HOUSE
BILL NO. 2440

By: Ellis, Harrison and
Smithson of the House

and

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An Act relating to waters and water rights; amending Section 1, Chapter 485, O.S.L. 2002 (82 O.S. Supp. 2003, Section 1B), which relates to the moratorium on the sale or exploitation of certain waters; modifying termination date; specifying certain conditions; amending Section 3, Chapter 485, O.S.L. 2002 (74 O.S. Supp. 2003, Section 1221.A), which relates to moratorium on compact or cooperative agreement concerning certain waters; modifying length of moratorium; and providing an effective date.

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

SECTION 1. AMENDATORY Section 1, Chapter 485, O.S.L. 2002 (82 O.S. Supp. 2003, Section 1B), is amended to read as follows:

Section 1B. A. In order to provide for the conservation, preservation, protection and optimum development and utilization of surface water and groundwater within Oklahoma, the Legislature hereby establishes a moratorium on the sale or exportation of surface water and/or groundwater outside this state pursuant to the provisions of this section ~~for a three-year period beginning on the effective date of this act, unless earlier.~~ Unless otherwise repealed or revoked by the Oklahoma Legislature, the moratorium shall be in effect for a five-year period beginning on the effective date of this act or until such time as the State of Oklahoma conducts and completes a comprehensive scientific hydrological study of the water resources of this state.

B. Subject to the moratorium set by subsection A of this section, no state agency, authority, board, commission, committee, department, trust 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 the state, or sell or export surface water or groundwater outside the state without the consent of the Oklahoma Legislature 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 the 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. AMENDATORY Section 3, Chapter 485, O.S.L. 2002 (74 O.S. Supp. 2003, Section 1221.A), is amended to read as follows:

Section 1221.A In order 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 apportion surface water or groundwater ownership, or 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~~ Unless earlier repealed or revoked by the Legislature, the moratorium shall begin be in effect for a five-year period beginning on the effective date of this act and remain in effect for a three-year period unless earlier repealed or revoked by the Legislature or until such time as the State of Oklahoma conducts and completes a comprehensive scientific hydrological study of the water resources of this state.

SECTION 3. This act shall become effective November 1, 2004.

Passed the House of Representatives the 20th day of May, 2004.

Presiding Officer of the House of
Representatives

Passed the Senate the 24th day of May, 2004.

Presiding Officer of the Senate