

**EHB 2440**

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27

**THE STATE SENATE**  
**Wednesday, April 7, 2004**

**ENGROSSED**  
**House Bill No. 2440**  
**As Amended**

ENGROSSED HOUSE BILL NO. 2440 - By: ELLIS, HARRISON and SMITHSON of the House and LERBLANCE of the Senate.

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.

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this section ~~for a three year period beginning on the effective date of this act, unless earlier.~~ Unless otherwise repealed or revoked by the Oklahoma Legislature, the moratorium

**(Bold face denotes Committee Amendments)**

1 shall be in effect for a five-year period beginning on the effective  
2 date of this act or until such time as the State of Oklahoma  
3 conducts and completes a comprehensive scientific hydrological study  
4 of the water resources of this state.

5 B. Subject to the moratorium set by subsection A of this  
6 section, no state agency, authority, board, commission, committee,  
7 department, trust or other instrumentality of this state or  
8 political subdivision thereof, nor elected or appointed officer,  
9 member of any governing body or other person designated to act for  
10 an agency or on behalf of the state, or a political subdivision  
11 thereof shall contract for the sale or exportation of surface water  
12 or groundwater outside the state, or sell or export surface water or  
13 groundwater outside the state without the consent of the Oklahoma  
14 Legislature specifically authorizing such sale or export of water.

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

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

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

4           SECTION 2.           AMENDATORY           Section 3, Chapter 485, O.S.L.  
5 2002 (74 O.S. Supp. 2003, Section 1221.A), is amended to read as  
6 follows:

7           Section 1221.A In order to provide for the conservation,  
8 preservation, protection and optimum development and utilization of  
9 surface water and groundwater within this state, the Legislature  
10 hereby establishes a moratorium on any state or tribal compact or  
11 any intergovernmental cooperative agreement, authorized pursuant to  
12 law, which is drafted in whole or in part to apportion surface water  
13 or groundwater ownership, or authorize or otherwise implement any  
14 sale or exportation of surface water or groundwater outside this  
15 state, except as authorized by the provisions of this act. ~~Such~~  
16 Unless earlier repealed or revoked by the Legislature, the  
17 moratorium shall ~~begin~~ be in effect for a five-year period beginning  
18 on the effective date of this act ~~and remain in effect for a three-~~  
19 ~~year period unless earlier repealed or revoked by the Legislature or~~  
20 until such time as the State of Oklahoma conducts and completes a  
21 comprehensive scientific hydrological study of the water resources  
22 of this state.

23 COMMITTEE REPORT BY: COMMITTEE ON ENERGY, ENVIRONMENT &  
24 COMMUNICATIONS, dated 4-1-04 - DO PASS, As Amended.