

ENGROSSED SENATE AMENDMENT
TO
ENGROSSED HOUSE
BILL NO. 3020

By: Armes of the House

and

Adelson of the Senate

An Act relating to waters and water rights; amending 82 O.S. 2001, Section 1085.1, as amended by Section 24, Chapter 375, O.S.L. 2002 (82 O.S. Supp. 2005, Section 1085.1), which relates to the Oklahoma Water Resources Board; modifying requirements for membership on the Board; and declaring an emergency.

AMENDMENT NO. 1. Page 1, strike the title, enacting clause and entire bill and insert

"An Act relating to waters and water rights; creating certain Citizen Lake Committees for each lake or reservoir under certain jurisdiction; requiring the Secretary of Environment to create initial committees; stating responsibility for certain costs; providing for appointment of members; stating purpose; requiring certain annual meeting; providing for certain travel reimbursement; requiring Secretary of Environment to solicit public comments and submit legislative recommendations by certain date; creating the Task Force on Oklahoma Hydropower; stating purpose; stating duties; stating membership; providing for certain meeting and election of officers; providing for staffing; requiring report and recommendations by certain date; providing for certain travel reimbursement; amending 82 O.S. 2001, Section 1085.1, as amended by Section 24, Chapter 375, O.S.L. 2002 (82 O.S. Supp. 2005, Section 1085.1), which relates to the Oklahoma Water Resources Board; increasing membership of the Board; providing terms of office; restricting number of members representing certain districts; requiring members represent certain interests; providing for codification; providing an effective date; and declaring an 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 900.1 of Title 82, unless there is created a duplication in numbering, reads as follows:

A. There is hereby created for each lake or reservoir in this state under the jurisdiction of the United State Corps of Engineers a Citizens Lake Committee which shall be an advisory group of five persons who shall reside within a county bordering the perimeter of each lake or reservoir. The Secretary of Environment shall be responsible for creating the initial committees pursuant to the provisions of this act and is authorized to direct the promulgation of any rules necessary to implement this act. The Office of the Secretary of Environment shall be responsible for any administrative costs or travel reimbursement pursuant to this act.

B. No later than September 1, 2006, the members of Citizens Lake Committee created pursuant to subsection A of this section shall be appointed as follows:

1. Two members shall be appointed by the Governor;
2. One member shall be appointed by the President Pro Tempore of the Senate;
3. One member shall be appointed by the Speaker of the House of Representatives; and
4. One member shall be the Executive Director of the Oklahoma Water Resources Board or designee.

Each appointing authority shall strive to appoint members to represent recreation, tourism, rural and municipal water supplies, agriculture, fish, wildlife, marinas and other crucial local water related economic interests.

C. Each Citizens Lake Committee will be an active oversight committee for monitoring acceptable practical lake levels, roads and other lake or reservoir conditions and consulting with federal entities on such issues. Members shall meet with local, state and federal officials and agency representatives to discuss issues of importance regarding the management of the lake or reservoir. Annually the Governor shall call a meeting of all Citizens Lake Committees and the appropriate local, state and federal entities.

D. Members appointed to a Citizens Lake Committee shall serve without compensation but shall be eligible for actual and necessary travel reimbursement as provided by the State Travel Reimbursement Act.

E. The Secretary of Environment shall solicit public comments and recommendations relating to the duties of the Citizens Lake Committees and no later than December 15, 2006, the Secretary shall submit legislative recommendations to the Governor and the Legislature to carry out the provisions of this act.

SECTION 2. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 900.2 of Title 82, unless there is created a duplication in numbering, reads as follows:

A. There is hereby created until December 31, 2008, the Task Force on Oklahoma Hydropower. The purpose of the Task Force shall be to study the economic and environmental impact hydropower has in the state and to analyze the comparative value of the beneficial use of water for generation of electricity versus other beneficial uses. Specifically, the Task Force shall study, hold public hearings, and make recommendations on:

1. The overall impact the use of water for generation of electricity has on the economy of the state and the local economy of areas surrounding the lakes or reservoirs where hydropower facilities are located, including but not limited to the impact on tourism, recreation, and agriculture;

2. The overall impact the use of water for generation of electricity has on the environment of the areas surrounding the lakes or reservoirs where hydropower facilities are located, including the impact on wildlife resources;

3. The type of hydrological and geohydrological studies that need to be conducted for lakes and reservoirs on which hydropower facilities are located; and

4. The assessment of a fee for the use of water for the generation of electricity.

B. The Task Force shall be composed of thirteen (13) members as follows:

1. One member of the House of Representatives to be appointed by the Speaker of the House of Representatives;

2. One member of the State Senate to be appointed by the President Pro Tempore of the Senate;

3. One member representing the Corporation Commission selected by the Corporation Commission;

4. The Director of the Oklahoma Water Resources Board or a designee;

5. The Executive Director of the Oklahoma Tourism and Recreation Department or a designee;

6. The General Manager of the Grand River Dam Authority or a designee;

7. Two members appointed by the Governor, as follows:

a. one representative of the Oklahoma Municipal League,
and

b. one representative of a rural electric cooperative which purchases electricity generated by a hydropower facility in the state;

8. Two members appointed by the Speaker of the House of Representatives, as follows:

a. one from a lake association that is recognized by the Oklahoma Tourism and Recreation Department as the official lake association of a lake or reservoir on which there are hydropower facilities, and

b. one representative of a permitted user of water from a lake or reservoir on which a hydropower facility is located;

9. Two members appointed by the President Pro Tempore of the Senate, as follows:

- a. one from a lake association that is recognized by the Oklahoma Tourism and Recreation Department as the official lake association of a lake or reservoir on which there are hydropower facilities; and
- b. one representative of a permitted user of water from a lake or reservoir on which a hydropower facility is located; and

10. One member representing the Oklahoma Water Resources Research Institute located at Oklahoma State University.

C. The first meeting of the Task Force shall be convened by the Director of the Oklahoma Water Resources Board. At the first meeting, members of the Task Force shall select cochairs of the Task Force. The Task Force shall meet at the call of either cochairs.

D. Staffing assistance for the Task Force shall be provided by the staff of the Oklahoma Water Resources Board. Technical assistance for the Task Force shall be provided by the Oklahoma Water Resources Board, the Oklahoma Geological Survey, and the Corporation Commission.

E. The Task Force shall present a written report of findings and recommendations to the Legislature and the Governor by December 31, 2008.

F. Members of the Task Force shall receive no compensation for serving on the Task Force but may receive travel reimbursement as follows:

1. Legislative members of the Task Force may be reimbursed for necessary travel expenses incurred in the performance of duties, in accordance with Section 456 of Title 74 of the Oklahoma Statutes, from the legislative body in which they serve; and

2. Other members of the Task Force may be reimbursed for necessary travel expenses incurred in the performance of duties by

the respective agency or appointing authorities in accordance with the State Travel Reimbursement Act.

SECTION 3. AMENDATORY 82 O.S. 2001, Section 1085.1, as amended by Section 24, Chapter 375, O.S.L. 2002 (82 O.S. Supp. 2005, Section 1085.1), is amended to read as follows:

Section 1085.1 A. There is hereby created the Oklahoma Water Resources Board, hereinafter referred to as the Board, consisting of ~~nine (9)~~ eleven (11) members to be appointed by the Governor, by and with the advice and consent of the Senate. The Board shall constitute a body corporate and politic and an instrumentality, agency and department of the State of Oklahoma, and exercise by the Board of the powers conferred by this act shall be deemed and shall be held to be an essential governmental function of the State of Oklahoma. One member shall be appointed for a term of one (1) year; one member shall be appointed for a term of two (2) years; one member shall be appointed for a term of three (3) years; one member shall be appointed for a term of four (4) years; one member shall be appointed for a term of five (5) years; two members shall be appointed for a term of six (6) years; and two members shall be appointed for a term of seven (7) years. The initial terms of the members appointed pursuant to this act shall be five (5) years.

Upon the expiration of said terms, their successors shall be appointed for terms of seven (7) years. One member shall be appointed from each of the congressional districts of this state and the remaining members shall be appointed at large; provided, no more than three members shall be appointed from one congressional district. However, when congressional districts are redrawn then each member appointed prior to July 1 of the year in which such modification becomes effective shall complete the current term of office and appointments made after July 1 of the year in which such modification becomes effective shall be based on the redrawn districts. Appointments made after July 1 of the year in which such

modification becomes effective shall be from any redrawn districts which are not represented by a board member until such time as each of the modified congressional districts are represented by a board member. Each member shall be a qualified elector of this state. At all times the membership of the Board shall have represented on it at least one member well versed in each of the following major types of water use: recreational, industrial, irrigational, municipal, rural residential, agricultural ~~and~~, independent oil and gas production, thermal electrical generation, soil conservation work, and environmental protection. Not more than two members may be selected representing any one of the major types of water use. The Board shall meet at least once each month. The members of the Board may be removed only for cause. Whenever a vacancy shall occur, the Governor shall appoint a qualified person to fill the unexpired term of the vacant office. Each member of the Board upon entering upon his duties shall take and subscribe to the constitutional and statutory oath of office and file the same with the Secretary of State.

B. The Board shall organize annually by electing a ~~chairman~~ chair, vice-chairman vice chair, and secretary from the membership of the Board, who shall perform such duties as shall be prescribed by the Board.

SECTION 4. This act shall become effective July 1, 2006.

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 act shall take effect and be in full force from and after its passage and approval."

Passed the Senate the 19th day of April, 2006.

Presiding Officer of the Senate

Passed the House of Representatives the ____ day of _____,
2006.

Presiding Officer of the House
of Representatives