ENGROSSED SENATE
BILL NO. 1353

By: Lerblance and Shurden of the Senate

and

Harrison of the House

An Act relating to waters and water rights; amending Section 1, Chapter 485, O.S.L. 2002, as amended by Section 1, Chapter 392, O.S.L. 2004 (82 O.S. Supp. 2005, Section 1B), which relates to moratorium on certain water sales; updating statutory reference; prohibiting the Oklahoma Water Resources Board from issuing certain water permits in certain watershed area; stating exception; and declaring an emergency.

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

SECTION 1. AMENDATORY Section 1, Chapter 485, O.S.L. 2002, as amended by Section 1, Chapter 392, O.S.L. 2004 (82 O.S. Supp. 2005, 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. Unless otherwise repealed or revoked by the Oklahoma Legislature, the moratorium shall be in effect for a five-year period beginning ~~on the effective date of this act~~ November 1, 2004, 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.

D. In addition to the moratorium set by subsection A of this section and notwithstanding the provisions of Section 1086.1 of this title, the Oklahoma Water Resources Board shall not issue to any person, corporation or public entity a permit authorizing the transfer of water from the watershed area surrounding Lake Eufaula until such time as the State of Oklahoma conducts and completes a comprehensive scientific hydrological study of the water resources of this state. The Board shall reject any pending permit applications pursuant to this subsection. The time period for the moratorium created by this subsection shall concur with the time period for the moratorium created in subsection A of this section or until the conditions as set forth in this section are met.

SECTION 2. 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 2nd day of March, 2006.

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Presiding Officer of the Senate

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

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Presiding Officer of the House
of Representatives