

3 Senate Bill No. 1353

4 SENATE BILL NO. 1353 - By: LERBLANCE of the Senate and HARRISON of
5 the House.

6 An Act relating to waters and water rights; amending Section
7 1, Chapter 485, O.S.L. 2002, as amended by Section 1,
8 Chapter 392, O.S.L. 2004 (82 O.S. Supp. 2005, Section 1B),
9 which relates to moratorium on certain water sales; updating
10 statutory reference; prohibiting the Oklahoma Water
11 Resources Board from issuing certain water permits in
12 certain watershed area; stating exception; and declaring an
13 emergency.

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

15 SECTION 1. AMENDATORY Section 1, Chapter 485, O.S.L.
16 2002, as amended by Section 1, Chapter 392, O.S.L. 2004 (82 O.S.
17 Supp. 2005, Section 1B), is amended to read as follows:

18 Section 1B. A. In order to provide for the conservation,
19 preservation, protection and optimum development and utilization of
20 surface water and groundwater within Oklahoma, the Legislature
21 hereby establishes a moratorium on the sale or exportation of
22 surface water and/or groundwater outside this state pursuant to the
23 provisions of this section. Unless otherwise repealed or revoked by
24 the Oklahoma Legislature, the moratorium shall be in effect for a
25 five-year period beginning ~~on the effective date of this act~~
26 November 1, 2004, or until such time as the State of Oklahoma

1 conducts and completes a comprehensive scientific hydrological study
2 of the water resources of this state.

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

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

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

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

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

13 SECTION 2. It being immediately necessary for the preservation
14 of the public peace, health and safety, an emergency is hereby
15 declared to exist, by reason whereof this act shall take effect and
16 be in full force from and after its passage and approval.

17 COMMITTEE REPORT BY: COMMITTEE ON ENERGY & ENVIRONMENT, dated 2-9-06
18 - DO PASS, As Coauthored.