

SB 597

THE STATE SENATE
Tuesday, February 22, 2005

Senate Bill No. 597

As Amended

SENATE BILL NO. 597 - By: GUMM of the Senate and ROAN of the House.

[waters and water rights - Oklahoma Water Resources Board -
Oklahoma Comprehensive Water Plan - Governor - Water
Advisory Committee - Oklahoma Water Resources Conservation
Plan - repealer - codification -
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 1086.10 of Title 82, unless
there is created a duplication in numbering, reads as follows:

A. No later than January 1, 2008, the Oklahoma Water Resources
Board shall prepare and publish a supplement to the second decennial
update of the Oklahoma Comprehensive Water Plan to be designated the
"Oklahoma Water Resources Conservation Plan". The second decennial
update of the Oklahoma Comprehensive Water Plan, presently due
September 1, 2005, pursuant to Section 1086.2 of Title 82 of the
Oklahoma Statutes, shall include a summary of any activities or
issues related to the Oklahoma Water Resources Conservation Plan.

B. The Board shall review and update the Oklahoma Water
Resources Conservation Plan as necessary and at least every ten (10)
years, and it shall replace the Oklahoma Comprehensive Water Plan.

1 C. In preparing the Oklahoma Water Resources Conservation Plan,
2 the Board shall consult with the United States Army Corps of
3 Engineers, the Bureau of Reclamation, the Natural Resources
4 Conservation Service, United States Geological Survey, United States
5 Fish and Wildlife Service, and other appropriate federal agencies,
6 and in addition, all federally recognized Indian tribes in this
7 state, and state agencies regulating tourism, environmental quality,
8 parks, fish and wildlife, recreation, conservation, public health,
9 agriculture, public utilities, navigation and industrial
10 development.

11 SECTION 2. NEW LAW A new section of law to be codified
12 in the Oklahoma Statutes as Section 1086.11 of Title 82, unless
13 there is created a duplication in numbering, reads as follows:

14 For purposes of the Oklahoma Water Resources Conservation Plan,
15 created pursuant to Section 1 of this act, the state shall be
16 divided into nine (9) regional water planning districts as follows:

17 1. The Panhandle Regional Water Planning District that includes
18 the counties of Cimarron, Texas, Beaver, Harper, Ellis, Woodward,
19 and Dewey;

20 2. The Southwest Regional Water Planning District that includes
21 the counties of Roger Mills, Custer, Beckham, Washita, Greer, Kiowa,
22 Harmon, and Jackson;

1 3. The North Central Regional Water Planning District that
2 includes the counties of Alfalfa, Blaine, Grant, Kay, Garfield,
3 Kingfisher, Major, Osage, Woods, and Noble;

4 4. The West Central Regional Water Planning District that
5 includes the counties of Canadian, Oklahoma, Cleveland, and Logan;

6 5. The South Central Regional Water Planning District that
7 includes the counties of Caddo, McClain, Comanche, Tillman, Cotton,
8 Stephens, and Jefferson;

9 6. The Eastern Regional Water Planning District that includes
10 the counties of Washington, Nowata, Craig, Ottawa, Delaware, Rogers,
11 Creek, Adair, Cherokee, McIntosh, Muskogee, Okmulgee, Sequoyah,
12 Wagoner, Tulsa and Mayes;

13 7. The Mid-Central Regional Water Planning District that
14 includes the counties of Hughes, Lincoln, Seminole, Okfuskee,
15 Pawnee, Payne, Garvin, Grady, and Pottawatomie;

16 8. The Southeast Regional Water Planning District that includes
17 the counties of Choctaw, Haskell, Latimer, LeFlore, McCurtain,
18 Pittsburg, Bryan, Atoka, Marshall, and Pushmataha; and

19 9. The Southern Regional Water Planning District that includes
20 the counties of Carter, Coal, Johnston, Love, Murray, and Pontotoc.

21 SECTION 3. NEW LAW A new section of law to be codified
22 in the Oklahoma Statutes as Section 1086.12 of Title 82, unless
23 there is created a duplication in numbering, reads as follows:

1 A. By November 1, 2005, the Governor of the State of Oklahoma
2 shall appoint the Water Advisory Committee who shall provide advice
3 and information to the Oklahoma Water Resources Board as required by
4 this act. The Water Advisory Committee shall be composed of members
5 appointed by the Governor, with advice and consent of the Senate,
6 who meet the following criteria:

7 1. One person from each of the regional planning districts
8 created in Section 2 of this act;

9 2. Three chiefs or chairs of federally recognized Indian tribes
10 or their designees;

11 3. Three county commissioners, each from different counties;

12 4. The Executive Director of the Oklahoma Department of
13 Wildlife Conservation or a designee;

14 5. The Executive Director of the Oklahoma Department of
15 Environmental Quality or a designee;

16 6. The Executive Director of the Oklahoma Scenic Rivers
17 Commission or a designee;

18 7. The Executive Director of the Oklahoma Department of
19 Agriculture, Food, and Forestry or a designee; and

20 8. The Secretary of the Environment, who shall serve as the
21 chair of the Water Advisory Committee.

22 B. Appointed members of the Water Advisory Committee shall
23 serve for a term of six (6) years. Such terms shall be staggered as

1 directed by the Governor with no individual serving a term longer
2 than six (6) years, with the exception of those members or their
3 designees who serve as representatives of their state agency.
4 Appointed members must meet the requirements of this section to
5 remain on the Water Advisory Committee and no appointed member shall
6 be employed by, indebted to or in business with any other appointed
7 member.

8 C. The Water Advisory Committee shall ensure that regional
9 needs and differences, as expressed by the representatives of each
10 regional planning district, are incorporated into the Oklahoma Water
11 Resources Conservation Plan, that the Oklahoma Water Resources
12 Conservation Plan reflects the principles identified in this act,
13 reflects needs of local governments, respects the needs and
14 interests of Indian tribes in Oklahoma regarding the use and access
15 to water, and that the Oklahoma Water Resources Conservation Plan
16 addresses the costs and the benefits of planned uses for the waters
17 of the state, and provides for a policy of sustainable use on the
18 management of waters within the state.

19 D. The Water Advisory Committee shall submit any proposals to
20 the Oklahoma Water Resources Board it deems are necessary as
21 amendments to the Oklahoma Water Resources Conservation Plan, are
22 necessary as a result of the Oklahoma Water Resources Conservation
23 Plan, or are necessary changes to the regulations or policies

1 implemented in this state for the conservation of water. Where
2 appropriate, the Water Advisory Committee shall identify the source
3 of funding necessary to implement its proposals. The Oklahoma Water
4 Resources Board shall consider such proposals and implement them, to
5 the extent of available monies, and where not in conflict with
6 controlling law, unless the Oklahoma Water Resources Board
7 determines by a majority vote that to do so would not be in the best
8 interests of the State of Oklahoma.

9 SECTION 4. NEW LAW A new section of law to be codified
10 in the Oklahoma Statutes as Section 1086.13 of Title 82, unless
11 there is created a duplication in numbering, reads as follows:

12 A. The Oklahoma Water Resources Board, in creating and updating
13 the Oklahoma Water Resources Conservation Plan, shall study the
14 regional distribution, use, conservation and management of water
15 within the various regions set forth in Section 2 of this act.
16 Where practicable, the Board shall provide plans for the best use of
17 water on a regional level, and shall take into account:

- 18 1. Principles in developing a public policy for protection,
19 management, conservation, and utilization of water resources;
- 20 2. Review of existing conditions concerning waters of the
21 region and their uses for all purposes within the region;
- 22 3. Infrastructure needs of local communities;

1 4. Provisions for long-term sustainability of the region's
2 water supply;

3 5. Methods for managing, protecting and conserving water
4 resources of the region while allowing for economic growth,
5 including but not limited to:

6 a. improved conservation,

7 b. reuse and management of existing water supplies,

8 c. acquisition of available existing water supplies,

9 d. conservation of new water supplies,

10 e. preparation for and response to drought conditions in
11 order that sufficient water at the highest quality
12 possible will be available at a reasonable cost to
13 Oklahoma residents to ensure public health, safety and
14 welfare,

15 f. beneficial uses of water that reflect the public
16 interest of the region while protecting the private
17 property rights and water rights of the region. When
18 reviewing beneficial uses of water, due consideration
19 shall be given to:

20 (1) alternatives which allow maximum
21 sustainable growth in the region while
22 protecting all designated beneficial uses
23 of water,

- 1 (2) promoting conservation and prudent use, and
2 (3) prioritizing public health and welfare
3 considerations,
- 4 g. the cost and the benefits related to proposed water
5 conservation, uses, and development identified in the
6 Oklahoma Water Resources Conservation Plan,
- 7 h. local management plans and other plans submitted by
8 municipalities, irrigation districts, conservancy
9 districts, master conservancy districts, other special
10 purpose districts and rural water districts,
- 11 i. opportunities for and the benefits of developing
12 regional water supply facilities or providing regional
13 management of water supply facilities,
- 14 j. appropriate provision of upstream development and the
15 effect of plans on existing navigation in the region,
- 16 k. provisions to address needs for water in-stream
17 systems or basins of origin and in the proposed
18 receiving-stream systems or basins based on the period
19 for which the water supply is requested, but less than
20 fifty (50) years,
- 21 l. identification of river and stream segments and
22 groundwater basins of unique ecological value and

- 1 sites of unique value for the construction of
2 reservoirs in the region,
- 3 m. assessment of the impact of the plan on unique river
4 and stream segments identified in paragraph 1 of this
5 section if the regional water planning group or the
6 Oklahoma State Legislature determines that a site of
7 unique ecological value exists,
- 8 n. description of the impact of any proposed water
9 projects on water quality, and
- 10 o. recommendations as to the need for the mandatory
11 development and adoption of conservation and drought
12 plans by water right holders and recommendations for
13 criteria for such plans.

14 B. In considering the regional management of water resources,
15 the Oklahoma Water Resources Conservation Plan shall give special
16 consideration to the maintenance of relevant environmental
17 standards, and the natural resources and habitat for species of
18 concern and interest that are sustained naturally by the water
19 resources.

20 SECTION 5. REPEALER 82 O.S. 2001, Section 1085.3, is
21 hereby repealed.

22 SECTION 6. It being immediately necessary for the preservation
23 of the public peace, health and safety, an emergency is hereby

1 declared to exist, by reason whereof this act shall take effect and
2 be in full force from and after its passage and approval.
3 COMMITTEE REPORT BY: COMMITTEE ON ENERGY & ENVIRONMENT, dated
4 2-17-05 - DO PASS, As Amended and Coauthored.