

STATE OF OKLAHOMA

2nd Session of the 50th Legislature (2006)

HOUSE JOINT  
RESOLUTION 1072

By: Blackwell of the House

and

Laughlin of the Senate

AS INTRODUCED

A Joint Resolution relating to amendments to permanent rules of the Oklahoma Water Resources Board; disapproving, in part, amendments to permanent rules OAC 785:5-1-6, regarding stream water permit application fees; OAC 785:5-1-10, regarding Groundwater application fees; OAC 785:20-9-5, regarding annual reports of water use for stream water; and OAC 785:30-5-9, regarding annual reports of water use for groundwater reports; directing distribution; and declaring an emergency.

WHEREAS, pursuant to Sections 250.2 and 308 of Title 75 of the Oklahoma Statutes, the Legislature reserves the right to designate the method for rule promulgation, establish policy, approve, delay, suspend, veto, or amend the implementation of any rule or proposed rule while under review by the Legislature, determine that a rule is not consistent with legislative intent, and suspend any rule or any portion thereof at any time, and the Legislature may disapprove any rule or amendment to a rule which has been transmitted for legislative review; and

WHEREAS, pursuant to Section 1085.2 of Title 82 of the Oklahoma Statutes, the Oklahoma Water Resources Board promulgates rules to develop statewide and local plans to assure the best and most effective use and control of water to meet both the current and long-range needs of the people of Oklahoma; and

WHEREAS, permanent rules OAC 785:5-1-6 establishes the requirements, procedures and standards for application of stream

water permits and the corresponding fees with regards to appropriating stream water, and includes therein a list of such fees; OAC 785:5-1-10 establishes the requirements, procedures and standards for application of groundwater permits and the corresponding fees with regards to withdraw groundwater, and includes therein a list of such fees; OAC 785:20-9-5 changes the name of the assessed fee; OAC 785:30-5-9 establishes the requirements and procedures for filing an annual water report with assessed fee; and

WHEREAS, the Legislature recognizes that OAC 785:5-1-6, OAC 785:5-1-10, OAC 20-9-5 and OAC 785:30-5-9, which were adopted by the Oklahoma Water Resources Board on March 14, 2006, and submitted to the Legislature and the Governor on March 24, 2006, in their current form, may not be consistent with legislative intent and the public policy of this state; and

NOW, THEREFORE, BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES AND THE SENATE OF THE 2ND SESSION OF THE 50TH OKLAHOMA LEGISLATURE:

SECTION 1. The Legislature hereby disapproves the revision to subsection (d) of OAC 785:5-1-6 which states:

"(d) Annual ~~file maintenance~~ water right administration fee for the submittal of water use reports shall be \$100.00 for each permit or vested right, provided that the cumulative maximum water right administration fees imposed on any one permit or vested right holder shall not be more than \$500.00 per year, and provided further that no water right administration fee shall be imposed if the water right administration program is fully funded by appropriations, provided further the water right administration fee imposed for each permit or vested right shall be reduced in portion to the percentage of funding appropriated to the Board to administer the water rights program, with the appropriation funding percentage certified by the Board as soon as practicable after the beginning of each fiscal year

~~based on the total amount authorized to be used under the permit or water right as follows:~~

- ~~(1) 1 through 320 acre feet - \$10.00~~
- ~~(2) 321 through 640 acre feet - \$15.00~~
- ~~(3) 641 through 1500 acre feet - \$20.00~~
- (4) More than 1500 acre feet - \$25.00"

SECTION 2. The Legislature hereby disapproves subsection (d) of OAC 785:5-1-10 which states:

"(d) Annual water right administration fee for the submittal of water use reports shall be \$100.00 for each permit or prior right, provided that the cumulative maximum water right administration fees imposed on any one permit or prior right holder shall not be more than \$500.00 per year, and provided further than no water right administration fee shall be imposed if the water right administration program is fully funded by appropriations, and provided further that the water right administration fee imposed for each permit or prior right shall be reduced in proportion to the percentage of funding appropriated to the Board to administer the water rights program, with the appropriation funding percentage certified by the Board as soon as practicable after the beginning of each fiscal year."

SECTION 3. The Legislature hereby disapproves subsection (e) of OAC 785:5-1-10 which states:

"(e) If the annual water use report is filed later than 30 days after the due date as set forth in the report form mailed to the water right holder, an additional amount of \$30.00 for each permit shall be due."

SECTION 4. The Legislature hereby disapproves the revision to subsection (a) (1) of OAC 785:20-9-5 which states:

"These reports must be completed and returned with the annual ~~file maintenance~~ water right administration fee to the Board within thirty (30) days of receipt thereof."

SECTION 5. The Legislature hereby disapproves the revision to subsection (a) of OAC 785:30-5-9 which states:

"Water use report forms will be mailed during January of each year to every holder of a valid prior right and every regular and temporary permit holder, with the exception of persons holding special permits, who must complete same and return to the Board with the water right administration fee specified in Chapter 5 of these rules within thirty (30) days of receipt."

SECTION 6. The Secretary of State is hereby directed to distribute copies of this resolution to the Governor, the Director of the Oklahoma Water Resources Board, and the editor of "The Oklahoma Register".

SECTION 7. 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.

50-2-9960

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04/12/06