

1 ENGROSSED HOUSE  
2 CONCURRENT  
3 RESOLUTION NO. 1088

By: Ellis, Armes, Brannon,  
Cannaday, Collins, DeWitt,  
Harrison, Hyman, Lindley,  
McAffrey, Proctor, Renegar,  
Shoemake, Smithson and  
Turner of the House

and

Coates of the Senate

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10 A Concurrent Resolution encouraging the Oklahoma  
11 Attorney General to defend the state and state laws  
12 in a certain federal lawsuit; expressing legislative  
13 intent concerning certain state law; urging the  
14 United States Congress to prohibit states from  
15 initiating certain lawsuits against other states; and  
16 directing distribution.

17 WHEREAS, the water resources of the State of Oklahoma are  
18 critical to the economic development and quality of life of  
19 Oklahoma; and

20 WHEREAS, efficient management of the water resources in the  
21 state can serve the multiple purposes of flood control, water  
22 quality, environmental sustainability, water supply and economic  
23 development; and

24 WHEREAS, in order to provide for the conservation, preservation,  
protection, and optimum development and utilization of the water

1 resources in the state, in 2002, the Legislature approved a three-  
2 year moratorium on the out-of-state sales of Oklahoma water; and

3 WHEREAS, in 2004, the moratorium on the out-of-state sales of  
4 Oklahoma water was extended until November 1, 2009, or until the  
5 State of Oklahoma completes a comprehensive scientific hydrological  
6 study of the water resources of the state; and

7 WHEREAS, in January 2007, the Tarrant Regional Water District,  
8 which serves Forth Worth and Arlington, Texas, filed a federal  
9 lawsuit alleging that the moratorium on the out-of-state sales of  
10 Oklahoma water was invalid and unconstitutional; and

11 WHEREAS, the Tarrant Regional Water District lawsuit will not  
12 just impact one application for the sale of water to an out-of-state  
13 buyer but the right of Oklahoma and its citizens to control and use  
14 its own water resources.

15 NOW, THEREFORE, BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES  
16 OF THE 2ND SESSION OF THE 51ST OKLAHOMA LEGISLATURE, THE SENATE  
17 CONCURRING THEREIN:

18 THAT the Oklahoma Legislature encourages the Oklahoma Attorney  
19 General to vigorously defend the State of Oklahoma and the state law  
20 implementing a moratorium on out-of-state water sales in the federal  
21 lawsuit filed by the Tarrant Regional Water District.

22 THAT the Oklahoma Legislature expresses its intent that state  
23 law, in addition to establishing a moratorium on the out-of-state  
24 sale of Oklahoma water for a certain time, prohibits the selling or

1 exporting of surface water or groundwater outside the state without  
2 the consent of the Oklahoma Legislature specifically authorizing  
3 such sale or export of water and that such consent will be  
4 contingent upon approval of a majority of the residents of the water  
5 basin from which the water is to be sold or exported.

6 THAT the Oklahoma Legislature urges the United States Congress  
7 to adopt federal legislation prohibiting a state from initiating a  
8 lawsuit against another state for purposes of forcing the sale or  
9 transfer of water unless prior to filing a lawsuit the state wanting  
10 to buy or import the water has conducted a conservation study and  
11 adopted a conservation plan for water located in that state or to  
12 adopt federal legislation limiting the authority of a state to  
13 initiate a lawsuit against another state for the forced sale or  
14 transfer of water only when the water is to be used for human  
15 consumption.

16 THAT copies of the resolution be distributed to the Oklahoma  
17 Attorney General, the Oklahoma Water Resources Board, the Secretary  
18 of the Environment, and to the members of the Oklahoma Congressional  
19 Delegation.

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1 Adopted by the House of Representatives the 15th day of May,  
2 2008.

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5 Presiding Officer of the House of  
6 Representatives

7 Adopted by the Senate the \_\_\_\_ day of \_\_\_\_\_, 2008.

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10 Presiding Officer of the Senate

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