

1 STATE OF OKLAHOMA

2 2nd Session of the 51st Legislature (2008)

3 HOUSE CONCURRENT  
4 RESOLUTION 1085

By: Ellis

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6  
7 AS INTRODUCED

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

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

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

22 WHEREAS, in order to provide for the conservation, preservation,  
23 protection, and optimum development and utilization of the water  
24 resources in the state, in 2002 the Legislature approved a three-  
year moratorium on the out-of-state sales of Oklahoma water; and

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

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

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

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

16       THAT the Oklahoma Legislature encourages the Oklahoma Attorney  
17 General to vigorously defend the State of Oklahoma and the state law  
18 implementing a moratorium on out-of-state water sales in the federal  
19 lawsuit filed by the Tarrant Regional Water District, and encourages  
20 the Attorney General to retain the finest attorneys and experts  
21 available outside the state government when deemed necessary to  
22 fight the lawsuit.

23       THAT the Oklahoma Legislature expresses its intent that state  
24 law, in addition to establishing a moratorium on the out-of-state

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

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

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

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22 51-2-11203 KB 04/23/08

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