

1 ENGROSSED HOUSE
2 CONCURRENT
3 RESOLUTION NO. 1027

By: Enns, Dank, Cooksey,
McCullough, Kern and Ritze
of the House

4 and

5 Justice of the Senate

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9 A Concurrent Resolution opposing proposed federal
10 legislation, S. 787, known as the Clean Water
11 Restoration Act; and directing distribution.

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13 WHEREAS, federal legislation, introduced as S. 787 in the United
14 States Senate by Senator Russ Feingold and known as the Clean Water
15 Restoration Act, has been proposed to clarify which waters are
16 subject to the jurisdiction of the United States under the Federal
17 Water Pollution Control Act (33 U.S.C. 1251, et seq.); and

18 WHEREAS, this federal legislation seeks to clarify jurisdiction
19 by striking the term "navigable waters" and replacing it with
20 "waters of the United States", which is defined as "all waters
21 subject to the ebb and flow of the tide, the territorial seas, and
22 all interstate and intrastate waters and their tributaries,
23 including lakes, rivers, streams (including intermittent streams),
24 mudflats, sandflats, wetlands, sloughs, prairie potholes, wet

1 meadows, playa lakes, natural ponds, and all impoundments of the
2 foregoing, to the fullest extent that these waters, or activities
3 affecting these waters, are subject to the legislative power of
4 Congress under the Constitution"; and

5 WHEREAS, striking the language "navigable waters of the United
6 States" and replacing it with "waters of the United States" would
7 potentially expand the reach of the federal government beyond what
8 was intended in the Federal Water Pollution Control Act and thereby
9 blur jurisdictional authority to manage and regulate water resources
10 within state and local government jurisdictions; and

11 WHEREAS, given the ambiguity of the jurisdictional reach of the
12 legislation, the implementation of this amendment to the Federal
13 Water Pollution Control Act may lead to increased litigation and
14 uncertainty among public and private stakeholders, including
15 homeowners, farmers, water districts, and state and federal
16 agencies, among others.

17 NOW, THEREFORE, BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES
18 OF THE 1ST SESSION OF THE 52ND OKLAHOMA LEGISLATURE, THE SENATE
19 CONCURRING THEREIN:

20 THAT the Oklahoma Legislature opposes the proposed federal
21 legislation, introduced as S. 787 in the United States Senate on
22 April 2, 2009, and known as the Clean Water Restoration Act, and
23 urges Congress not to enact this or similar legislation that may be
24 proposed in the future.

1 THAT copies of this resolution be distributed to the President
2 Pro Tempore of the United States Senate, the Speaker of the United
3 States House of Representatives, and the Oklahoma Congressional
4 Delegation.

5 Adopted by the House of Representatives the 4th day of May,
6 2009.

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9 Presiding Officer of the House of
10 Representatives

11 Adopted by the Senate the ____ day of _____, 2009.

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14 Presiding Officer of the Senate
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