

1 STATE OF OKLAHOMA

2 1st Session of the 52nd Legislature (2009)

3 HOUSE CONCURRENT
4 RESOLUTION 1027

By: Enns and Dank

5
6 AS INTRODUCED

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

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

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

1 affecting these waters, are subject to the legislative power of
2 Congress under the Constitution"; and

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

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

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

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

23 THAT copies of this resolution be distributed to the President
24 Pro Tempore of the United States Senate, the Speaker of the United

1 States House of Representatives, and the Oklahoma Congressional
2 Delegation.

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4 52-1-7827 KB 04/24/09

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