

1 STATE OF OKLAHOMA

2 2nd Session of the 53rd Legislature (2012)

3 COMMITTEE SUBSTITUTE
4 FOR ENGROSSED
5 SENATE BILL NO. 1327

By: Crain and Fields of the
Senate

6 and

7 Richardson of the House

8
9
10 COMMITTEE SUBSTITUTE

11 [waters and water rights - Regional Water Planning

12 Act - effective date -

13 emergency]

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17 BE IT ENACTED BY THE PEOPLE OF THE STATE OF OKLAHOMA:

18 SECTION 1. NEW LAW A new section of law to be codified
19 in the Oklahoma Statutes as Section 1086.11 of Title 82, unless
20 there is created a duplication in numbering, reads as follows:

21 This act shall be known and may be cited as the "Regional Water
22 Planning Act".
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1 SECTION 2. NEW LAW A new section of law to be codified
2 in the Oklahoma Statutes as Section 1086.12 of Title 82, unless
3 there is created a duplication in numbering, reads as follows:

4 The Legislature finds that:

5 1. Development and implementation of the statewide Oklahoma
6 Comprehensive Water Plan is best served by the development and
7 incorporation of water plans developed by water users and
8 stakeholders at the local and regional level;

9 2. Continuity and regulatory certainty must be maintained
10 through the continued regulation and allocation of water at the
11 state level, yet the prioritization of issues and concerns unique to
12 each region, coupled with the development of plans to address the
13 issues and concerns, should be entrusted to the lowest possible
14 level of decision-making;

15 3. To this end, the 2012 Update to the Oklahoma Comprehensive
16 Water Plan recommended that the Legislature authorize the creation
17 of regional planning groups to involve local stakeholders in
18 planning and implementing regionally appropriate water plans
19 consisting of the identification of specific projects, studies,
20 programs, research and other evaluations designed to address the
21 unique needs and issues identified by the regional planning group
22 participants; and

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1 4. The 2012 Update recommendations should be implemented as
2 provided in the Regional Water Planning Act, and that accordingly
3 regional planning groups should be established.

4 SECTION 3. NEW LAW A new section of law to be codified
5 in the Oklahoma Statutes as Section 1086.13 of Title 82, unless
6 there is created a duplication in numbering, reads as follows:

7 A. For the purposes of the Regional Water Planning Act, the
8 State of Oklahoma shall be divided into nine regions. The regions
9 shall be delineated to maintain as much continuity as possible
10 between major surface water basins, such as the thirteen regional
11 watershed planning regions designated in the 2012 Update, while at
12 the same time avoiding division of major groundwater basins,
13 prominent water service territories, political subdivision
14 boundaries, existing water planning areas, and other important
15 factors.

16 B. There are hereby created a total of nine Regional Water
17 Planning Councils, to consist of one council for each of the nine
18 regions described in subsection A of this section. The primary duty
19 and responsibility of the Councils shall be to develop regional
20 water plans, as well as to provide recommendations and other input,
21 for submission to the Oklahoma Water Resources Board and other state
22 environmental agencies as provided in this act. The role and
23 functions of the Councils shall be advisory, and they shall have no
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1 authority, regulatory or otherwise, except as expressly provided in
2 this act.

3 C. Meetings of the Councils shall be held at the call of the
4 chairs of the Councils.

5 D. Each Regional Water Planning Council shall consist of
6 fifteen (15) appointed members. The Governor, Speaker of the House
7 of Representatives, and President Pro Tempore of the Senate shall
8 each have two appointments to each Council. The Governor shall
9 appoint two members to each Council who shall be well-versed in
10 recreation and irrigation water uses. The President Pro Tempore of
11 the Senate shall appoint two members to each Council who shall be
12 well-versed in municipal and rural residential water uses. The
13 Speaker of the House of Representatives shall appoint two members to
14 each Council who shall be well-versed in agricultural and industrial
15 water uses and water interests. All boards of county commissioners
16 and conservation district directors that have territory in a region
17 shall together have a total of six appointments to the Council for
18 that region. The six appointments shall be selected by majority
19 vote of all county commissioner board members and conservation
20 district directors in the region. The boards of directors of any
21 special-purpose districts including any irrigation district,
22 conservancy district, regional water district or rural water
23 district organized pursuant to Title 82 of the Oklahoma Statutes
24 included within the region shall together have a total of three

1 appointments to the Council for that region, any or all of which may
2 be made from among all the directors of the special-purpose district
3 or districts who reside in that region. The three appointments
4 shall be selected by majority vote of all special-purpose district
5 board members and directors in the region. The boards of county
6 commissioners and directors of conservation districts and the boards
7 of directors of special-purpose districts shall ensure adequate
8 representation from the interest comprising that region, including
9 the public, counties, municipalities, industries, agriculture,
10 environment, tourism, recreation, small business, electrical
11 generation, oil and gas, water districts and water utilities. One
12 member of the Oklahoma Water Resources Board shall serve as an ex
13 officio nonvoting member of each Council. Any federally recognized
14 tribe whose tribal jurisdictional area is located within a region
15 shall be invited by the Council to appoint a representative of the
16 tribal government to serve as an ex officio nonvoting member of the
17 Council. Initial appointments to each Council shall be made on or
18 before December 31, 2012.

19 E. Each Council shall select a chair, vice-chair and other
20 officers as it deems necessary from among its members.

21 F. Each Council shall develop within one (1) year of the
22 effective date of this act bylaws or other organizational documents
23 as it deems necessary to carry out its duties and functions
24 prescribed in this act.

1 G. The members of each Council shall serve at the pleasure of
2 their respective appointing authority. Any member failing to attend
3 at least seventy percent (70%) of the meetings held by the Council
4 in any given calendar year shall be replaced by the appointing
5 authority for that member.

6 H. The chairs of the Councils shall comprise a Regional Water
7 Planning Council Coordinating Committee which shall meet at least
8 three times per year at the call of the Executive Director of the
9 Oklahoma Water Resources Board. The Coordinating Committee shall
10 have the opportunity to report to and receive input from the
11 Oklahoma Water Resources Board at regular meetings of the Oklahoma
12 Water Resources Board, and from time to time may make
13 recommendations on water law and policy to the Oklahoma Water
14 Resources Board and other relevant state environmental agencies.

15 SECTION 4. NEW LAW A new section of law to be codified
16 in the Oklahoma Statutes as Section 1086.14 of Title 82, unless
17 there is created a duplication in numbering, reads as follows:

18 A. Each of the Regional Water Planning Councils created in
19 Section 3 of this act shall develop a water plan which satisfies the
20 provisions of the Regional Water Planning Act for its respective
21 region.

22 B. Using the most recent update of the Oklahoma Comprehensive
23 Water Plan as a guide, and taking into consideration other resources
24 including but not limited to any water plans developed and submitted

1 to the Council by municipalities or special-purpose districts in the
2 region, each regional water plan shall, at a minimum:

3 1. Provide for the orderly development, use and conservation of
4 water resources in the region;

5 2. Identify sources of water in or feasibly available to users
6 in the region;

7 3. Enhance economic development and protect the agricultural
8 and natural resources of the particular region;

9 4. Consider the relative merits for that region of the types of
10 projects, studies and programs listed in subsection C of this
11 section; and

12 5. Prescribe a specific strategy for preparing for and
13 responding to drought conditions and water shortages caused thereby.

14 C. 1. Phase 1 of each regional water planning process shall be
15 the creation of a prioritization of projects, studies and programs
16 pertinent to that region that build upon the most recent update of
17 the Oklahoma Comprehensive Water Plan and the collective desire of
18 that Council. The types of projects, studies and programs that may
19 be included in the prioritization are, but are not limited to, the
20 following:

21 a. water quality improvement,

22 b. wastewater reuse,

23 c. identification of alternative supplies such as

24 marginal quality water and artificial recharge,

- d. development of regional or consolidated supply systems such as reservoirs, well fields and infrastructure that would improve service within the region and take advantage of economies of scale while reducing the infrastructure financing needs,
- e. education programs regarding conservation and water quality protection,
- f. out-of-region supplies,
- g. irrigation needs and efficiency considerations, and
- h. stream segments, springs, reservoirs, or other identified water resources having unique value that may warrant special protection or treatment.

The prioritization shall include specifics about each item identified, the need proposed to be met, time frames for completion, and cost. Phase 1 shall also incorporate, to the greatest extent practicable, any water plans developed by municipalities, irrigation districts, conservancy districts, regional water districts and rural water districts within the region that are submitted by the local entities to the Council. Prior to the preparation of the prioritization, the Council shall, after notice, hold at least one public meeting within the region to gather suggestions and recommendations from the public as to issues that should be addressed in the plan or provisions that should be considered for inclusion in the plan. Thereafter, the Council shall provide an

1 ongoing opportunity for public input until the prioritization is
2 completed. Phase 1 shall be completed no later than the date which
3 is two (2) years following the effective date of this act.

4 2. Phase 2 of the process shall be the implementation of the
5 projects and items identified according to Phase 1, as available
6 funding allows. Phase 2 shall be completed no later than the date
7 which is eight (8) years following the effective date of this act.

8 3. Phase 3 shall be the completion of a comprehensive regional
9 water plan which shall include:

- 10 a. an evaluation of the accomplishments of the preceding
11 eight (8) years,
- 12 b. an incorporation of those results into a plan for the
13 next fifty (50) years,
- 14 c. an updated analysis of the supply and demand forecasts
15 for the region, and
- 16 d. specific recommendations regarding the needs and
17 priorities for the region for the next fifty (50)
18 years.

19 After the comprehensive regional plan is drafted but before it
20 is finalized, the Council shall, after notice, hold at least one
21 public meeting within the region to gather input on the draft plan.
22 Thereafter, the Council shall finalize the comprehensive regional
23 water plan. Phase 3 shall be completed no later than the date which
24 is ten (10) years following the effective date of this act.

1 D. Notice of each public meeting required by subsection B of
2 this section shall be submitted at least forty-five (45) days prior
3 to the date of the meeting in the form of a press release to at
4 least one newspaper of general circulation in each county located in
5 whole or in part in the region for publication as a public service
6 announcement at the discretion of the editor of the newspaper.

7 E. Each Council shall submit its regional water plan to the
8 Oklahoma Water Resources Board for review. The Board shall
9 determine if the plan satisfies the provisions of the Regional Water
10 Planning Act. If the Oklahoma Water Resources Board finds the
11 regional water plan satisfies the provisions of the act and any
12 rules that may be promulgated pursuant to the act, the Board shall
13 approve the plan and incorporate it into the next decennial update
14 of the Oklahoma Comprehensive Water Plan to be completed by the
15 Board. In doing so, the Oklahoma Water Resources Board shall be
16 authorized to reconcile any conflicts or substantial differences
17 that may exist in the plans among or between regions, special-
18 purpose districts and local entities.

19 SECTION 5. NEW LAW A new section of law to be codified
20 in the Oklahoma Statutes as Section 1086.15 of Title 82, unless
21 there is created a duplication in numbering, reads as follows:

22 Upon the availability of funding, and subject to any
23 appropriations that may be made by the Legislature to the Oklahoma
24 Water Resources Board for such purposes, funding to complete the

1 Phase 1 and Phase 3 work of the Regional Water Planning Councils as
2 set forth in Section 4 of this act shall be divided equally among
3 the Councils. The Legislature may make additional funding available
4 to the Oklahoma Water Resources Board for award of competitive
5 grants to the Councils. Upon the availability of funding, the
6 competitive grants shall be used to complete the Phase 2 work,
7 including but not limited to costs of detailed reconnaissance,
8 feasibility studies or actual project construction within the
9 regions. Priority for grant awards shall be given to Councils who
10 contribute a share of the costs of the underlying study or
11 construction.

12 SECTION 6. This act shall become effective July 1, 2012.

13 SECTION 7. It being immediately necessary for the preservation
14 of the public peace, health and safety, an emergency is hereby
15 declared to exist, by reason whereof this act shall take effect and
16 be in full force from and after its passage and approval.

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