

1 STATE OF OKLAHOMA

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

3 CONFERENCE COMMITTEE SUBSTITUTE

4 FOR ENGROSSED

5 SENATE BILL 259

By: Brecheen and Coates of the
Senate

6 and

7 Cox, Roberts (Dustin) and
8 Roan of the House

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10 CONFERENCE COMMITTEE SUBSTITUTE

11 An Act relating to lakes; directing the Oklahoma
12 Tourism and Recreation Department to develop and
13 maintain certain website and provide certain written
14 information; providing specifications of website and
15 written information; directing certain entities to
16 post specified signs at specified locations;
17 directing the Oklahoma Tourism and Recreation
18 Department to develop certain language; directing the
19 State Department of Health to provide certain
20 education; specifying parameters for issuing and
21 lifting certain advisories; permitting certain
22 testing results to be provided by specified entities;
23 directing recognition of certain research;
24 authorizing the publication of certain findings;
defining certain terms; specifying certain
applicability; providing for codification; and
declaring an emergency.

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

22 SECTION 1. NEW LAW A new section of law to be codified
23 in the Oklahoma Statutes as Section 2301 of Title 74, unless there
24 is created a duplication in numbering, reads as follows:

1 A. The Oklahoma Tourism and Recreation Department shall develop
2 and maintain a website and provide written information for the
3 public available on location that allows the public to check the
4 water quality, as it adversely affects human and mammalian animal
5 health, of recreational bodies of water in this state which are
6 managed by state or federal agencies or entities. The website and
7 written information shall be made available to the public on or
8 before December 31, 2012, and shall provide internet links and other
9 points of contacts for relevant state agencies.

10 B. Any state or municipal agency with authority to manage a
11 recreational lake or reservoir in this state shall post signs at
12 major access points for the body of water stating that information
13 on water quality is available on the website or in the written
14 information specified in subsection A of this section. The Oklahoma
15 Tourism and Recreation Department shall develop and provide the
16 language for the signs required by this subsection.

17 C. The State Department of Health shall provide to physicians,
18 hospital personnel, and local health departments educational
19 material and information on the effects and symptoms of exposure to
20 blue-green algae.

21 D. 1. Any state or municipal agency with authority to manage a
22 recreational lake or reservoir in this state, to regulate water
23 quality or regulate public health shall:
24

- 1 a. issue advisories for blue-green algae for recreational
2 lakes or reservoirs only when both the blue-green
3 algae cell count and toxicity testing results exceed
4 the World Health Organization guidelines for moderate
5 probability of adverse health effects of one hundred
6 thousand (100,000) cells per milliliter for cell count
7 and twenty (20) micrograms per liter for microcystin
8 toxin levels. The blue-green algae testing shall be
9 conducted at predetermined locations which are
10 published along with the testing results, and
- 11 b. lift advisories for blue-green algae for recreational
12 lakes or reservoirs if the blue-green algae cell count
13 and toxicity testing results are below guidelines as
14 set forth in subparagraph a of this paragraph for two
15 consecutive tests taken at weekly intervals within
16 thirty (30) calendar days of each other.

17 2. The blue-green algae cell count and toxicity testing results
18 as described in this subsection may be provided by a public or
19 private entity.

20 E. Any state or municipal agency with authority to manage a
21 recreational body of water in this state, to regulate water quality
22 or regulate public health and which may issue blue-green algae lake
23 advisories shall recognize publicly and privately funded research if
24 the research is scientifically verifiable and it will ensure that

1 the public is more informed about water quality and safety. The
2 Oklahoma Tourism and Recreation Department may publish the findings
3 of the research on the website or in written information specified
4 in subsection A of this section.

5 F. For purposes of this section:

6 1. "State or municipal agency" means any agency, board,
7 commission, department, authority, office, subdivision or
8 instrumentality of the state or a municipality located in the state;
9 and

10 2. "Recreational lake or reservoir" means a lake or reservoir
11 on which the public is allowed to fish, boat or swim.

12 G. Nothing in this section shall be construed to amend, modify,
13 or repeal any state or federal requirements related to water
14 testing.

15 SECTION 2. It being immediately necessary for the preservation
16 of the public peace, health and safety, an emergency is hereby
17 declared to exist, by reason whereof this act shall take effect and
18 be in full force from and after its passage and approval.

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