

ENROLLED SENATE
BILL NO. 259

By: Brecheen and Coates of the
Senate

and

Cox, Roberts (Dustin), Roan
and Hardin of the House

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

SUBJECT: Recreational lakes and reservoirs

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

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

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

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

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

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

- a. issue advisories for blue-green algae for recreational lakes or reservoirs only when both the blue-green algae cell count and toxicity testing results exceed the World Health Organization guidelines for moderate probability of adverse health effects of one hundred thousand (100,000) cells per milliliter for cell count and twenty (20) micrograms per liter for microcystin toxin levels. The blue-green algae testing shall be conducted at predetermined locations which are published along with the testing results, and
- b. lift advisories for blue-green algae for recreational lakes or reservoirs if the blue-green algae cell count and toxicity testing results are below guidelines as set forth in subparagraph a of this paragraph for two

consecutive tests taken at weekly intervals within thirty (30) calendar days of each other.

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

E. Any state or municipal agency with authority to manage a recreational body of water in this state, to regulate water quality or regulate public health and which may issue blue-green algae lake advisories shall recognize publicly and privately funded research if the research is scientifically verifiable and it will ensure that the public is more informed about water quality and safety. The Oklahoma Tourism and Recreation Department may publish the findings of the research on the website or in written information specified in subsection A of this section.

F. For purposes of this section:

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

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

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

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

Passed the Senate the 17th day of May, 2012.

Presiding Officer of the Senate

Passed the House of Representatives the 21st day of May, 2012.

Presiding Officer of the House
of Representatives