

# SENATE CHAMBER

STATE OF OKLAHOMA

DISPOSITION BY SENATE

## FLOOR AMENDMENT

No. \_\_\_\_\_

\_\_\_\_\_  
(Date)

Mr./Madame President:

I move to amend House Bill No. 3055, by striking the title, enacting clause and entire body of the bill and substituting the attached floor substitute.

Submitted by:

\_\_\_\_\_  
Senator Fields

Fields-MJM-FS-Req#3364  
4/3/2012 1:55 PM

1 STATE OF OKLAHOMA

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

3 FLOOR SUBSTITUTE  
4 FOR ENGROSSED

5 HOUSE BILL NO. 3055

By: Steele and Lockhart of the  
House

6 and

7 Fields of the Senate  
8

9 FLOOR SUBSTITUTE

10 An Act relating to waters and water rights;  
11 restricting location of certain disposal wells;  
12 authorizing exceptions; stating application; defining  
13 terms; creating the Water for 2060 Act; stating  
14 finding; declaring state policy; limiting application  
15 of the act; amending 82 O.S. 2011, Section 1088.1,  
16 which relates to the Oklahoma Water Conservation  
17 Grant Program Act; modifying title; adding entities  
18 eligible to be considered communities; expanding  
19 pilot projects; creating the Water for 2060 Advisory  
20 Council; establishing membership of the Advisory  
21 Council; providing for officers, meetings, quorum and  
22 vacancies; providing for staff support; listing  
23 duties and responsibilities of the Advisory Council;  
24 requiring the Advisory Council to submit a final  
report by a certain date; providing for  
recodification; and providing for codification.

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 320.3 of Title 52, unless there  
is created a duplication in numbering, reads as follows:

1       A. Except as otherwise provided for in this section, an  
2 underground injection well, disposal well, or commercial disposal  
3 well drilled or converted on or after the effective date of this act  
4 which will be in operation for more than six (6) months shall not be  
5 located within one-half (1/2) mile from a residential development.

6       B. The distance between a residential development and an  
7 underground injection well, disposal well, or commercial disposal  
8 well shall be measured from the closest corner of the walls of the  
9 closest occupied residence in the residential development to the  
10 wellbore of the well.

11       C. The provisions of this section shall not prohibit an  
12 operator of an underground injection well, disposal well, or  
13 commercial disposal well and the owner of an occupied residence from  
14 agreeing in writing to setback provisions with distances different  
15 from those set forth in this section.

16       D. The provisions of this section shall apply to any  
17 underground injection well, disposal well, or commercial disposal  
18 well drilled or converted on or after July 1, 2012, and to any well  
19 for which an application was submitted to the Corporation Commission  
20 before July 1, 2012, but for which a permit is issued after July 1,  
21 2012.

22       E. For purposes of this section:

23       1. "Injection well, disposal well, or commercial disposal well"  
24 means those wells for which the Corporation Commission is vested

1 jurisdiction as provided for in Section 52 of Title 17 of the  
2 Oklahoma Statutes; and

3 2. "Residential development" means a division of land into five  
4 or more lots, parcels, tracts, or areas and of which not less than  
5 five lots, parcels, tracts or areas are being used for residential  
6 purposes.

7 SECTION 2. NEW LAW A new section of law to be codified  
8 in the Oklahoma Statutes as Section 1088.11 of Title 82, unless  
9 there is created a duplication in numbering, reads as follows:

10 Sections 2 through 5 of this act shall be known and may be cited  
11 as the "Water for 2060 Act".

12 SECTION 3. NEW LAW A new section of law to be codified  
13 in the Oklahoma Statutes as Section 1088.12 of Title 82, unless  
14 there is created a duplication in numbering, reads as follows:

15 The Legislature hereby declares that, in order to protect  
16 Oklahoma citizens from increased water supply shortages and  
17 groundwater depletions by the year 2060 in most of the eighty-two  
18 watershed planning basins in the state as described in the 2012  
19 Update of the Oklahoma Comprehensive Water Plan, the public policy  
20 of this state is to establish and work toward a goal of consuming no  
21 more fresh water in the year 2060 than is consumed statewide in the  
22 year 2012, while continuing to grow the population and economy of  
23 the state and to achieve this goal through utilizing existing water  
24 supplies more efficiently and expanding the use of alternatives such

1 as wastewater, brackish water, and other nonpotable supplies.

2 Provided, however, that nothing in the Water for 2060 Act shall be  
3 construed as amending the provisions of law pertaining to rights or  
4 permits to use water.

5 SECTION 4. AMENDATORY 82 O.S. 2011, Section 1088.1, is  
6 amended to read as follows:

7 Section 1088.1 A. ~~This section shall be known and may be cited~~  
8 ~~as~~ There is hereby created the "Oklahoma Water Conservation Grant  
9 Program ~~Act~~".

10 B. The Oklahoma Water Resources Board shall solicit proposals  
11 for and make grants for the establishment of pilot programs which  
12 will implement water conservation projects or plans in communities  
13 in the state.

14 C. The goals and objectives of the grant program are to:

15 1. Increase the awareness of the public through education  
16 programs or public information campaigns regarding the value of our  
17 water resources and how water can be used more efficiently;

18 2. Provide assistance to communities or entities initiating  
19 water conservation plans, programs, and activities and to research  
20 and document the potential for improving water use efficiency  
21 through demonstration projects and other activities; and

22 3. Assist in the development of policies which will encourage  
23 the implementation of water conservation measures.

24

1 D. For purposes of this section, communities may include entire  
2 cities or towns, combined cities or towns, parts of cities or towns,  
3 or schools, groups or entities located within a community, or one or  
4 more rural water districts or portions of water districts.

5 E. Contingent upon the availability of funding, the Board may  
6 award grants each year in an amount not to exceed Twenty-five  
7 Thousand Dollars (\$25,000.00) for each grant. The total amount of  
8 grants awarded each year shall not exceed Fifty Thousand Dollars  
9 (\$50,000.00).

10 F. The pilot projects shall be innovative programs that will  
11 serve as models for other communities in the state. Pilot projects  
12 may include, but are not limited to, community conservation  
13 demonstration projects, water use accounting programs, retrofit  
14 projects, school education projects, Xeriscape demonstration  
15 gardens, projects which promote efficiency, recycling and reuse of  
16 water, and information campaigns on capturing and using harvested  
17 rainwater and graywater.

18 G. The Board shall determine pilot project criteria and  
19 establish a process for the consideration of proposals. The  
20 proposals for pilot projects shall be considered on a statewide  
21 competitive basis. The Board shall promulgate rules for the  
22 operation of the projects.

1 SECTION 5. NEW LAW A new section of law to be codified  
2 in the Oklahoma Statutes as Section 1088.14 of Title 82, unless  
3 there is created a duplication in numbering, reads as follows:

4 A. There is hereby created an advisory council to be known as  
5 the "Water for 2060 Advisory Council".

6 B. The Advisory Council shall consist of fifteen (15) members  
7 as follows:

8 1. The Executive Director of the Oklahoma Water Resources  
9 Board;

10 2. Four members appointed by the Governor who shall be well  
11 versed in municipal, rural residential, and agriculture water uses,  
12 as well as water-efficiency practices and technologies;

13 3. Five members, with one member being from each of the  
14 congressional districts, appointed by the Speaker of the Oklahoma  
15 House of Representatives who shall be well versed in recreation,  
16 industrial, oil and gas, and irrigation water uses, as well as water  
17 and wastewater reuse practices and technologies; and

18 4. Five members, with one member being from each of the  
19 congressional districts, appointed by the President Pro Tempore of  
20 the Oklahoma State Senate who shall be well versed in soil  
21 conservation, small business, and environmental water interests, as  
22 well as marginal quality and brackish water use practices and  
23 technologies.

24

1 C. Appointed members shall serve at the pleasure of their  
2 respective appointing authority.

3 D. The Executive Director of the Oklahoma Water Resources Board  
4 shall serve as chair of the Advisory Council, with other officers  
5 selected by the Advisory Council as it deems necessary. Meetings of  
6 the Advisory Council shall be held at the call of the chair. A  
7 majority of the members of the Advisory Council shall constitute a  
8 quorum to transact business, but no vacancy shall impair the right  
9 of the remaining members to exercise all of the powers of the  
10 Advisory Council. A vacancy on the Advisory Council shall be filled  
11 by the original appointing authority. Staff support for the  
12 Advisory Council shall be provided by the staff of the Oklahoma  
13 Water Resources Board. Other state agencies shall provide support  
14 and information as requested by the Advisory Council.

15 E. The Advisory Council shall have the following duties and  
16 responsibilities:

17 1. Recommend incentives to encourage improved irrigation and  
18 farming techniques, more efficient infrastructure, use of water  
19 recycling/reuse systems, promotion of "smart" irrigation techniques,  
20 control of invasive species, artificial recharge of aquifers, and  
21 increased use of marginal quality and brackish waters;

22 2. Make recommendations regarding the expansion of education  
23 programs that modify and improve consumer water-use habits;

24

1           3. Enhance existing, or develop new, financial assistance  
2 programs that encourage Oklahoma water systems to implement leak  
3 detection and repair programs that result in reduced loss and waste  
4 of water, as well as encourage consolidation and regionalization of  
5 smaller systems in order to utilize limited resources most  
6 efficiently; and

7           4. Any other responsibilities consistent with the Water for  
8 2060 Act.

9           F. The Advisory Council shall submit a final report of its  
10 findings and recommendations to the Governor, Speaker of the House  
11 of Representatives, and President Pro Tempore of the Senate no later  
12 than three (3) years following the effective date of this act.

13           SECTION 6.           RECODIFICATION           82 O.S. 2011, Section 1088.1,  
14 as amended by Section 4 of this act, shall be recodified as Section  
15 1088.13 of Title 82 of the Oklahoma Statutes, unless there is  
16 created a duplication in numbering.

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18           53-2-3364           MJM           4/3/2012 1:55:21 PM

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