

1                   **HOUSE OF REPRESENTATIVES - FLOOR VERSION**

2                                   STATE OF OKLAHOMA

3                                   2nd Session of the 53rd Legislature (2012)

4 COMMITTEE SUBSTITUTE  
5 FOR  
6 HOUSE BILL NO. 2914

By: Richardson

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8                                   COMMITTEE SUBSTITUTE

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10           An Act relating to waters and water rights; creating  
11           the Regional Water Planning Act; stating legislative  
12           findings; providing for the division of the state  
13           into water regions; stating criteria for the  
14           division; creating Regional Water Planning Councils  
15           to correlate with the water regions; stating duty and  
16           responsibility of the Councils; making the Councils  
17           advisory; providing for meetings; providing for  
18           membership of each Council; providing for invitation  
19           for appointments to be made to certain tribes;  
20           providing for officers; directing each Council to  
21           develop organizational documents; providing for  
22           vacancies; providing for a Regional Water Planning  
23           Council Coordinating Committee; requiring certain  
24           number of meetings; stating responsibilities of the  
          Coordinating Committee; requiring each Council to  
          develop a regional water plan; stating minimum  
          contents of each plan; specifying phases of the  
          planning process; listing certain Phase 1 projects,  
          studies and programs; requiring incorporation of  
          certain local plans; requiring public meetings;  
          identifying Phase 2 and 3 objectives; establishing  
          completion dates for each phase; requiring certain  
          notice of public meetings; requiring submission to  
          and approval by the Oklahoma Water Resources Board of  
          each regional water plan; providing for incorporation  
          of regional water plans into certain water plan  
          updates; authorizing the Board to reconcile conflicts  
          and differences; directing division of funding among

1 the Councils; allowing for funding of competitive  
2 grants; making division of funds and grants  
3 contingent upon funding; providing for codification;  
4 providing an effective date; and declaring an  
5 emergency.

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

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

11 This act shall be known and may be cited as the "Regional Water  
12 Planning Act".

13 SECTION 2. NEW LAW A new section of law to be codified  
14 in the Oklahoma Statutes as Section 1086.12 of Title 82, unless  
15 there is created a duplication in numbering, reads as follows:

16 The Legislature finds that:

17 1. Development and implementation of the statewide Oklahoma  
18 Comprehensive Water Plan is best served by the development and  
19 incorporation of water plans developed by water users and  
20 stakeholders at the local and regional level;

21 2. Continuity and regulatory certainty must be maintained  
22 through the continued regulation and allocation of water at the  
23 state level, yet the prioritization of issues and concerns unique to  
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1 each region, coupled with the development of plans to address the  
2 issues and concerns, should be entrusted to the lowest possible  
3 level of decision-making;

4 3. To this end, the 2012 Update to the Oklahoma Comprehensive  
5 Water Plan recommended that the Legislature authorize the creation  
6 of regional planning groups to involve local stakeholders in  
7 planning and implementing regionally appropriate water plans  
8 consisting of the identification of specific projects, studies,  
9 programs, research and other evaluations designed to address the  
10 unique needs and issues identified by the regional planning group  
11 participants; and

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

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

18 A. For the purposes of the Regional Water Planning Act, the  
19 State of Oklahoma shall be divided into nine regions. The regions  
20 shall be delineated to maintain as much continuity as possible  
21 between major surface water basins, such as the thirteen regional  
22 watershed planning regions designated in the 2012 Update, while at  
23 the same time avoiding division of major groundwater basins,

UNDERLINED language denotes Amendments to present Statutes.  
**BOLD FACE CAPITALIZED** language denotes Committee Amendments.  
~~Strike thru~~ language denotes deletion from present Statutes.

1 prominent water service territories, political subdivision  
2 boundaries, existing water planning areas, and other important  
3 factors.

4 B. There are hereby created a total of nine Regional Water  
5 Planning Councils, to consist of one council for each of the nine  
6 regions described in subsection A of this section. The primary duty  
7 and responsibility of the Councils shall be to develop regional  
8 water plans, as well as to provide recommendations and other input,  
9 for submission to the Oklahoma Water Resources Board and other state  
10 environmental agencies as provided in this act. The role and  
11 functions of the Councils shall be advisory, and they shall have no  
12 authority, regulatory or otherwise, except as expressly provided in  
13 this act.

14 C. Meetings of the Councils shall be held at the call of the  
15 chairs of the Councils.

16 D. Each Regional Water Planning Council shall consist of  
17 fifteen (15) appointed members. The Governor, Speaker of the House  
18 of Representatives, and President Pro Tempore of the Senate shall  
19 each have two appointments to each Council. The Governor shall  
20 appoint two members to each Council who shall be well versed in  
21 recreation and irrigation water uses. The President Pro Tempore of  
22 the Senate shall appoint two members to each Council who shall be  
23 well versed in municipal and rural residential water uses. The

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1 Speaker of the House of Representatives shall appoint two members to  
2 each Council who shall be well versed in agricultural and industrial  
3 water uses and water interests. All boards of county commissioners  
4 and conservation district directors that have territory in a region  
5 shall together have a total of six appointments to the Council for  
6 that region. The six appointments shall be selected by majority  
7 vote of all county commissioner board members and conservation  
8 district directors in the region. The boards of directors of any  
9 special-purpose districts including any irrigation district,  
10 conservancy district, regional water district or rural water  
11 district organized pursuant to Title 82 of the Oklahoma Statutes  
12 included within the region shall together have a total of three  
13 appointments to the Council for that region, any or all of which may  
14 be made from among all the directors of the special-purpose district  
15 or districts who reside in that region. The three appointments  
16 shall be selected by majority vote of all special purpose district  
17 board members and directors in the region. The boards of county  
18 commissioners and directors of conservation districts and the boards  
19 of directors of special-purpose districts shall ensure adequate  
20 representation from the interest comprising that region, including  
21 the public, counties, municipalities, industries, agriculture,  
22 environment, tourism, recreation, small business, electrical  
23 generation, oil and gas, water districts and water utilities. One

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1 member of the Oklahoma Water Resources Board shall serve as an ex  
2 officio nonvoting member of each Council. Any federally recognized  
3 tribe whose tribal jurisdictional area is located within a region  
4 shall be invited by the Council to appoint a representative of the  
5 tribal government to serve as an ex officio nonvoting member of the  
6 Council. Initial appointments to each Council shall be made on or  
7 before December 31, 2012.

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

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

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

19 H. The chairs of the Councils shall comprise a Regional Water  
20 Planning Council Coordinating Committee which shall meet at least  
21 three times per year at the call of the Executive Director of the  
22 Oklahoma Water Resources Board. The Coordinating Committee shall  
23 have the opportunity to report to and receive input from the  
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1 Oklahoma Water Resources Board at regular meetings of the Oklahoma  
2 Water Resources Board, and from time to time may make  
3 recommendations on water law and policy to the Oklahoma Water  
4 Resources Board and other relevant state environmental agencies.

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

8 A. Each of the Regional Water Planning Councils created in  
9 Section 3 of this act shall develop a water plan which satisfies the  
10 provisions of the Regional Water Planning Act for its respective  
11 region.

12 B. Using the most recent update of the Oklahoma Comprehensive  
13 Water Plan as a guide, and taking into consideration other resources  
14 including but not limited to any water plans developed and submitted  
15 to the Council by municipalities or special-purpose districts in the  
16 region, each regional water plan shall, at a minimum:

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

19 2. Identify sources of water in or feasibly available to users  
20 in the region;

21 3. Enhance economic development and protect the agricultural  
22 and natural resources of the particular region;

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1 4. Consider the relative merits for that region of the types of  
2 projects, studies and programs listed in subsection C of this  
3 section; and

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

6 C. 1. Phase 1 of each regional water planning process shall be  
7 the creation of a prioritization of projects, studies and programs  
8 pertinent to that region that build upon the most recent update of  
9 the Oklahoma Comprehensive Water Plan and the collective desire of  
10 that Council. The types of projects, studies and programs that may  
11 be included in the prioritization are, but are not limited to, the  
12 following:

- 13 a. water quality improvement,
- 14 b. wastewater reuse,
- 15 c. identification of alternative supplies such as  
16 marginal quality water and artificial recharge,
- 17 d. development of regional or consolidated supply systems  
18 such as reservoirs, well fields and infrastructure  
19 that would improve service within the region and take  
20 advantage of economies of scale while reducing the  
21 infrastructure financing needs,
- 22 e. education programs regarding conservation and water  
23 quality protection,

- 1 f. out-of-region supplies,
- 2 g. irrigation needs and efficiency considerations, and
- 3 h. stream segments, springs, reservoirs, or other
- 4 identified water resources having unique value that
- 5 may warrant special protection or treatment.

6 The prioritization shall include specifics about each item  
7 identified, the need proposed to be met, time frames for completion,  
8 and cost. Phase 1 shall also incorporate, to the greatest extent  
9 practicable, any water plans developed by municipalities, irrigation  
10 districts, conservancy districts, regional water districts and rural  
11 water districts within the region that are submitted by the local  
12 entities to the Council. Prior to the preparation of the  
13 prioritization, the Council shall, after notice, hold at least one  
14 public meeting within the region to gather suggestions and  
15 recommendations from the public as to issues that should be  
16 addressed in the plan or provisions that should be considered for  
17 inclusion in the plan. Thereafter, the Council shall provide an  
18 ongoing opportunity for public input until the prioritization is  
19 completed. Phase 1 shall be completed no later than the date which  
20 is two (2) years following the effective date of this act.

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

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

5 a. an evaluation of the accomplishments of the preceding  
6 eight (8) years,

7 b. an incorporation of those results into a plan for the  
8 next fifty (50) years,

9 c. an updated analysis of the supply and demand forecasts  
10 for the region, and

11 d. specific recommendations regarding the needs and  
12 priorities for the region for the next fifty (50)  
13 years.

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

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

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

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

18 Upon the availability of funding, and subject to any  
19 appropriations that may be made by the Legislature to the Oklahoma  
20 Water Resources Board for such purposes, funding to complete the  
21 Phase 1 and Phase 3 work of the Regional Water Planning Councils as  
22 set forth in Section 4 of this act shall be divided equally among  
23 the Councils. The Legislature may make additional funding available

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1 to the Oklahoma Water Resources Board for award of competitive  
2 grants to the Councils. Upon the availability of funding, the  
3 competitive grants shall be used to complete the Phase 2 work,  
4 including but not limited to costs of detailed reconnaissance,  
5 feasibility studies or actual project construction within the  
6 regions. Priority for grant awards shall be given to Councils who  
7 contribute a share of the costs of the underlying study or  
8 construction.

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

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

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15 COMMITTEE REPORT BY: COMMITTEE ON AGRICULTURE, WILDLIFE AND  
16 ENVIRONMENT, dated 03/01/2012 - DO PASS, As Amended.

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