

1 STATE OF OKLAHOMA

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

3 HOUSE BILL 2552

By: Proctor

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5
6 AS INTRODUCED

7 An Act relating to waters and water rights; stating
8 purpose of certain provisions; prohibiting certain
9 contracts for or the sale or exportation of water
10 outside of the state without certain approval;
11 requiring a legislative referendum; providing for the
12 ordering and filing of the legislative referendum;
13 stipulating effective date of a contract or sale upon
14 approval of the legislative referendum; limiting
15 effect of provisions on certain contracts and certain
16 water; providing for codification; and declaring an
17 emergency.

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

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

22 A. The purpose of the provisions of this section shall be to
23 provide for the conservation, preservation, protection and optimum
24 development and utilization of surface water and groundwater within
Oklahoma.

B. No state agency, authority, board, commission, committee,
department, trust or other instrumentality of this state or

1 political subdivision thereof, nor elected or appointed officer,
2 member of any governing body or other person designated to act for
3 an agency or on behalf of the state or a political subdivision
4 thereof shall contract for the sale or exportation of surface water
5 or groundwater outside the state, or sell or export surface water or
6 groundwater outside the state without the:

7 1. Consent of the Oklahoma Legislature specifically authorizing
8 the sale or export of water; and

9 2. Approval of the people of the state through a vote on a
10 legislative referendum on the question.

11 C. Legislative approval of the sale or export of water as
12 required in subsection B of this section shall be in the form of
13 legislation ordering a legislative referendum. The legislative
14 referendum shall, pursuant to Section 3 of Article V of the Oklahoma
15 Constitution, be ordered and shall be filed with the Secretary of
16 State and addressed to the Governor of the state, who shall submit
17 the same to the people for their approval or rejection at the next
18 general or special election. If the measure which is referred to
19 the people pursuant to this section is approved by a majority of the
20 votes cast, the measure shall take effect and be in force, at which
21 point the contract for or the sale or exportation of surface water
22 or groundwater outside the state shall become effective.

23 D. Nothing in this section shall be construed as affecting or
24 intending to affect:

1 1. Any contract for the sale or exportation of surface water or
2 groundwater outside the state executed prior to the effective date
3 of this act which has received legislative approval or was executed
4 pursuant to law, provided the sale or exportation of surface water
5 or groundwater does not exceed eight million (8,000,000) gallons of
6 water per month; or

7 2. Water contained in agricultural crops, animal and dairy
8 products, beverages, or processed or manufactured products or to
9 products transported in cans, bottles, packages, kegs, or barrels.

10 SECTION 2. 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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