

1 STATE OF OKLAHOMA

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

3 SENATE BILL 1608

By: Fields

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5
6 AS INTRODUCED

7 An Act relating to waters and water rights; creating
8 the Oklahoma Water Center Act; providing short title;
9 creating the Oklahoma Water Center; stating purposes
10 of the Center; providing for additional duties;
11 creating the Board of the Oklahoma Water Center;
12 stating membership of the Board; providing time frame
13 for appointment of Board members; prohibiting
14 compensation for members; providing for travel
15 reimbursement; providing for staffing; making an
16 exemption from certain dual office holding
17 prohibition; providing for application of certain
18 laws; requiring an annual report; establishing
19 advisory and research duties; directing the Center to
20 make recommendations to be included in the Oklahoma
21 Comprehensive Water Plan; specifying issues;
22 establishing duties relating to the transfer of water
23 outside of the state; directing Center to recommend
24 certain fee schedule for transferred water; providing
for review of certain applications; establishing
certain fees; requiring metering, reporting and
submission of severance fees by certain date;
exempting certain permits from the severance fee;
requiring deposit of severance fees in certain
revolving funds; directing the Center to distribute
funds to public agencies for certain projects;
defining term; specifying use of funds for certain
types of water infrastructure projects; requiring
certain public agencies to develop a water
improvement plan; requiring certain approval for
certain projects; requiring written report by certain
public agencies; creating the In-State Water Transfer
Revolving Fund and the Out-of-State Water Transfer
Revolving Fund; making the funds continuing funds;
stating source of funds; specifying use of funds;
requiring expenditures to be on warrants; providing

1 for codification; providing an effective date; and
2 declaring an emergency.

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

5 SECTION 1. NEW LAW A new section of law to be codified
6 in the Oklahoma Statutes as Section 1089.1 of Title 82, unless there
7 is created a duplication in numbering, reads as follows:

8 This act shall be known and may be cited as the "Oklahoma Water
9 Center Act".

10 SECTION 2. NEW LAW A new section of law to be codified
11 in the Oklahoma Statutes as Section 1089.2 of Title 82, unless there
12 is created a duplication in numbering, reads as follows:

13 A. There is hereby created the Oklahoma Water Center. The
14 Center shall be a water science and research advisory council to the
15 Oklahoma Water Resources Board and shall work in conjunction with
16 any regional water planning districts which may be established by
17 law. The Oklahoma Water Center shall assist in the implementation
18 of the Oklahoma Comprehensive Water Plan which is authorized by law
19 and as is updated, and shall recommend to the Oklahoma Water
20 Resources Board a water pricing structure and allocation of funds
21 collected from the sale of water pursuant to the provisions of this
22 act. The Oklahoma Water Resources Board may include provisions in
23 the Oklahoma Comprehensive Water Plan specifying additional duties
24 for the Center.

1 B. The Board of the Oklahoma Water Center shall consist of the
2 following members:

3 1. The Executive Director of the Oklahoma Water Resources Board
4 or a designee;

5 2. The Commissioner of the Oklahoma Department of Agriculture,
6 Food, and Forestry or a designee;

7 3. The Executive Director of the Department of Environmental
8 Quality or a designee;

9 4. The Director of the Department of Wildlife Conservation or a
10 designee;

11 5. The Executive Director of the Oklahoma Conservation
12 Commission or a designee; and

13 6. Two members, one each to be appointed by the President Pro
14 Tempore of the Senate and the Speaker of the House of
15 Representatives, who shall serve four-year terms. Such appointments
16 shall be made within sixty (60) days of the effective date of this
17 act.

18 C. If a vacancy occurs, the vacancy shall be filled for the
19 unexpired term in the same manner as the position was previously
20 appointed.

21 D. Members of the Board of the Oklahoma Water Center shall
22 serve without compensation. Nonlegislative members of the Board
23 shall be reimbursed for travel in the performance of their official
24 duties in accordance with the State Travel Reimbursement Act.

1 Legislative members of the Board shall be reimbursed in accordance
2 with the provisions of Section 456 of Title 74 of the Oklahoma
3 Statutes.

4 E. The Oklahoma Water Resources Board shall provide staff
5 support for the Oklahoma Water Center.

6 F. Members who serve on the Board of the Oklahoma Water Center
7 shall be exempt from the dual office holding prohibitions of Section
8 6 of Title 51 of the Oklahoma Statutes.

9 G. The Oklahoma Water Center shall act in accordance with the
10 provisions of the Oklahoma Open Meeting Act and the Oklahoma Open
11 Records Act.

12 H. The Oklahoma Water Center shall submit a report to the
13 Governor, President Pro Tempore of the Senate, and Speaker of the
14 House of Representatives by December 31 each year.

15 SECTION 3. NEW LAW A new section of law to be codified
16 in the Oklahoma Statutes as Section 1089.3 of Title 82, unless there
17 is created a duplication in numbering, reads as follows:

18 A. The Oklahoma Water Center shall have the following advisory
19 and research duties:

20 1. Act as a water science and research advisory council to the
21 Oklahoma Water Resources Board in implementing the Oklahoma
22 Comprehensive Water Plan;

23 2. Review state and federal assistance opportunities for
24 coordinated research, planning, design, and construction for water-

1 related environmental infrastructure and resource protection and
2 development projects, including projects for water supply, storage,
3 treatment, and related facilities, water quality protection,
4 wastewater treatment, and related facilities, environmental
5 restoration, and surface water resource protection, flood control,
6 recreation, and development, as identified in the Oklahoma
7 Comprehensive Water Plan;

8 3. Recommend a set of water management tools customized to each
9 regional water planning district in the state;

10 4. Recommend specific actions to implement the provisions of
11 the Oklahoma Comprehensive Water Plan which will:

12 a. promote stewardship of the water resources of the
13 state,

14 b. protect and maintain water rights and the priority
15 status of all legally authorized entities, including
16 federally recognized tribal governments,

17 c. protect the diverse customs, culture, environment and
18 economic stability of the state,

19 d. protect both the water supply and water quality of
20 water in the state,

21 e. promote cooperative strategies, based on concern for
22 meeting the basic needs of all Oklahomans,

23 f. meet the interstate compact obligations of the state,
24

1 g. provide a basis for prioritizing infrastructure
2 investment, and

3 h. provide statewide continuity of policy and management
4 relative to water resources of the state; and

5 5. Perform other duties as may be identified in the Oklahoma
6 Comprehensive Water Plan.

7 B. The Oklahoma Water Center shall make recommendations for
8 inclusion in the Oklahoma Comprehensive Water Plan addressing the
9 following issues:

10 1. Identifying water conservation strategies and policies that
11 will maximize the beneficial use of water, including reuse and
12 recycling to promote nonforfeiture of water rights;

13 2. Promoting drought management planning designed to address
14 drought emergencies, strategies for prevention of drought-related
15 emergencies in the future and coordination of statewide drought
16 planning;

17 3. Recognizing the relationship between water availability and
18 land-use decisions;

19 4. Promoting river riparian and watershed restoration projects
20 that focus on protecting water supplies, improving water quality and
21 complying with federal Endangered Species Act of 1973 mandates;

22 5. Developing water rights transfer policies that protect the
23 legal authority, customs, culture, environment and economic health
24 and stability of the diverse communities in the state while

1 providing for timely and efficient transfers of water between uses
2 to meet both short-term shortages and long-term economic development
3 needs;

4 6. Implementing strategies and mechanisms for achieving
5 coordination with all levels of local, state, federal and tribal
6 governments;

7 7. Integrating regional water plans developed by regional water
8 planning districts with state water plan policies and strategies, if
9 appropriate and consistent;

10 8. Integrating water plans of water supply purveyors, including
11 those of local governments, privately owned public utilities,
12 associations, cooperatives and irrigation districts with state water
13 plan policies and strategies, as appropriate and consistent;

14 9. Identifying water-related infrastructure and management
15 investment needs and opportunities to leverage federal and other
16 funding;

17 10. Collaborating with the research institutions and entities
18 in the state to address the water challenges of the state and to
19 promote demonstration projects in desalination, conservation,
20 watershed restoration, weather modification and other technological
21 approaches to enhance water supply and management; and

22 11. Developing and encouraging the adoption of water
23 conservation plans and drought response plans, specifying minimum
24 components for the conservation and drought plans, and giving

1 priority consideration for financial assistance made available
2 through limited state and federal funding to water users that have
3 adopted water conservation and drought plans.

4 SECTION 4. NEW LAW A new section of law to be codified
5 in the Oklahoma Statutes as Section 1089.4 of Title 82, unless there
6 is created a duplication in numbering, reads as follows:

7 The Oklahoma Water Center shall have the following authority and
8 duties relating to the transfer of water:

9 1. Development of a severance fee schedule for the transfer of
10 water apportioned to Oklahoma by interstate compacts outside the
11 state, subject to the provisions of Section 105.12A of Title 82 of
12 the Oklahoma Statutes, and the transfer of water between regional
13 water planning districts. The severance fee schedule shall be
14 adopted for use by the Oklahoma Water Resources Board;

15 2. Review, recommend and advise the Oklahoma Water Resources
16 Board on applications submitted to the Board for transfer of any
17 water apportioned to Oklahoma by interstate compacts outside the
18 state and between regional water planning districts and to advise
19 the Board on the issuance of a regular, temporary, or provisional
20 permit. The Board may disapprove an application if the Board
21 determines that the amount of such water requested will interfere
22 with the amount needed for use within the state or the basin of
23 origin or that the proposed beneficial use will interfere with
24 existing or proposed beneficial uses within the state; and

1 3. Review any proposed applications for the storage, diversion,
2 or carriage of water to be transferred and monitor the completion of
3 the project.

4 SECTION 5. NEW LAW A new section of law to be codified
5 in the Oklahoma Statutes as Section 1089.5 of Title 82, unless there
6 is created a duplication in numbering, reads as follows:

7 A. For new permits approved after the effective date of this
8 act by the Oklahoma Water Resources Board for the use of water
9 apportioned to Oklahoma by interstate compacts to be transferred
10 outside the state or transferred between regional water planning
11 districts, there is hereby levied upon the use of the water a
12 severance fee based on the acre-foot volume of water transferred.
13 The amount of severance fee shall be recommended by the Oklahoma
14 Water Center and adopted by the Oklahoma Water Resources Board. The
15 Center shall require permit holders to meter and report the volume
16 of water used annually and to submit the severance fee by June 30 of
17 each year.

18 B. Any modification or renewal of a permit issued prior to the
19 effective date of this act for the use of any water which transfers
20 the water outside the state or out of the basin of origin within the
21 state shall be exempt from the severance fee authorized pursuant to
22 this section.

23 C. All monies collected by the Center from the water severance
24 fees levied pursuant to this section shall be deposited as directed

1 in the Out-of-State Water Transfer Revolving Fund created in Section
2 8 of this act or the In-State Water Transfer Revolving Fund created
3 in Section 9 of this act.

4 SECTION 6. NEW LAW A new section of law to be codified
5 in the Oklahoma Statutes as Section 1089.6 of Title 82, unless there
6 is created a duplication in numbering, reads as follows:

7 A. The Oklahoma Water Center shall distribute all severance
8 fees collected from the sale of water outside the state pursuant to
9 Section 5 of this act and deposited in the Out-of-State Water
10 Transfer Revolving Fund to public agencies for projects as
11 established in this act.

12 B. For purposes of the Oklahoma Water Center Act, a "public
13 agency" shall be as defined in the Interlocal Cooperation Act,
14 except public agencies of other states.

15 C. All monies deposited in the Out-of-State Water Transfer
16 Revolving Fund shall be distributed pursuant to this act and be used
17 by the public agency for the development of water infrastructure
18 facilities in the state, including but not limited to water
19 facilities and sewage facilities.

20 D. Each public agency receiving funds shall develop and adopt a
21 water improvement plan which shall establish a priority for the
22 implementation of projects using funds distributed pursuant to this
23 act.

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1 E. Any project using funds distributed to a public agency
2 pursuant to the Oklahoma Water Center Act shall be approved by a
3 majority of the governing body of the public agency.

4 F. Each public agency which receives funds from the Out-of-
5 State Water Transfer Revolving Fund during the preceding fiscal year
6 shall make a written report to the Oklahoma Water Center outlining
7 the expenditure of the funds and any other information the Center
8 may require.

9 SECTION 7. NEW LAW A new section of law to be codified
10 in the Oklahoma Statutes as Section 1089.7 of Title 82, unless there
11 is created a duplication in numbering, reads as follows:

12 A. The Oklahoma Water Center shall distribute all severance
13 fees collected from the transfer of water in-state between regional
14 water planning districts pursuant to Section 5 of this act and
15 deposited in the In-State Water Transfer Revolving Fund. Monies
16 accruing to the fund shall be earmarked for use within the regional
17 water planning district which was the basin of origin.

18 B. All monies deposited in the fund shall be distributed
19 pursuant to this act and used within the regional water planning
20 district which was the basin of origin for the development of water
21 infrastructure facilities in the region, including but not limited
22 to water facilities and sewage facilities.

23 C. Each regional water planning district shall develop and
24 adopt a water improvement plan which shall establish a priority for

1 the implementation of projects using funds distributed pursuant to
2 this act.

3 D. Each regional water planning district which receives funds
4 from the In-State Water Transfer Revolving Fund shall make a written
5 report to the Oklahoma Water Center outlining the expenditure of the
6 funds and any other information the Center may require.

7 SECTION 8. NEW LAW A new section of law to be codified
8 in the Oklahoma Statutes as Section 1089.8 of Title 82, unless there
9 is created a duplication in numbering, reads as follows:

10 There is hereby created in the State Treasury a revolving fund
11 for the Oklahoma Water Resources Board to be designated the "Out-of-
12 State Water Transfer Revolving Fund". The fund shall be a
13 continuing fund, not subject to fiscal year limitations, and shall
14 consist of all monies received by the Oklahoma Water Resources Board
15 from the water severance fee levied pursuant to Section 5 of this
16 act. All monies accruing to the credit of the fund are hereby
17 appropriated and may be budgeted and distributed by the Oklahoma
18 Water Resources Board, in consultation with the Oklahoma Water
19 Center, as provided in Section 6 of this act. Expenditures from the
20 fund shall be made upon warrants issued by the State Treasurer
21 against claims filed as prescribed by law with the Director of State
22 Finance for approval and payment.

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1 SECTION 9. NEW LAW A new section of law to be codified
2 in the Oklahoma Statutes as Section 1089.9 of Title 82, unless there
3 is created a duplication in numbering, reads as follows:

4 There is hereby created in the State Treasury a revolving fund
5 for the Oklahoma Water Resources Board to be designated the "In-
6 State Water Transfer Revolving Fund". The fund shall be a
7 continuing fund, not subject to fiscal year limitations, and shall
8 consist of all monies received by the Oklahoma Water Resources Board
9 from the water severance fee levied pursuant to Section 5 of this
10 act. All monies accruing to the credit of the fund are hereby
11 appropriated and may be budgeted and distributed by the Oklahoma
12 Water Resources Board, in consultation with the Oklahoma Water
13 Center, as provided in Section 7 of this act. Expenditures from the
14 fund shall be made upon warrants issued by the State Treasurer
15 against claims filed as prescribed by law with the Director of State
16 Finance for approval and payment.

17 SECTION 10. This act shall become effective July 1, 2012.

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

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