

1 STATE OF OKLAHOMA

2 1st Session of the 53rd Legislature (2011)

3 SENATE BILL 18

By: Ellis

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5
6 AS INTRODUCED

7 An Act relating to water sale or exportation;
8 amending Section 1, Chapter 485, O.S.L. 2002, as
9 amended by Section 1, Chapter 392, O.S.L. 2004 (82
10 O.S. Supp. 2010, Section 1B), which relates to
11 moratorium on sale or exportation of water; extending
12 time period for certain moratorium; amending Section
13 3, Chapter 485, O.S.L. 2002, as amended by Section 2,
14 Chapter 392, O.S.L. 2004 (74 O.S. Supp. 2010, Section
15 1221.A), which relates to moratorium on certain
16 compact agreements; extending time period for certain
17 moratorium; and declaring an emergency.

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

19 SECTION 1. AMENDATORY Section 1, Chapter 485, O.S.L.
20 2002, as amended by Section 1, Chapter 392, O.S.L. 2004 (82 O.S.
21 Supp. 2010, Section 1B), is amended to read as follows:

22 Section 1B. A. In order to provide for the conservation,
23 preservation, protection and optimum development and utilization of
24 surface water and groundwater within Oklahoma, the Legislature
hereby establishes a moratorium on the sale or exportation of
surface water and/or groundwater outside this state pursuant to the

1 provisions of this section. Unless otherwise repealed or revoked by
2 the Oklahoma Legislature, the moratorium shall be in effect ~~for a~~
3 ~~five year period beginning on the effective date of this act~~ until
4 January 1, 2012, or until such time as the State of Oklahoma
5 conducts and completes a comprehensive scientific hydrological study
6 of the water resources of this state.

7 B. Subject to the moratorium set by subsection A of this
8 section, no state agency, authority, board, commission, committee,
9 department, trust or other instrumentality of this state or
10 political subdivision thereof, nor elected or appointed officer,
11 member of any governing body or other person designated to act for
12 an agency or on behalf of the state, or a political subdivision
13 thereof shall contract for the sale or exportation of surface water
14 or groundwater outside the state, or sell or export surface water or
15 groundwater outside the state without the consent of the Oklahoma
16 Legislature specifically authorizing such sale or export of water.

17 C. Nothing in this section shall be construed as affecting or
18 intending to affect:

19 1. Any contract for the sale or exportation of surface water or
20 groundwater outside the state executed prior to ~~the effective date~~
21 ~~of this act~~ November 1, 2004, which has received legislative
22 approval or was executed pursuant to law, provided such sale or
23 exportation of surface water or groundwater does not exceed eight
24 million (8,000,000) gallons of water per month; or

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

4 SECTION 2. AMENDATORY Section 3, Chapter 485, O.S.L.
5 2002, as amended by Section 2, Chapter 392, O.S.L. 2004 (74 O.S.
6 Supp. 2010, Section 1221.A), is amended to read as follows:

7 Section 1221.A. In order to provide for the conservation,
8 preservation, protection and optimum development and utilization of
9 surface water and groundwater within this state, the Legislature
10 hereby establishes a moratorium on any state or tribal compact or
11 any intergovernmental cooperative agreement, authorized pursuant to
12 law, which is drafted in whole or in part to apportion surface water
13 or groundwater ownership, or authorize or otherwise implement any
14 sale or exportation of surface water or groundwater outside this
15 state, except as authorized by the provisions of this act. Unless
16 earlier repealed or revoked by the Legislature, the moratorium shall
17 be in effect ~~for a five-year period beginning on the effective date~~
18 ~~of this act~~ until January 1, 2012, or until such time as the State
19 of Oklahoma conducts and completes a comprehensive scientific
20 hydrological study of the water resources of this state.

21 SECTION 3. It being immediately necessary for the preservation
22 of the public peace, health and safety, an emergency is hereby
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1 declared to exist, by reason whereof this act shall take effect and
2 be in full force from and after its passage and approval.

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