

1 STATE OF OKLAHOMA

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

3 SENATE BILL 596

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; creating the Oklahoma  
9 Water Center; stating purposes of the Center;  
10 providing for additional duties; creating the Board  
11 of the Oklahoma Water Center; stating membership of  
12 the Board; prohibiting compensation for members;  
13 providing for staffing; making an exemption from  
14 certain dual office holding prohibition; providing  
15 for application of certain laws; requiring an annual  
16 report; establishing advisory and research duties;  
17 directing the Center to make recommendations to be  
18 included in the Oklahoma Comprehensive Water Plan;  
19 specifying issues; establishing duties relating to  
20 the transfer of water outside of the state; directing  
21 Center to recommend certain fee schedule for water  
22 transferred outside the state; requiring metering,  
23 reporting and submission of severance fees by certain  
24 date; exempting certain permits from the severance  
25 fee; requiring deposit of severance fee monies in the  
26 Oklahoma Water Center Revolving Fund; directing the  
27 Center to distribute funds to public agencies for  
28 certain projects; defining term; specifying use of  
29 funds for certain types of water infrastructure  
30 projects; requiring certain public agencies to  
31 develop a water improvement plan; requiring certain  
32 approval for certain projects; requiring written  
33 report by certain public agencies; creating the  
34 Oklahoma Water Center Revolving Fund; making the Fund  
35 a continuing fund; stating source of funds;  
36 specifying use of funds; requiring expenditures to be  
37 on warrants; providing for noncodification; providing  
38 for codification; providing an effective date; and  
39 declaring an emergency.

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

2 SECTION 1. NEW LAW A new section of law not to be  
3 codified in the Oklahoma Statutes reads as follows:

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

6 SECTION 2. NEW LAW A new section of law to be codified  
7 in the Oklahoma Statutes as Section 1089.1 of Title 82, unless there  
8 is created a duplication in numbering, reads as follows:

9 A. There is hereby created the Oklahoma Water Center. The  
10 Center shall be a water science and research advisory council to the  
11 Oklahoma Water Resources Board, shall assist in the implementation  
12 of the Oklahoma Comprehensive Water Plan which is authorized by law  
13 and as is updated, and shall recommend to the Oklahoma Water  
14 Resources Board a water pricing structure and allocation of funds  
15 collected from the sale of water pursuant to the provisions of this  
16 act. The Oklahoma Water Resources Board may include provisions in  
17 the Oklahoma Comprehensive Water Plan specifying additional duties  
18 for the Center.

19 B. The Board of the Oklahoma Water Center shall consist of the  
20 following members:

21 1. The Executive Director of the Oklahoma Water Resources Board  
22 or a designee;

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

1           3. The Executive Director of the Department of Environmental  
2 Quality or a designee;

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

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

7           6. Two members one each to be appointed by the President Pro  
8 Tempore of the Senate and the Speaker of the House of  
9 Representatives, who shall serve two year terms. Such appointments  
10 shall be made within sixty days of the effective date of this act.

11           C. Members of the Board of the Oklahoma Water Center shall  
12 serve without compensation.

13           D. The Oklahoma Water Resources Board shall provide staff  
14 support for the Oklahoma Water Center.

15           E. Members who serve on the Board of the Oklahoma Water Center  
16 shall be exempt from the dual office holding prohibitions of Section  
17 6 of Title 51 of the Oklahoma Statutes.

18           F. The Oklahoma Water Center shall act in accordance with the  
19 provisions of the Oklahoma Open Meeting Act and the Oklahoma Open  
20 Records Act.

21           G. The Oklahoma Water Center shall submit a report to the  
22 Governor, President Pro Tempore of the Senate, and Speaker of the  
23 House of Representatives by December 31 each year.

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1 SECTION 3. NEW LAW A new section of law to be codified  
2 in the Oklahoma Statutes as Section 1089.2 of Title 82, unless there  
3 is created a duplication in numbering, reads as follows:

4 A. The Oklahoma Water Center shall have the following advisory  
5 and research duties:

6 1. Act as a water science and research advisory council to the  
7 Oklahoma Water Resources Board in implementing the Oklahoma  
8 Comprehensive Water Plan;

9 2. Review state and federal assistance opportunities for  
10 coordinated research, planning, design, and construction for water-  
11 related environmental infrastructure and resource protection and  
12 development projects, including projects for water supply, storage,  
13 treatment, and related facilities, water quality protection,  
14 wastewater treatment, and related facilities, environmental  
15 restoration, and surface water resource protection, flood control,  
16 recreation, and development, as identified in the Oklahoma  
17 Comprehensive Water Plan;

18 3. Recommend a set of water management tools customized to each  
19 watershed planning region of the state;

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

22 a. promote stewardship of the water resources of the  
23 state,

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- b. protect and maintain water rights and the priority status of all legally authorized entities, including federally recognized tribal governments,
- c. protect the diverse customs, culture, environment and economic stability of the state,
- d. protect both the water supply and water quality of water in the state,
- e. promote cooperative strategies, based on concern for meeting the basic needs of all Oklahomans,
- f. meet the interstate compact obligations of the state,
- g. provide a basis for prioritizing infrastructure investment, and
- h. provide statewide continuity of policy and management relative to water resources of the state; and

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

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

1. Identify water conservation strategies and policies that will maximize the beneficial use of water, including reuse and recycling by conjunctive management of water resources to promote nonforfeiture of water rights;

1           2. Promote drought management planning designed to address  
2 drought emergencies, strategies for prevention of drought-related  
3 emergencies in the future and coordination of statewide drought  
4 planning;

5           3. Recognition of the relationship between water availability  
6 and land-use decisions;

7           4. Promote river riparian and watershed restoration projects  
8 that focus on protecting water supplies, improving water quality and  
9 complying with federal Endangered Species Act of 1973 mandates;

10          5. Develop water rights transfer policies that protect the  
11 legal authority, customs, culture, environment and economic health  
12 and stability of the diverse communities in the state while  
13 providing for timely and efficient transfers of water between uses  
14 to meet both short-term shortages and long-term economic development  
15 needs;

16          6. Implement strategies and mechanisms for achieving  
17 coordination with all levels of local, state, federal and tribal  
18 governments;

19          7. Integration of regional water plans with state water plan  
20 policies and strategies, if appropriate and consistent;

21          8. Integration of water plans of water supply purveyors,  
22 including those of local governments, privately owned public  
23 utilities, associations, cooperatives and irrigation districts with  
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1 state water plan policies and strategies, as appropriate and  
2 consistent;

3 9. Identify water-related infrastructure and management  
4 investment needs and opportunities to leverage federal and other  
5 funding;

6 10. Collaborate with the research institutions and entities in  
7 the state to address the water challenges of the state and to bring  
8 to the state demonstration projects in desalination, conservation,  
9 watershed restoration, weather modification and other technological  
10 approaches to enhance water supply and management; and

11 11. Develop and encourage the adoption of water conservation  
12 plans and drought response plans, specifying minimum components for  
13 the conservation and drought plans, and giving priority  
14 consideration for financial assistance made available through  
15 limited state and federal funding to water users that have adopted  
16 water conservation and drought plans.

17 SECTION 4. NEW LAW A new section of law to be codified  
18 in the Oklahoma Statutes as Section 1089.3 of Title 82, unless there  
19 is created a duplication in numbering, reads as follows:

20 The Oklahoma Water Center shall have the following authority and  
21 duties relating to the transfer of water for use outside the state:

22 1. Development of a severance fee schedule for the transfer of  
23 water outside the state. The severance fee schedule shall be  
24 adopted for use by the Oklahoma Water Resources Board;

1           2. Review, recommend and advise the Oklahoma Water Resources  
2 Board on applications submitted to the Board for transfer of any  
3 water outside the state and to advise the Board on the issuance of a  
4 regular, temporary, or provisional permit. The Board may disapprove  
5 an application if the Board determines the amount of water requested  
6 will interfere with the amount needed for use within the state or  
7 that the proposed beneficial use will interfere with existing or  
8 proposed beneficial uses within the state; and

9           3. Review any proposed applications for the storage, diversion,  
10 or carriage of water to be transferred outside the state and monitor  
11 the completion of the project.

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

15           A. For new permits approved after the effective date of this  
16 act by the Oklahoma Water Resources Board for the use of water to be  
17 transferred outside the state, there is hereby levied upon the use  
18 of the water a severance fee based on the acre-foot volume of water  
19 transferred. The amount of severance fee shall be recommended by  
20 the Oklahoma Water Center and adopted by the Oklahoma Water  
21 Resources Board. The Center shall require permit holders to meter  
22 and report the volume of water used annually and to submit the  
23 severance fee by June 30 of each year.

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1 B. Any modification or renewal of a permit issued prior to the  
2 effective date of this act for the use of any water which transfers  
3 the water outside the state shall be exempt from the severance fee  
4 authorized pursuant to this section.

5 C. All monies collected by the Center from the water severance  
6 fee levied pursuant to this section shall be deposited in the  
7 Oklahoma Water Center Revolving Fund created in Section 8 of this  
8 act.

9 SECTION 6. NEW LAW A new section of law to be codified  
10 in the Oklahoma Statutes as Section 1089.5 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 pursuant to Section 5 of  
14 this act and deposited in the Oklahoma Water Center Revolving Fund  
15 to public agencies for projects as established in Section 7 of this  
16 act.

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

20 SECTION 7. NEW LAW A new section of law to be codified  
21 in the Oklahoma Statutes as Section 1089.6 of Title 82, unless there  
22 is created a duplication in numbering, reads as follows:

23 A. All funds distributed by the Oklahoma Water Center to public  
24 agencies as provided for in Section 6 of this act shall be used by

1 the public agency for the development of water infrastructure  
2 facilities in the state, including but not limited to water  
3 facilities and sewage facilities.

4 B. Each public agency receiving funds shall develop and adopt a  
5 water improvement plan which shall establish a priority for the  
6 implementation of projects using funds distributed pursuant to the  
7 Oklahoma Water Center Act.

8 C. Any project using funds distributed to a public agency  
9 pursuant to the Oklahoma Water Center Act shall be approved by a  
10 majority of the governing body of the public agency.

11 D. Each public agency which receives funds from the Oklahoma  
12 Water Center Revolving Fund during the preceding fiscal year shall  
13 make a written report to the Oklahoma Water Center outlining the  
14 expenditure of the funds and any other information the Center may  
15 require.

16 SECTION 8. NEW LAW A new section of law to be codified  
17 in the Oklahoma Statutes as Section 1089.7 of Title 82, unless there  
18 is created a duplication in numbering, reads as follows:

19 There is hereby created in the State Treasury a revolving fund  
20 for the Oklahoma Water Resources Board to be designated the  
21 "Oklahoma Water Center Revolving Fund". The fund shall be a  
22 continuing fund, not subject to fiscal year limitations, and shall  
23 consist of all monies received by the Oklahoma Water Resources Board  
24 from the water severance fee levied pursuant to Section 5 of this

1 act. All monies accruing to the credit of said fund are hereby  
2 appropriated and may be budgeted and distributed by the Oklahoma  
3 Water Resources Board, in consultation with the Oklahoma Water  
4 Center, as provided for in Sections 6 and 7 of this act.

5 Expenditures from said fund shall be made upon warrants issued by  
6 the State Treasurer against claims filed as prescribed by law with  
7 the Director of State Finance for approval and payment.

8 SECTION 9. This act shall become effective July 1, 2011.

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

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