

1 STATE OF OKLAHOMA

2 1st Session of the 54th Legislature (2013)

3 HOUSE BILL 1274

By: Renegar

4
5 AS INTRODUCED

6 An Act relating to waters and water rights; creating
7 the Regional Water Planning Act; stating legislative
8 findings; providing for the division of the state
9 into water regions; stating criteria for the
10 division; creating Regional Water Planning Councils
11 to correlate with the water regions; stating duty and
12 responsibility of the Councils; making the Councils
13 advisory; providing for meetings; providing for
14 membership of each Council; providing for invitation
15 for appointments to be made to certain tribes;
16 providing for officers; directing each Council to
17 develop organizational documents; providing for
18 vacancies; providing for a Regional Water Planning
19 Council Coordinating Committee; requiring certain
20 number of meetings; stating responsibilities of the
21 Coordinating Committee; requiring each Council to
22 develop a regional water plan; stating minimum
23 contents of each plan; specifying phases of the
24 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
the Councils; allowing for funding of competitive
grants; providing for priority for certain grant
awards; providing for codification; providing an
effective date; and 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 to be codified
3 in the Oklahoma Statutes as Section 1086.11 of Title 82, unless
4 there is created a duplication in numbering, reads as follows:

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

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

10 The Legislature finds that:

11 1. Development and implementation of the statewide Oklahoma
12 Comprehensive Water Plan is best served by the development and
13 incorporation of water plans developed by water users and
14 stakeholders at the local and regional level;

15 2. Continuity and regulatory certainty must be maintained
16 through the continued regulation and allocation of water at the
17 state level, yet the prioritization of issues and concerns unique to
18 each region, coupled with the development of plans to address the
19 issues and concerns, should be entrusted to the lowest possible
20 level of decision-making;

21 3. To this end, the 2012 Update to the Oklahoma Comprehensive
22 Water Plan recommended that the Legislature authorize the creation
23 of regional planning groups to involve local stakeholders in
24 planning and implementing regionally appropriate water plans

1 consisting of the identification of specific projects, studies,
2 programs, research and other evaluations designed to address the
3 unique needs and issues identified by the regional planning group
4 participants; and

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

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

11 A. For the purposes of the Regional Water Planning Act, the
12 State of Oklahoma shall be divided into nine regions. The regions
13 shall be delineated to maintain as much continuity as possible
14 between major surface water basins, such as the thirteen regional
15 watershed planning regions designated in the 2012 Update, while at
16 the same time avoiding division of major groundwater basins,
17 prominent water service territories, political subdivision
18 boundaries, existing water planning areas, and other important
19 factors.

20 B. There are hereby created a total of nine Regional Water
21 Planning Councils, to consist of one council for each of the nine
22 regions described in subsection A of this section. The primary duty
23 and responsibility of the Councils shall be to develop regional
24 water plans, as well as to provide recommendations and other input,

1 for submission to the Oklahoma Water Resources Board and other state
2 environmental agencies as provided in this act. The role and
3 functions of the Councils shall be advisory, and they shall have no
4 authority, regulatory or otherwise, except as expressly provided in
5 this act.

6 C. Meetings of the Councils shall be held at the call of the
7 chairs of the Councils.

8 D. Each Regional Water Planning Council shall consist of
9 fifteen (15) appointed members. The Governor, Speaker of the House
10 of Representatives, and President Pro Tempore of the Senate shall
11 each have two appointments to each Council. The Governor shall
12 appoint two members to each Council who shall be well versed in
13 recreation and irrigation water uses. The President Pro Tempore of
14 the Senate shall appoint two members to each Council who shall be
15 well versed in municipal and rural residential water uses. The
16 Speaker of the House of Representatives shall appoint two members to
17 each Council who shall be well versed in agricultural and industrial
18 water uses and water interests. All boards of county commissioners
19 that have territory in a region shall together have a total of six
20 appointments to the Council for that region. The six appointments
21 shall be selected by majority vote of all county commissioner board
22 members in the region. The boards of directors of any special-
23 purpose districts including any irrigation district, conservancy
24 district, regional water district or rural water district organized

1 pursuant to Title 82 of the Oklahoma Statutes included within the
2 region shall together have a total of three appointments to the
3 Council for that region, any or all of which may be made from among
4 all the directors of the special-purpose district or districts who
5 reside in that region. The three appointments shall be selected by
6 majority vote of all special-purpose district board members and
7 directors in the region. The boards of county commissioners and the
8 boards of directors of special-purpose districts shall ensure
9 adequate representation from the interests comprising that region,
10 including the public, counties, municipalities, industries,
11 agriculture, environment, tourism, recreation, small business,
12 electrical generation, oil and gas, water districts and water
13 utilities. One member of the Oklahoma Water Resources Board shall
14 serve as an ex officio nonvoting member of each Council. Any
15 federally recognized tribe whose tribal jurisdictional area is
16 located within a region shall be invited by the Council to appoint a
17 representative of the tribal government to serve as an ex officio
18 nonvoting member of the Council. Initial appointments to each
19 Council shall be made on or before December 31, 2013.

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

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

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

8 H. The chairs of the Councils shall comprise a Regional Water
9 Planning Council Coordinating Committee which shall meet at least
10 three times per year at the call of the Executive Director of the
11 Oklahoma Water Resources Board. The Coordinating Committee shall
12 have the opportunity to report to and receive input from the
13 Oklahoma Water Resources Board at regular meetings of the Oklahoma
14 Water Resources Board, and from time to time may make
15 recommendations on water law and policy to the Oklahoma Water
16 Resources Board and other relevant state environmental agencies.

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

20 A. Each of the Regional Water Planning Councils created in
21 Section 3 of this act shall develop a water plan which satisfies the
22 provisions of the Regional Water Planning Act for its respective
23 region.

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

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

8 2. Identify sources of water in or feasibly available to users
9 in the region;

10 3. Enhance economic development and protect the agricultural
11 and natural resources of the particular region;

12 4. Consider the relative merits for that region of the types of
13 projects, studies and programs listed in subsection C of this
14 section; and

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

17 C. 1. Phase 1 of each regional water planning process shall be
18 the creation of a prioritization of projects, studies and programs
19 pertinent to that region that build upon the most recent update of
20 the Oklahoma Comprehensive Water Plan and the collective desire of
21 that Council. The types of projects, studies and programs that may
22 be included in the prioritization are, but are not limited to, the
23 following:

24 a. water quality improvement,

- b. wastewater reuse,
- c. identification of alternative supplies such as marginal quality water and artificial recharge,
- d. development of regional or consolidated supply systems such as reservoirs, well fields and infrastructure that would improve service within the region and take advantage of economies of scale while reducing the infrastructure financing needs,
- e. education programs regarding conservation and water quality protection,
- f. out-of-region supplies,
- g. irrigation needs and efficiency considerations, and
- h. stream segments, springs, reservoirs, or other identified water resources having unique value that may warrant special protection or treatment.

The prioritization shall include specifics about each item identified, the need proposed to be met, time frames for completion, and cost. Phase 1 shall also incorporate, to the greatest extent practicable, any water plans developed by municipalities, irrigation districts, conservancy districts, regional water districts and rural water districts within the region that are submitted by the local entities to the Council. Prior to the preparation of the prioritization, the Council shall, after notice, hold at least one public meeting within the region to gather suggestions and

1 recommendations from the public as to issues that should be
2 addressed in the plan or provisions that should be considered for
3 inclusion in the plan. Thereafter, the Council shall provide an
4 ongoing opportunity for public input until the prioritization is
5 completed. Phase 1 shall be completed no later than the date which
6 is two (2) years following the effective date of this act.

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

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

- 13 a. an evaluation of the accomplishments of the preceding
14 eight (8) years,
- 15 b. an incorporation of those results into a plan for the
16 next fifty (50) years,
- 17 c. an updated analysis of the supply and demand forecasts
18 for the region, and
- 19 d. specific recommendations regarding the needs and
20 priorities for the region for the next fifty (50)
21 years.

22 After the comprehensive regional water plan is drafted but
23 before it is finalized, the Council shall, after notice, hold at
24 least one public meeting within the region to gather input on the

1 draft plan. Thereafter, the Council shall finalize the
2 comprehensive regional water plan. Phase 3 shall be completed no
3 later than the date which is ten (10) years following the effective
4 date of this act.

5 D. Notice of each public meeting required by subsection C of
6 this section shall be submitted at least forty-five (45) days prior
7 to the date of the meeting in the form of a press release to at
8 least one newspaper of general circulation in each county located in
9 whole or in part in the region for publication as a public service
10 announcement at the discretion of the editor of the newspaper.

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

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

4 Upon the availability of funding, and subject to any
5 appropriations that may be made by the Legislature to the Oklahoma
6 Water Resources Board for such purposes, funding to complete the
7 Phase 1 and Phase 3 work of the Regional Water Planning Councils as
8 set forth in Section 4 of this act shall be divided equally among
9 the Councils. The Legislature may make additional funding available
10 to the Oklahoma Water Resources Board for award of competitive
11 grants to the Councils. Upon the availability of funding, the
12 competitive grants shall be used to complete the Phase 2 work,
13 including but not limited to costs of detailed reconnaissance,
14 feasibility studies or actual project construction within the
15 regions. Priority for grant awards shall be given to Councils who
16 contribute a share of the costs of the underlying study or
17 construction.

18 SECTION 6. This act shall become effective July 1, 2013.

19 SECTION 7. It being immediately necessary for the preservation
20 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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