

1 STATE OF OKLAHOMA

2 2nd Session of the 55th Legislature (2016)

3 HOUSE JOINT
4 RESOLUTION 1039

By: Renegar

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7 AS INTRODUCED

8 A Joint Resolution directing the Secretary of State
9 to refer to the people for their approval or
10 rejection a proposed amendment to the Constitution of
11 the State of Oklahoma by adding a new Section 13 to
12 Article XXIII; prohibiting the sale or exportation of
13 surface water or groundwater outside the state until
14 certain conditions are met; directing the Oklahoma
15 Water Resources Board to make certain determination;
16 prohibiting public agencies, officers and employees
17 from selling or exporting water outside the state
18 until certain conditions are met; providing certain
19 exceptions; providing ballot title; and directing
20 filing.

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BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES AND THE SENATE OF THE
2ND SESSION OF THE 55TH OKLAHOMA LEGISLATURE:

SECTION 1. The Secretary of State shall refer to the people for
their approval or rejection, as and in the manner provided by law,
the following proposed amendment to the Constitution of the State of
Oklahoma by adding a new Section 13 to Article XXIII thereof, to
read as follows:

1 Section 13. A. In order to provide for the conservation,
2 preservation, protection and optimum development and utilization of
3 surface water and groundwater within Oklahoma, the sale or
4 exportation of surface water and groundwater outside this state is
5 hereby prohibited until not one area of the state is suffering from
6 a shortage of water and every area of the state has a continuing
7 adequate supply of water that is required to meet all the beneficial
8 uses of the area, except as otherwise authorized pursuant to this
9 section.

10 B. The Oklahoma Water Resources Board shall conduct annual and
11 ongoing evaluations to determine when not one area of the state is
12 suffering from a shortage of water and every area of the state has a
13 continuing adequate supply of water that is required to meet all the
14 beneficial uses of the area.

15 C. Every state agency, authority, board, commission, committee,
16 department, trust or other instrumentality of this state or
17 political subdivision thereof, or elected or appointed officer,
18 member of any governing body or other person designated to act for
19 an agency or on behalf of the state or a political subdivision
20 thereof shall be prohibited from contracting for the sale or
21 exportation of surface water or groundwater outside the state and
22 from selling or exporting surface water or groundwater outside the
23 state until the Oklahoma Water Resources Board makes the
24 determination as provided for in subsection B of this section.

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

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

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

12 SECTION 2. The Ballot Title for the proposed Constitutional
13 amendment as set forth in SECTION 1 of this resolution shall be in
14 the following form:

15 BALLOT TITLE

16 Legislative Referendum No. _____ State Question No. _____

17 THE GIST OF THE PROPOSITION IS AS FOLLOWS:

18 This resolution amends the Oklahoma Constitution. It adds a new
19 section to Article 23. It prohibits the sale or exportation of
20 surface water or groundwater outside of the state. The
21 prohibition lasts until not one area of the state has a shortage
22 of water supply. The Oklahoma Water Resources Board will
23 determine when all areas of the state have an adequate water
24 supply. All public entities, officers and employees are

1 prohibited from selling or exporting water. The prohibition
2 lasts until the Board makes a determination of adequate water
3 supply. The amendment makes two exceptions: one for contracts
4 executed prior to this law going into effect, and one if the
5 water is contained in crops or other products.

6 SHALL THE PROPOSAL BE APPROVED?

7 FOR THE PROPOSAL - YES _____

8 AGAINST THE PROPOSAL - NO _____

9 SECTION 3. The Chief Clerk of the House of Representatives,
10 immediately after the passage of this resolution, shall prepare and
11 file one copy thereof, including the Ballot Title set forth in
12 SECTION 2 hereof, with the Secretary of State and one copy with the
13 Attorney General.

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