

1 STATE OF OKLAHOMA

2 1st Session of the 55th Legislature (2015)

3 SENATE BILL 354

By: Fields

4  
5  
6 AS INTRODUCED

7 An Act relating to Regional Water Planning; creating  
8 the Regional Water Planning Act; creating districts  
9 for Regional Water Planning Councils; stating duties  
10 and functions of councils; providing for appointment  
11 of members; stating organization of councils;  
12 requiring certain number of meetings; requiring  
13 annual report by certain date; requiring councils to  
14 develop water plan; stating requirements for plan;  
15 outlining future plans of councils; requiring plans  
16 to be submitted to the Oklahoma Water Resources Board  
17 for review; providing for codification; providing an  
18 effective date; and declaring an emergency.

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

20 SECTION 1. NEW LAW A new section of law to be codified  
21 in the Oklahoma Statutes as Section 1086.11 of Title 82, unless  
22 there is created a duplication in numbering, reads as follows:

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

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

1 A. For the purpose of this act, this state shall be divided  
2 into nine (9) regions to be made up of the same boundaries created  
3 for the members of the Oklahoma Water Resources Board as set forth  
4 in Section 1085.1 of Title 82 of the Oklahoma Statutes as amended by  
5 Section 1, Chapter 406, O.S.L. 2013.

6 B. There are hereby created a total of nine (9) Regional Water  
7 Planning Councils to consist of one council for each of the nine  
8 regions described in subsection A of this section. The primary duty  
9 and responsibility of the Councils shall be to develop regional  
10 water plans, as well as to provide recommendations and other input,  
11 for submission to the Oklahoma Water Resources Board and other state  
12 environmental agencies as provided in this act. The role and  
13 functions of the Councils shall be advisory, and they shall have no  
14 authority, regulatory or otherwise, except as expressly provided in  
15 this act.

16 C. Each Regional Water Planning Council shall consist of at  
17 least nine (9) members, but no more than fifteen (15) members. The  
18 Governor, President Pro Tempore of the Senate and the Speaker of the  
19 House of Representatives shall each appoint three members to each  
20 council. The initial appointments shall be made on or before  
21 December 31, 2015. The Governor shall appoint three members to each  
22 council that shall be well versed in recreation, industrial and  
23 irrigation water uses. The President Pro Tempore of the Senate  
24 shall appoint three members to each council that shall be well

1 versed in municipal, rural residential and agricultural water uses.  
2 The Speaker of the House of Representatives shall appoint three  
3 members of each council that shall be well versed in soil  
4 conservation, small business and environmental water interests.  
5 Provided, any region that has at least a portion of an irrigation  
6 district, conservancy district, regional water district or rural  
7 water district organized pursuant to Title 82 of the Oklahoma  
8 Statutes included within the region shall have at least one member  
9 appointed from among all the directors of the special purpose  
10 district who reside in that council's region. If applicable, the  
11 Governor shall appoint the member to represent irrigation water uses  
12 from among the irrigation district directors residing in the region.  
13 The Speaker of the House shall appoint the member to represent soil  
14 conservation from among the conservancy district directors residing  
15 in the region. The President Pro Tempore of the Senate shall  
16 appoint the member to represent rural residential water uses from  
17 among the rural water district or regional water district directors  
18 residing in the region. The initial group of nine (9) appointees  
19 may designate additional representatives to serve on the Regional  
20 Water Planning Council if necessary to ensure adequate  
21 representation from the interests comprising that region, including  
22 the public, counties, municipalities, industries, agriculture,  
23 environment, tourism, recreation, small business, electrical  
24 generation, oil and gas, water districts and water utilities. Other

1 state, federal and tribal agencies may be invited to participate as  
2 advisors or ex officio members as deemed appropriate and necessary  
3 by the Council.

4 D. Each Council shall select a chair, vice-chair and other  
5 officers as it deems necessary from among its members. Meetings of  
6 the Councils shall be held at the call of the chairs of the  
7 Councils.

8 E. Each Council shall develop within one (1) year of the  
9 effective date of this act, bylaws or other organizational documents  
10 as it deems necessary to carry out its duties and functions  
11 prescribed in this act.

12 F. The members of each Council shall serve at the pleasure of  
13 their respective appointing authority. Any member failing to attend  
14 at least seventy percent (70%) of the meetings held by the Council  
15 in any given calendar year shall be replaced by the appointing  
16 authority for that member.

17 G. The chairs of the Councils shall comprise a Regional Water  
18 Planning Council Coordinating Committee which shall meet at least  
19 three (3) times per year at the call of the Executive Director of  
20 the Oklahoma Water Resources Board. The Coordinating Committee  
21 shall have the opportunity to report to and receive input from the  
22 Oklahoma Water Resources Board at regular meetings of the Oklahoma  
23 Water Resources Board, and from time to time may make  
24

1 recommendations on water law and policy to the Oklahoma Water  
2 Resources Board and other relevant state environmental agencies.

3 H. The Councils shall act in accordance with the provisions of  
4 the Oklahoma Open Meeting Act and the Oklahoma Open Records Act.

5 I. The Councils shall submit a report to the Governor, the  
6 President Pro Tempore of the Senate, and the Speaker of the House of  
7 Representatives by December 31 each year.

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. Each of the Regional Water Planning Councils created in  
12 Section 2 of this act may develop a water plan which satisfies the  
13 provisions of the Regional Water Planning Act for its respective  
14 region.

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

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

22 2. Identify sources of water in or feasibly available to users  
23 in the region;

1           3. Enhance economic development and protect the agricultural  
2 and natural resources of the particular region;

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

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

8           C. The Councils shall have the following advisory and research  
9 duties:

10           1. Act as a water science and research advisory council to the  
11 Oklahoma Water Resources Board in implementing the Oklahoma  
12 Comprehensive Water Plan;

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

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

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

- 3           a. promote stewardship of the water resources of the  
4           state,
- 5           b. protect and maintain water rights and the priority  
6           status of all legally authorized entities,
- 7           c. protect the diverse customs, culture, environment and  
8           economic stability of the state,
- 9           d. protect both the water supply and water quality of  
10           water in the state,
- 11           e. promote cooperative strategies, based on concern for  
12           meeting the basic needs of all Oklahomans,
- 13           f. meet the interstate compact obligations of the state,
- 14           g. provide a basis for prioritizing infrastructure  
15           investment, and
- 16           h. provide statewide continuity of policy and management  
17           relative to water resources of the state; and

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

20           D. The Councils shall make recommendations for inclusion in the  
21 Oklahoma Comprehensive Water Plan addressing the following issues:

- 22           1. Identifying water conservation strategies and policies that  
23 will maximize the beneficial use of water, including reuse and  
24 recycling to promote nonforfeiture of water rights;

1           2. Recognizing the relationship between water availability and  
2 land-use decisions;

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

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

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

13           6. Identifying water-related infrastructure and management  
14 investment needs and opportunities to leverage federal, state, and  
15 other funding; and

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

21           E. 1. Phase 1 of each regional water planning process shall be  
22 the creation of a prioritization of projects, studies and programs  
23 pertinent to that region that build upon the most recent update of  
24 the Oklahoma Comprehensive Water Plan and the collective desire of

1 that Council. The types of projects, studies and programs that may  
2 be included in the prioritization should include, but not be limited  
3 to:

- 4 a. water quality improvement,
- 5 b. wastewater reuse,
- 6 c. identification of alternative supplies such as  
7 marginal quality water and artificial recharge,
- 8 d. development of regional or consolidated supply systems  
9 such as reservoirs, well fields and infrastructure  
10 that would improve service within the region and take  
11 advantage of economies of scale while reducing the  
12 infrastructure financing needs,
- 13 e. education programs regarding conservation and water  
14 quality protection,
- 15 f. out-of-region supplies,
- 16 g. irrigation needs and efficiency considerations, and  
17 h. stream segments, springs, reservoirs, or other  
18 identified water resources having unique value that  
19 may warrant special protection or treatment.

20 The prioritization shall include specifics about each item  
21 identified, the need proposed to be met, time frames for completion,  
22 and cost. Phase 1 shall also incorporate, to the greatest extent  
23 practicable, any water plans developed by municipalities, irrigation  
24 districts, conservancy districts, regional water districts and rural

1 water districts within the region that are submitted by the local  
2 entities to the Council. Prior to the preparation of the  
3 prioritization, the Council shall, after notice, hold at least one  
4 public meeting within the region to gather suggestions and  
5 recommendations from the public as to issues that should be  
6 addressed in the plan or provisions that should be considered for  
7 inclusion in the plan. Thereafter, the Council shall provide an  
8 ongoing opportunity for public input until the prioritization is  
9 completed. Phase 1 shall be completed no later than two (2) years  
10 following the effective date of this act.

11 2. Phase 2 of the process shall be the implementation of the  
12 projects and items identified according to Phase 1, as available  
13 funding allows. Phase 2 shall be completed no later than eight (8)  
14 years following the effective date of this act.

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

- 17 a. an evaluation of the accomplishments of the preceding  
18 eight (8) years,
- 19 b. an incorporation of those results into a plan for the  
20 next fifty (50) years,
- 21 c. an updated analysis of the supply and demand forecasts  
22 for the region, and  
23  
24

1           d.    specific recommendations regarding the needs and  
2                   priorities for the region for the next fifty (50)  
3                   years.

4           After the comprehensive regional plan is drafted but before it  
5 is finalized, the Council shall, after notice, hold at least one  
6 public meeting within the region to gather input on the draft plan.  
7 Thereafter, the Council shall finalize the comprehensive regional  
8 water plan, and Phase 3 shall be completed, no later than ten (10)  
9 years following the effective date of this act.

10          F.    Notice of each public meeting required by subsection E of  
11 this section shall be submitted at least forty-five (45) days prior  
12 to the date of the meeting in the form of a press release to at  
13 least one newspaper of general circulation in each county located in  
14 whole or in part in the region for publication as a public service  
15 announcement at the discretion of the editor of the newspaper.

16          G.    Each Council shall submit its regional water plan to the  
17 Oklahoma Water Resources Board for review.  The Board shall  
18 determine if the plan satisfies the provisions of the Regional Water  
19 Planning Act.  If the Oklahoma Water Resources Board finds the  
20 regional water plan satisfies the provisions of the act and any  
21 rules that may be promulgated pursuant to the act, the Board shall  
22 approve the plan and incorporate it into the next decennial update  
23 of the Oklahoma Comprehensive Water Plan to be completed by the  
24 Board.  In doing so, the Oklahoma Water Resources Board shall be

1 authorized to reconcile any conflicts or substantial differences  
2 that may exist in the plans among or between regions, special  
3 districts and local entities.

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

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

19 SECTION 5. This act shall become effective July 1, 2015.

20 SECTION 6. It being immediately necessary for the preservation  
21 of the public peace, health and safety, an emergency is hereby  
22 declared to exist, by reason whereof this act shall take effect and  
23 be in full force from and after its passage and approval.

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