

1 ENGROSSED SENATE  
2 BILL NO. 1742

By: David of the Senate

and

3 Wright of the House  
4  
5

6 An Act relating to the Oklahoma Water Resources  
7 Board; amending 82 O.S. 2011, Section 1020.8, as  
8 amended by Section 2, Chapter 411, O.S.L. 2019 (82  
9 O.S. Supp. 2019, Section 1020.8), which relates to  
10 groundwater permits; specifying required information  
11 for protests of certain permit; modifying  
12 requirements for protests to be given a hearing;  
13 applying Administrative Procedures Act and certain  
14 rules to hearing; establishing timeline for issuance  
15 of certain unprotested permits; amending 82 O.S.  
16 2011, Section 1085.12, which relates to the Executive  
17 Director of the Oklahoma Water Resources Board;  
18 authorizing Executive Director to issue certain  
19 permits; making language gender neutral; and  
20 providing an effective date.

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

22 SECTION 1. AMENDATORY 82 O.S. 2011, Section 1020.8, as  
23 amended by Section 2, Chapter 411, O.S.L. 2019 (82 O.S. Supp. 2019,  
24 Section 1020.8), is amended to read as follows:

Section 1020.8. A. Except as otherwise provided by Section  
1020.10 of this title for limited quantity groundwater permits, upon  
the filing of an application which complies with the provisions of  
Chapter 11 of this title, and the rules promulgated by the Oklahoma  
Water Resources Board pursuant thereto, the Board staff shall

1 instruct the applicant to provide notice thereof, at the applicant's  
2 expense, and as required by the Board's rules. Such notice shall  
3 give all the essential facts as to the proposed taking, among them  
4 being the places of taking and of use, amount of water, the purpose  
5 for which it is to be used, name and address of applicant, the  
6 hearing date, time and place if a hearing is scheduled by the Board  
7 before instructions to provide notice are given, and a thirty-day  
8 protest period as well as the manner in which a protest to the  
9 application may be made. At the time the Board provides notice of  
10 application to the applicant, the Board shall publish on its website  
11 the applications and instructions for public notice, including the  
12 draft public notice prepared by the Board. The website publishing  
13 is in addition to, and not in lieu of, the requirement for  
14 applicants to publish notice in the newspaper. The time to protest  
15 shall run from the date of the first newspaper publication.

16 B. Each protest shall be submitted in writing to the Board and  
17 shall contain the following:

18 1. A statement of specific allegations showing that the  
19 application, as noticed, does not comply with the provisions of  
20 Section 1020.9 of this title and will have a direct, substantial and  
21 immediate effect upon a legally protected interest of the interested  
22 party; and

23 2. A statement of the relief sought by the protestant. If the  
24 protestant owns or operates a groundwater well within one thousand

1 three hundred twenty (1,320) feet of the well locations described in  
2 the application, the protest shall also include the name, address  
3 and location of the wells.

4 C. No hearing shall be had upon the application until proper  
5 notice shall have been given. Any interested party shall have the  
6 right to ~~protest the application and~~ present evidence and testimony  
7 in support of ~~such a~~ protest meeting the requirements of this  
8 section. If the Board does not schedule a hearing on the  
9 application before instructing the applicant to provide notice, a  
10 hearing on the application shall be scheduled by the Board upon  
11 receipt of a protest which meets the requirements of the Board's  
12 rules and the Board shall notify the applicant and ~~protestant~~  
13 interested party of such hearing. Any administrative hearing held  
14 pursuant to the provisions of this subsection shall comply with the  
15 Administrative Procedures Act and any rules promulgated by the  
16 Board.

17 D. If no written protest to the application is filed within  
18 thirty (30) days, the application shall be considered complete.  
19 After a determination that the requirements in Section 1020.9 of  
20 this title have been met, the Board shall have thirty (30) days  
21 thereafter to issue the permit.

22 SECTION 2. AMENDATORY 82 O.S. 2011, Section 1085.12, is  
23 amended to read as follows:

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1 Section 1085.12. A. The Oklahoma Water Resources Board shall  
2 appoint an Executive Director, who shall have had at least six (6)  
3 years practical and administrative experience in water resource  
4 management, and fix his or her duties and compensation. The  
5 ~~Oklahoma Water Resources~~ Board is specifically authorized to  
6 delegate to such Executive Director such of its powers and duties as  
7 it may deem proper, including powers and duties involving the  
8 exercise of official discretion. The authority hereby granted to  
9 the ~~Oklahoma Water Resources~~ Board to delegate powers and duties to  
10 the Executive Director shall extend to any powers and duties given  
11 or transferred to the ~~Oklahoma Water Resources~~ Board under this ~~act~~  
12 title, or under any other law conferring powers or imposing duties  
13 upon the ~~Oklahoma Water Resources~~ Board, and shall also extend to  
14 any powers conferred or duties imposed upon the ~~Oklahoma Water~~  
15 ~~Resources~~ Board by any future law, unless ~~such any~~ future ~~laws shall~~  
16 law expressly negate negates the authority to make such delegation.  
17 Any other part of this ~~act~~ title, or any other law granting  
18 authority to the ~~Oklahoma Water Resources~~ Board to delegate any  
19 powers or duties, shall not be deemed to be a limitation upon the  
20 authority conferred by this section. The Executive Director shall  
21 exercise any such delegated powers and perform such delegated  
22 duties, in accordance with any rules, regulations or orders made by  
23 the ~~Oklahoma Water Resources~~ Board which are applicable thereto.  
24 Provided, however, the ~~Oklahoma Water Resources~~ Board shall not

1 delegate to such director any power of determining policy, the  
2 execution of any contract or the final adjudication of any claims,  
3 applications or controversies, all of which powers and duties shall  
4 be exercised solely by the ~~Oklahoma Water Resources~~ Board.

5 B. In addition to the powers and duties specified in subsection  
6 A of this section, the Executive Director shall have the power and  
7 duty to issue temporary and regular permits meeting the requirements  
8 of Sections 105.12 and 1020.9 of this title and that have not been  
9 the subject of a protest from an interested party.

10 SECTION 3. This act shall become effective November 1, 2020.

11 Passed the Senate the 10th day of March, 2020.

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Presiding Officer of the Senate

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15 Passed the House of Representatives the \_\_\_\_ day of \_\_\_\_\_,

16 2020.

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Presiding Officer of the House  
of Representatives

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